
Charter of Democracy: A Good Omen for the Democratization in Pakistan

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Abstract

Since inception, Pakistan experienced several Martial Laws due to the politics of conflict among different political parties and lack of political culture. Inner-party factionalism and conflict between politicians always favoured the establishment to wrap up democratic system in the country. In the post 1999 coup of General Musharraf, politics of Pakistan took a new turn. Both the parties learned a lesson from the politics of 1990's and they were not ready to provide shoulder to the Army even having severe differences. Two arch rivals, Pakistan Muslim League (N) and Pakistan People's Party (PPP) decided to start politics of reconciliation and accommodation. It gave birth to the atmosphere of mutual harmony and appeasement which ultimately resulted in signing of a historic document the 'Charter of Democracy' (CoD) in 2006 in London. The polity of Pakistan since 2008 is experiencing the working of CoD which so far has brought positive outcomes for the democratic transition in the country. Sanity is prevailing among political parties for their pledge about continuation of democratic system. The National Assembly passed three unanimous constitutional amendments 18th, 19th and 20th in the constitution of 1973. These amendments were aimed to uphold the parliamentary democracy. The politics

of reconciliation and accommodation proved a good omen for the parliamentary democracy in Pakistan. The major political parties did not resort to unconstitutional means to topple the government. All the National and Provincial Assemblies completed their constitutional tenure and new elections were held on May 11, 2013. Major political parties, accepted the results with some reservations following the spirit of CoD. The paper is an attempt to analyse the working of CoD in the wake of political and constitutional developments in Pakistan. Although, there is still long way to go on path of democracy but CoD has borne fruitful result towards the journey of democratic Pakistan. The era from 2008 to 2013 holds particular significance for an insightful study about the CoD. The post 2013 elections, political scenario has reaffirmed the significance of CoD in politics of Pakistan.

Background

Samuel P. Huntington commented that "military coups do not destroy parties; they ratify the deterioration which has already been occurred due to fragmentation of leadership, the evaporation of the mass support, the decay of the organization structure, the shift of party leaders from party to bureaucracy, the rise of personalism, all herald the moment when colonels occupy the capital".¹ The response of the political parties was not different when General Pervez Musharraf proclaimed Martial Law on October 12, 1999. Musharraf wanted to keep exiled leadership out from the political arena. The leadership of the leading parties realized the sensitiveness of the ongoing political situation and decided to launch a joint struggle for the restoration of democracy and ouster of Musharraf from the presidency. Political parties including PPP and PML (N) formed an Alliance for the Restoration of Democracy (ARD). The alliance continued the joint struggle against doctoral rule of General Musharraf. The arch rivals of the past shed their differences and courted each other for a concerted effort against the dictator. Benazir Bhutto, Chairperson of the PPP and Shahbaz Sharif, President of the PML (N), alongwith key party leaders met in Dubai on March 10,

2006. The leaders termed the Musharraf regime as a "National Security Risk and reaffirmed their commitment to continue the struggle for supremacy of the Parliament and restoration of the constitution to the position of October 12, 1999".² They further demanded the establishment of a caretaker government to hold elections under an impartial and independent

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In another meeting, Nawaz Sharif and Benazir Bhutto sought forgiveness from each other for their past politics on May 14, 2006. They admitted the wrong doings and pledged not to indulge again in the politics of oppression and victimization. The two leaders were associated by different key party leaders namely Aitezaz Ahsan, Raza Rabbani, Sherry Rehman and Khursheed Shah and Shahbaz Sharif, Iqbal Zafar Jhagra, Ahsan Iqbal and Chaudhry Nisar Ali Khan from the PPP and PML (N). Shahbaz Sharif said that party had learnt lesson from the past experiences. They also decided to do the politics of accommodation instead of conflict. These meeting paved the way for crafting the historic document of Charter of Democracy (CoD).

Charter of Democracy

On May 14, 2006, Nawaz Sharif and Benazir Bhutto signed a thirty six points 'Charter of Democracy'.⁵ The significant features of the CoD were constitutional amendments, code of conduct, free and fair elections and civil-military relations. It was a detailed document, covering most aspects which had been hampering the growth of democracy in Pakistan. On July 2, 2006, some other parties of the Alliance for the Restoration of Democracy (ARD) including (Jamiat Ulema-e-Pakistan (JUP), Jamhoori Watan Party (JWP), Pakistan Democratic Party (PDP), Jamiat Ahle Hadith (JAH), and Pakistan Christian Party signed the CoD document.⁶ After signing the document, all mainstream parties were on the same page to strengthen democratic system in Pakistan.

These were some silent features of the CoD:

A. Constitutional Amendments

Under the CoD, both the leading parties agreed to repeal the 17th Constitutional Amendment from the constitution of 1973 to restore parliamentary system in the country. They also vowed to form a commission for the appointment of judges along with evolution of Federal Constitutional Court to resolve constitutional issues among all federating units by giving equal representation.

They also wished to abolish Concurrent List in the Constitution and announcing new National Finance Commission (NFC) awards. The CoD aimed to give reserved seats for women in the Parliament to the parties according to their vote bank on the basis of the number of votes won in the elections. Minorities were also given representation in the Senate by increasing its strength. The PML (N) and PPP also agreed for inclusion of Federally Administrative Tribal Areas (FATA) in the North West Frontier (NWF) (now Khyber Pakhtunkhwa) province through 18th constitutional amendment. They further pledged to give a special status to the Northern Areas by empowering them through a Legislative Council. Both the signatories also agreed to hold Local bodies' election through provincial election commissions. They further vowed to provide constitutional protection to Local bodies' to make them independent, responsible and accountable to the provincial legislatures.

B. Code of Conduct

In the code of conduct, both parties pledged to abolish National Security Council (NSC) and to establish Defence Cabinet Committee (DCC) headed by the Prime Minister. They agreed to lift ban on the third term of Prime Minister. They further vowed for forming Truth and Reconciliation Commission (TRC) to address and provide relief to the victims of political victimization. They also planned to check working of the National Accountability Bureau (NAB). Both the parties decided that leaders of opposition in the legislatures would be appointed as Chairmen of Public Accounts Committee (PAC) in their concerning Assemblies. They further decided to establish friendly relations with the neighbouring countries, solution of Kashmir through United Nations (UN) Resolutions and measures to effectively control nuclear arsenals would also be ensured. They hoped that the life of the common citizen would be improved by good governance. Both the leading parties assured that they would not provide support to any dictatorial move in the country neither they should be part of any conspiracy against the democracy. The

military and judicial officials would show their assets and would be accountable to public like the parliamentarians. National Democratic Commission (NDC) would be formed to promote and encourage democratic culture in Pakistan.

C. Free and Fair Elections

In the historic agreement, both the parties aimed to establish an independent and impartial election commission through consultation between the leader of House and opposition. Equal playing field would be ensured to all the parties in the elections. All the political prisoners would be released. The requirement of graduation to contest the election would be repealed. The parties agreed that Local bodies' elections would be held within three months of the holding of general elections. They demanded that members of election commission should resign and a new set up of neutral administrators should be formed to hold the local bodies and general elections. Two parties further ask for the establishment of an impartial caretaker administration to hold free, fair, and transparent elections. To minimize the chances of rigging, PML (N) and PPP said that the members of the caretaker government and their relatives should not be allowed to contest elections.

D. Civil-Military Relations

In the last section of the CoD, signatories decided to make security agencies accountable to the elected government. They also agreed to approve the budget of the intelligence agencies through respective ministries and disband their political wings. They decided to review all protections and savings introduced by the dictatorial regimes in constitution. Both the leading parties further hoped to discuss and approve the defence budget in the Parliament. They pledged that defence ministry would look after the land allotment and cantonment jurisdictions of the Army through a commission. It was also decided that rules of business of all the legislative bodies should be revised to bring them in conformity with political system.

CoD and Party Politics in Pakistan

After the ratification of CoD, all the political parties of Pakistan started their work to achieve the common goal of restoration of parliamentary democracy in the country. They were on the same page against the government of Pervez Musharraf. The opposition parties decided to "lodge a no-confidence motion against Shaukat Aziz, the then Prime Minister, accusing him of bad governance, corruption and poor law and order situation but failed to achieve their ultimate objective".⁷ Under the banner of the ARD, the united opposition organised huge public gatherings. All the political leaders expressed their will to ouster Musharraf from the power. It was the spirit of the CoD, which has provided a platform to unite all the opposition against dictator.

All Parties Conference 2007

However, the environment of cooperation and collaboration came under stress among signatories of the CoD due to the rumours of the PPP's alleged deal with President Musharraf. A meeting was held between Amin Fahim and Nawaz Sharif at London to observe the ongoing political situation. PPP leader took into confidence to her ally that his party had not signed any agreement with President.⁸ They vowed to "launch active campaign against the dictator and also decided to invite smaller political parties on the platform of the ARD. At the same time, Hafiz Hussain Ahmed of JUI (F) and Amin Fahim held a meeting with Nawaz Sharif in London. The objective of that discussion was to create friendly atmosphere for an All Parties' Conference (APC) on July 7-8, 2007".⁹ The APC resulted in strengthening the demands of CoD and all the opposition parties decided to establish a new alliance to put pressure on Musharraf for the reinstatement of democratic system.

All Parties Democratic Movement

The significance of the CoD was reduced after the rumors of a deal between Musharraf and Benazir Bhutto. In this changed political scenario, thirty eight leaders of different opposition

parties attended the meeting on August 23, 2007, hosted by Nawaz Sharif. In a joint announcement, all the parties vowed to repeal the elections for the President. The APC agreed to launch an All Parties Democratic Movement (APDM). The MMA had also joined the APDM and had signed the APC declaration. The PPP refused to join the APDM saying that it would not sit with the MMA on a joint platform".¹⁰ The APDM decided to boycott the elections.¹¹ "Nawaz Sharif and other leaders of the APDM had a meeting with Benazir Bhutto on December 3, 2007. In that meeting, they formulated a charter of demands to the government and announced that if the demands were not accepted, the opposition parties would jointly boycott the elections".¹² The APDM was divided on the issue of participation in elections when government refused to give any importance to the demands of the opposition.¹³

National Reconciliation Ordinance

The rapprochement between the two adversaries, the PML (N) and PPP was quite surprising for President. It wrung bells of fear for President who tried to intervene by approaching PPP leadership.¹⁴ Different officials held meetings with PPP leadership in Pakistan, UK and Dubai. Talks were held between former Prime Minister Benazir Bhutto and President Musharraf on July 27, 2007.¹⁵ President accepted almost all demands forwarded by Benazir which ultimately resulted in the signing of the deal.¹⁶ A presidential ordinance was "issued on October 5, 2007, according to which, all cases against politicians and bureaucrats filed from January 1, 1986, to October 12, 1999, were quashed".¹⁷ In return, Benazir Bhutto decided to support General Musharraf to be re-elected as the Head of the State¹⁸ but without uniform.

In this way, Musharraf succeeded in "dividing the opposition, by offering a 'deal' to the PPP."¹⁹ The deal resulted in creating chaotic situation in the politics of the country. Benazir Bhutto apparently claimed that she made an agreement with Musharraf for the restoration of democracy.²⁰ On the other hand, the ordinance was opposed by several political parties and different

segments of civil society.²¹ In 2007, the Supreme Court gave the verdict that "ordinance should be presented before the Parliament but the government failed to do so. Thus the ordinance ended its own life on November 29, 2009".²² NRO was declared null and void by the full bench of the Supreme Court on December 16, 2009, but it damaged the essence of CoD and atmosphere of the politics of the country.

Return from the Exile

At one side, Musharraf-Benazir Bhutto deal resulted in creating gulf among opposition parties but on the other it also paved the way for the return of exiled leaders of the different political parties. The leadership of the PPP signed a deal and their counterpart of the PML (N) preferred to knock the doors of the Appellate Court to get permission to come back their motherland. Afterwards, Nawaz Sharif fixed the date of his return after consulting with the APDM leaders and party workers. At the return of Nawaz Sharif, the APDM leaders planned to give him warm welcome and to resist against his possible deportation.²³ Nawaz Sharif landed in Islamabad on September 10, 2007; thousands of the workers were arrested. He was sent back to Jeddah. In a protest to that forceful exile, "a Black Day was observed by the APDM which attracted international attention".²⁴ Benazir Bhutto returned to Pakistan on October 18, 2007 which paved the way for Nawaz Sharif's return along with his family on November 25, 2007.

Judicial Crisis

Musharraf was not happy with the Chief Justice of Pakistan due to the verdict in Steel Mills case in 2006. He demanded his resignation on March 9, 2007, which he refused. The Chief Justice Iftikhar Muhammad Chaudhry was suspended and the case was sent to the Supreme Judicial Council (SJC).²⁵ On July 20, 2007, the SJC restored the Chief Justice of Pakistan.²⁶ On November 3, 2007, Musharraf imposed the emergency in the

country and suspended the sixty judges of the Superior Judiciary including Chief Justice of Pakistan.²⁷

All the political parties strongly condemned the action and resisted the decision. The media, general public and civil society of Pakistan strongly opposed the emergency. The role of PML (N) and PPP was very vocal as compare to other opposition parties. The party announced to resist imposition of emergency in the country and holding of general elections under Pervez Musharraf.²⁸ Dismissal of Chief Justice Iftikhar Mohammad Chaudhry provided a chance to all the political forces of Pakistan to mobilize their party workers. The issue of the appointment of the judges and establishment of the independent judiciary was also in the agenda of CoD. Consequently, Musharraf had to lift the emergency on December 15, 2007.

Frictions in the PML (N) & the PPP

It was reported in the press that Benazir Bhutto was in contact with Musharraf which destructed the environment of the politics of recompilation among different political parties of Pakistan. On November 5, 2005, Benazir Bhutto stated that she was ready to work with Musharraf. Due to the soft policy adopted by the PPP for Musharraf both the parties faced crisis of confidence. The CoD suffered from a setback because of the frictions emerged between the signatories. The main cause of conflict was the formation of an alliance of the opposition and resignation from the Assemblies and the Benazir Bhutto's alleged deal with President Musharraf. The other reason included that PPP was not willing to shake hands with the Muthida Majlis-e-Amal (MMA) in a proposed alliance.²⁹ Due to differences, the ARD and APDM alliances were jolted in 2007. It was the parting of the ways among major political parties of the country. The PML (N) leadership called an APC on January 18, 2007, in London to discuss ongoing political situation and to find out way forward to harmonized tense scenario. But unluckily, the PPP declined the request of participation because they consider that the meeting should be arranged at the platform of the ARD.

Presidential Elections of 2007

In CoD, Nawaz Sharif and Benazir Bhutto had pledged to oust Musharraf from presidency. Later on, their viewpoints were changed and PPP was ready to accept Musharraf as a President which provided a kind of validity and support to the presidential elections of Musharraf. On September 29, 2007, the "APDM announced to resign from the National and Provincial Assemblies to hold protest rallies and to observe black day on September 30, 2007".³⁰ On October 2, 2007, one hundred and sixty four members of APDM resigned from their respective Assemblies. To control the ongoing political situation, President issued National Reconciliation Ordinance (NRO) to assimilate PPP on October 5, 2007.

A no confidence motion was moved by PML (Q) against the JUI (F) Chief Minister of KPK, Akram Khan Durrani to restraint him from the advice for the "dissolution of the Assembly. The Assembly remained intact and the Electoral College for the presidential election remained un-disturbed".³¹ After the proclamation of NRO, APDM announced a countrywide protest against the presidential elections on October 6, 2007.³² Opposition parties failed to bring a joint candidate for the presidential elections and Musharraf won the elections against Amin Fahim and Justice (R) Wajeeh ud Din Ahmad. By taking part in the elections, the lawyer's community and PPP provided credibility to the electoral process.

Elections 2008

After completing its tenure, the National Assembly was dissolved on November 15, 2007. Chairman Senate, Muhammad Mian Soomro, took oath as caretaker Prime Minister on November 16, 2007. It had been announced that upcoming elections were to be held on January 8, 2008. The PML (N) and PPP had solid reasons to raise objections because all the parties had been saying that during the presidency of Musharraf, holding of the free and fair election would not be possible.³³ Elections were not only essential to strengthen the democratic system but

also vital for the security, prosperity and integrity of the country. There were severe differences among the signatories of CoD over the issue of contesting elections.

The sad demise of Benazir Bhutto on December 27, 2007 resulted in the postponement of the general elections. Later on, eighteenth February 2008, was fixed for the holding of the elections. Nawaz Sharif reviewed his decision regarding elections after her killing.³⁴ He seemed convince to boycott the upcoming elections. But the PML (N) leadership changed their minds after meeting with co-chairman of PPP. As a result of the lengthy negotiations, the leadership of both parties decided to broaden mutual understanding for the elections of 2008. They also agreed on 'seat adjustments' at some places in the light of CoD. Both parties further assured each other not to make hate speeches against each other. The spirit of the CoD finally seemed to have prevailed.

The election results proved that Musharraf's efforts to keep both leading parties out from the corridors of power had failed. The PPP managed to win sympathy votes after Benazir Bhutto's assassination. The PPP, PML (N) and ANP won the majority seats in the National Assembly as well as in the provincial Assemblies of Sindh, Punjab and KPK. A meeting of the winning parties was held on February 21, 2008 in which they decided to form coalition governments in the Centre as well in the provinces.

Coalition with PPP at Centre and Provinces

The PML (N) and PPP signed the Murree Accord on March 9, 2008 to form a coalition government. It was a vital step towards restoration of responsive and popular democracy in the country. That was the time when democratic system witnessed the extension of politics of reconciliation and accommodation between the two parties. Both the parties accepted the results and decided to form coalition ministries. The PML (N) had "decided to join the coalition government at the federal level in order to work for the restoration of the judges. Meanwhile, the PPP had decided to join the provincial ministry in the Punjab".³⁵In Murree

Accord, they had further agreed to provide full support to the PPP's nominee for the Prime Minister's slot. The political forces further agreed that the Speaker and the Deputy Speaker in the Centre and the Punjab Assembly would be from PPP and PML (N) respectively.

Yousaf Raza Gillani was elected as Prime Minister. Dr. Fahmida Mirza and Faisal Karim Kundi were elected as Speaker and Deputy Speaker respectively. With the support of PML (N) all the four provincial governments were established in April 2008. Amir Haider Khan Hoti, Syed Qaim Ali Shah, Nawab Aslam Raisani and Sardar Dost Muhammad Khosa³⁶ were elected as Chief Ministers of KPK, Sindh Balochistan and Punjab respectively. Later on, Khosa was replaced by Shahbaz Sharif on June 12, 2008.

In the light of CoD, both the parties were showing friendly gestures to each other which could also be witnessed in the formation of the federal cabinet where eight members were from PML (N) out of 23. The coalition could last for only six weeks as the PML (N) ministers resigned in the protest for delay in the restoration of judges. After quitting the cabinet, the PML (N) and PPP agreed to craft a bill for the reinstatement of judges by August 11, 2008. It was declared that both the resolutions of impeachment of President and refurbishment of the judges would be tabled and passed on the same day from the lower House. The central government promised to restore judges through an executive order after the approval of resolution by the Parliament. The parties also concluded that after the elimination of President Musharraf from the presidency, they would present a name to replace him with mutual understanding.

Differences in Coalition

There were differences between leading political parties on several issues which ultimately resulted in the widening gulf with the passage of time when PPP failed to fulfill their promises. At the time of joining coalition government, the PML (N) "conveyed its serious reservations against the proposed formation of a

parliamentary committee to formulate recommendations for the restoration of deposed judges to PPP. The judge's issue had been the main plank of politics since long of the PML (N)".³⁷ On the second anniversary of the imposition of emergency of March 9, 2007, a Long March was proclaimed by the lawyers from March 12, 2009.³⁸ In a meeting, leadership of PML (N) and PPP re-affirmed their commitment to restore all the judges who had been removed unconstitutionally by Musharraf.

The deadline of Murree Accord ended on April 30 but the parleys between the parties continued. Later on, deadline was extended till May 12, 2008. President Zardari was reluctant in restoring the deposed judges in the apprehension of reopening of NRO cases. Nawaz Sharif cautioned the federal government that if it failed to fulfill the promise of the restoration of the judges, ministers of his party would not take part in cabinet meetings. He further threatened that they might think to quit the cabinet at a last stage.³⁹ When government remained unable to restore judges by the end of the deadline, the PML (N) ministers resigned on May 13, 2008, from the federal cabinet.⁴⁰ Even, the PML (N) agreed to support NRO if the federal government would agree to reinstate judiciary. The Law Minister, Farooq H. Naik, offered a plan of constitutional amendment which included a clause seeking protection for NRO. Although, the indemnity would have been a violation of CoD which had claimed not to recognize indemnities.

The appointment of Salman Taseer as Governor of the Punjab also proved another bone of contention. His appointment was opposed by the provincial government because he had been a caretaker federal minister in interim government selected by Musharraf.⁴¹ The PML (N) also pronounced to have a sit-in right in front of the National Assembly on March 16 till the restoration of judiciary. The party also demanded impeachment of Musharraf. The other two issues included "implementation of charter of democracy and review of president Musharraf's policy on war on terror".⁴²

The PML (N) minister's resignations jolted the coalition. The party decided to sit on the opposition benches in the Parliament

but at the same time they kept on supporting the PPP regime in the spirit of CoD. The leaders of the both leading parties signed other agreements on August 5 and 7, 2008, to impeach Musharraf from the Presidency and to reinstate the judges according to the principles agreed in Murree Declaration.⁴³

Resignation of General Musharraf

Asif Ali Zardari and Nawaz Sharif held talks on August 5, 2008, at Islamabad and agreed to impeach President Musharraf because after the elections, "public opinion had decisively turned against Musharraf. They were demanding his immediate exit; the most active role was played, not expectedly, by the PML (N)".⁴⁴ The Punjab Assembly passed a resolution for impeachment of President on August 11, 2008, with the support of three hundred twenty one members. Shockingly, only twenty five members voted against the resolution. On August 12, 13 and 2008, the Provincial Assemblies of KPK, Sindh and Balochistan passed the resolution of impeachment of Musharraf respectively. It was quite interesting that "one time dictator of the country won only 29 votes in his favour in the four provincial Assemblies while 728 members of provincial Assemblies voted against him".⁴⁵

Leaving the Coalition

PPP, PML (N), and ANP had conceded to the arrangement of different issues including the restoration of deposed judges. At one side, three parties were expressing goodwill gestures for each other but on the other hand, all of them were busy in politics of victimization. Owing to the disqualification of Nawaz Sharif by Lahore High Court from contesting the elections on June 23, 2008, endangered the spirit of CoD.⁴⁶

On August 18, 2008, and elections were staged to elect new president. Asif Ali Zardari, Saeed-uz-Zaman Siddiqui and Syed Mushahid Hussain were the presidential candidate of the PPP, PML (N) and PML (Q) respectively. Asif Ali Zardari managed to win the elections with the help of coalition partners like JUI (F), MQM and ANP. On August 23, 2008 newly elected President

stated that agreements with Nawaz Sharif were not sacred documents.⁴⁷ The statement minimized the chances of reconciliation and compromise between PPP and PML (N) and implementation on the CoD. Resultantly, the PML (N) announced to sit on the opposition benches in the Parliament on August 25.⁴⁸

The political situation further deteriorated on February 25, 2009 when Appellate Court declared Sharif brothers ineligible from taking any public office for alleged conviction in Plane Hijacking Case and Sabzazar Case respectively. Governor Rule was imposed in Punjab by the President on February 26, 2009 which was against the soul of CoD.⁴⁹ In response of mass movement of the PML (N), a give and take deal was offered to the Sharif brothers that if they withdrew from their claim of reinstatement of the judges their provincial government would be restored. But, they were not ready to make any settlement.⁵⁰

In that changed scenario, the PML (N) decided to accept defectors of PML (Q) to save its provincial government because they foresaw a vote of no-confidence by the PPP with the support of PML (Q). Gradually, the number of defectors rose to 49 in the Punjab Assembly.⁵¹

The Long March

A 'Long March' was started by the lawyers for the restoration of judges of superior judiciary from Karachi and Quetta on June 9, 2008.⁵² Widespread coverage of national and international media glorified the importance of the issue. All the political parties, social activists and different unions stood firm with the lawyer's community except PPP. But they failed to get desired results. After a short while, lawyer's community again decided to launch a 'Long March' for restoration of judges because the government was reluctant to restore them. The federal government offered a scheme of the restoration of the judiciary through a constitutional amendment on March 12, 2009.⁵³ But the united opposition led by Nawaz Sharif and lawyer's community rejected the offer

because these clauses of CoD were for the appointment of new judges.⁵⁴

In response to the Governor Rule in Punjab; massive demonstrations were staged by the PML (N) which mounted the pressure on the central government of the PPP. On the behalf of the government, Asfand Yaar Wali and Fazal-ur-Rehman and Nawab Aslam Raisani Chief Minister of Balochistan of JUI, ANP and PPP respectively initiated a process of arbitration and mediation to cool down the political temperature. Nawaz Sharif was informed that if the PML (N) withdrew its backing for the 'Long March' the Governor Rule would be lifted. It was categorically elucidated by the PML (N) leadership that the support for the 'Long March' was only for the reinstatement of the judges.⁵⁵

At one side, opposition and lawyers were making processions and on the other side government was attempting to crush the movement by arresting the protesters. Eventually, the judges were restored on March 16, 2009, by the government when 'Long March' reached Gujranwala.⁵⁶ After the restoration, Nawaz Sharif proclaimed to call off the 'Long March'. In the end, Governor Rule was also lifted and the government of Shahbaz Sharif was restored on March 30, 2009.⁵⁷

The politics of Pakistan turned a new leaf when political parties of Pakistan started to show democratic gestures to each other. They have differences among each other but they were not ready to go to point of no return. Specially, Centre-Punjab relations passed from a sensitive phase where at one side they were confronting on several issues but on the other side they passed various constitutional amendments through consensus. The CoD proved a good omen in way of creating supportive environment for democracy and friendly relationship among the opposition and ruling party. Party politics took a new shape when the parties started the politics of issues. The parties confronted each other but were not ready to provide shoulder to the establishment to wrap up the democratic set up.

18th Amendment

The constitutional amendment was the first and most important agenda of CoD. The leading parties agreed to amend constitution in a way to restore parliamentary democracy in the country after coming into power. After the elections of 2008, time came to fulfill the promises made in the CoD and the unanimous passage of the Eighteenth amendment by the Parliament was an explicit example on this. It was major development which repealed the dictatorial amendments of the generals and attracted the people to establish a vibrant and proactive parliamentary system. The amendment constituted most dramatic de-concentrations of power in Pakistan since the drafting of 1973 constitution. It also reversed the efforts of Musharraf to centralize power in the indirectly elected office of the president. It was the fulfillment of the first point of the CoD.

The legislature has institutionalized a new political consensus on the country's legal and political framework with the Eighteenth amendment. It gave greater autonomy to the legislature, executive and Judiciary. At one side, these changes provided a chance to political forces to begin politics of issues and principles. On the other, it provided a challenging task to address critical economic and security problems of the country. It further demanded full impact of the amendment because it has to play significant role in strengthening the democratic system within a political arena in which the civil military establishment has remained the most influential actor.

Eighteenth Amendment and CoD

Eighteenth amendment enacts changes in one hundred and two articles in the constitution of 1973. The amendment limited the presidential powers to avoid the usual process of lawmaking and limiting the amount of time the President may consider bills approved by the Parliament before giving assent to them. It also removed the infamous article 58-2(b), which granted the power to the President to dissolve the Assemblies. The amendment further ensured that consultation with the outgoing Leader of the

House and Opposition is mandatory for the President to appoint caretaker set up to manage the transition to a permanent government.

In CoD, both leading political parties agreed to restore democratic essence of the constitution of 1973. They fulfilled their promise by certifying greater role for the Parliament and the Prime Minister. The office of chief executive of the nation was changed from the President to the Prime Minister. The requirement for the Prime Minister to consult policy matters and take into confidence to the President was reduced. The amendment further empowered the Prime Minister to choose Governors and military chiefs, though the President remains the office charged with their appointments. It also removed the limits on Prime Ministers serving more than two terms which they agreed in CoD.

In CoD, the appointment of the judges of the superior judiciary was a key issue of concern among all the political parties which was also resolved in the Eighteenth amendment. After the amendment, head of the state and executive did not have any immediate part in legal arrangements. The arrangements would be taken care of by a two-tier framework. The Judicial Commission⁵⁸ would propose candidates and a distinctive parliamentary council split uniformly between the treasury and opposition benches would affirm them. Chief Justice would be the head of Judicial Commission which would be compromised on seven members. The increase of the seventh member in Judicial Commission was a very late change constrained by the PML (N). The increase of numbers has the impact of giving the main power to Chief Justice (CJ) the deciding vote in commission deliberations.

The issue of provincial autonomy was longstanding dispute since the inception of Pakistan and signatories of CoD agreed to resolve it through consensus. The amendment helped them to resolve tensions between "Centre and provinces over the distribution of authority and revenues. The amendment also took important steps toward resolving some of these tensions through

devolution of authority and a strengthened role for the Council on Common Interests (CCI).⁵⁹ The amendment also eliminated the “concurrent list,” from the list of the subjects. The legislatures projected this as a necessary measure to enhance and ensure provincial autonomy. There were also some reservations about the capability of provincial administrations to assume authority in those areas, which they were bound to do by June 30, 2011. The other bench mark of the amendment was the agreed changes in NFC award for the distribution of national revenues between the central and provinces. According to the modifications, federating units cannot decrease share beyond that given in the earlier NFC. In the eighteenth amendment, the Northwest Frontier Province (NWFP) was renamed as “Khyber-Pakhtunkhwa”.

Unresolved questions remain

The Eighteenth amendment addressed many burning questions relating to the constitution, politics, administration and issues of public importance but failed to fix all problems of Pakistan. They also failed to transform the whole agenda of CoD in its letter and spirit. The weak political party and culture bring weaker executive which creates distrust of parliamentary democracy because such rule fail to oversight on the budgets or policies of the military. Their weakness refrain them to grasp on the foreign and security policy of the country from the establishment.

19th Amendment

After a heated debate, Nineteenth amendment was passed from the National Assembly and Senate on December 22 and 30, 2010 respectively. At one side, it termed as a New Year gift for the people of the country by the government because President of Pakistan assented the amendment on January 1, 2011.⁶⁰ On the other hand, political parties of Pakistan also fulfilled their promise which they vowed in the document of CoD. Article 81, 175, 175A, 182, 213 and 246 were amended. The major thrust of the

amendment was to settle down the issues of the appointment of the judges and the formation of the caretaker government.

In a judgment over a petition filed against eighteenth amendment, Supreme Court of Pakistan advised the legislature to review the method of the appointment of the judges. 19th amendment provides bases for the formulation of Islamabad High Court.

20th Amendment

Twentieth Amendment was also passed unanimously from the National Assembly. Democratic forces accomplished another landmark by proposing and approving the amendment with the unanimity from the Parliament as they approved eighteenth and nineteenth. These amendments also helped to restore the confidence of the nation on the parliamentary democracy. Two hundred and forty seven members in the lower House voted for the amendment and not a single member voted against the changed adaptation of the bill. The amendment fulfilled the promise made in CoD to install a caretaker set-up to hold fair elections in the future. According to the new system, Prime Minister was bound to consult with Opposition leader for the key appointments.⁶¹ The parties also agreed that if both the leaders failed to reach on consensus to appoint care taker set up within three days of the completion of the constitutional tenure of the Assembly than there would be a committee based on eight-member. They further decided that if the committee failed to elect the members than power would be given to the election commission to send the nominees to the head of the State.

Elections of the 2013 and Transfer of Power

After completing the constitutional tenure, elections were staged on May 11, 2013. All the parties presented their programmes for the socio-politico and economic change of the masses. The election results favoured the PML (N) due to its attractive programmes and politics of issues instead of confrontation. The performance of the Punjab government played

a vital role in the outstanding electoral performance of the party. Following the essence of the CoD, all the signatories accepted the result for the continuation of the democracy in the country.

The Way Forward

The transformation of the party politics in Pakistan is the need of the hour to make Pakistan viable democratic country. Experience shows that weak political system bring weaker executive. It created distrust for the parliamentary democracy which leads towards extra constitutional interventions. Political parties should concentrate on the politics of issues to strengthen the democracy instead of the character assassination because propagandistic approach resulted in the weakening and derailment of the democracy in Pakistan. The signatory parties of CoD should also ensure the enactment on the remaining sections of the historic document. For instance, their aim to give seats reserved for women on the basis of votes polled in the general elections should be fulfilled. The idea of inclusion of FATA into KPK must be materialized.

The political parties should also fulfil other promises to address and look after the matters of political victimization by NAB through making 'Truth and Reconciliation Commission'. All the key members of civil military establishment should be required to file yearly asset statement. National Democracy Commission should be set up to promote and strengthen the democratic system. Furthermore, all the popular parties should take some concrete steps to fulfil the loud promises of the CoD.

In the charter, leading parties also pledged to hold local bodies' elections after the general elections but it proved a herculean task for them. The political parties also decided to make security agencies accountable to the elected government. They also decided to approve budget of these agencies through respective ministry and disband political wings of all intelligence agencies. Both the leading parties further hoped to discuss and approve the defence budget in the parliament. They pledged that defence ministry would look after the land allotment and

cantonment jurisdictions of the Army through a commission. These promises are not proved more than a dream and all political forces should work for the fulfillment of the promises to ensure healthy environment for the democratization of the country.

Conclusion

The politics of accommodation and reconciliation has proved beneficial for the democratic process in the country. After the CoD, Pakistan witnessed transformation and continuity of democratic process. All the political entities not only vowed to regard the electoral mandate of one another but also agreed not to provide shoulder to the establishment to undermine each other government. The political forces are focusing politics of issues instead of conflict. The transformation of the party politics from the politics of confrontation to conciliation is a good omen for the democratization of the Pakistan. Chasing the soul of the CoD, all the political parties are moving towards the attainment of the dream of sustainable and responsive democracy in Pakistan.

Notes and References

- * Dr. Amjad Abbas Khan, Assistant Professor, Pakistan Study Centre, University of the Punjab.
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- 1 Samuel P. Huntington, *Political Order in Changing Societies* (London: Yale University Press, 1979), 409.
 - 2 *Dawn*, March 11, 2006.
 - 3 Samuel P. Huntington, *Political Order in Changing Societies* (London: Yale University Press, 1979), 409.
 - 4 *Dawn*, March 11, 2006.
 - 5 V. Y. Belokrenitsky & V. N. Moskalenko, *A Political History of Pakistan 1947-2007* (Karachi: Oxford University Press, 2013), 405. See also *Dawn*, May 15, 2006.

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- 6 Sartaj Aziz, *Between Dreams and Realities: Some Milestone's in Pakistan History* (Karachi: Oxford University Press, 2009), 311.
 - 7 *Dawn*, August 29, 2006.
 - 8 *Daily Times*, October 18, 2006.
 - 9 *News*, February 5, 2007.
 - 10 *Dawn*, August 24, 2007.
 - 11 *Nation*, November 29, 2007.
 - 12 *Daily Times*, December 4, 2007.
 - 13 Ibid.
 - 14 Aziz, *Between Dreams and Realities*, 312.
 - 15 *News*, July 28, 2007.
 - 16 Ian Talbot, *Pakistan: A Modern History* (London: Hurst & Company, 2005), 197.
 - 17 Maleeha Lodhi, ed., *Pakistan: Beyond the 'Crisis State'* (Karachi: Oxford University Press, 2011), 105. See also *Dawn*, October 6, 2007. See also, Bjorn Dressel, ed., *The Judicialization of South Asia* (New York, Routledge, 2012), 148.
 - 18 S. Akbar Zaidi, *Military, Civil Society and Democratization in Pakistan* (Lahore: Vanguard Books, 2011), 185.
 - 19 Aziz, *Between Dreams and Realities*, 312.
 - 20 Ibid. 313.
 - 21 *News*, October 8, 2007.
 - 22 An ordinance promulgated by the president under the article 89, should have the same force and effect as an Act of Majlis-e-Shoora (Parliament)] and should be laid before the National Assembly and it should be stand repealed at the expiration of [one hundred and twenty days] from its promulgation or, if before the expiration of that period a resolution disapproving it is passed by the Assembly, upon the passing of that resolution.
 - 23 *Jang*, September 10, 2007.

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- 24 *Daily Times*, September 10, 2007.
- 25 Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2009), 510.
- 26 M. R. Kazimi, *A Concise History of Pakistan* (Karachi: Oxford University Press, 2009), 248.
- 27 Lodhi, ed., *Pakistan*, 105.
- 28 *News*, August 10, 2007.
- 29 *Dawn*, October 15, 2006.
- 30 *Jang*, September 10, 2007.
- 31 Hafiz Taqqi ud Din, *Jamhoriyat ki Talash: Amriyat ky Khilaf ARD aur APDM ki Judo-o-Jahid ki Dairy (18 August sy 16 March 2009)*, (Lahore: Classic, not dated), 269-72.
- 32 *News*, October 6, 2007.
- 33 *Dawn*, May 11, 2006.
- 34 Khan, *Constitutional*, 526.
- 35 *Dawn*, March 10, 2008.
- 36 *Nation*, April 13, 2008.
- 37 *Economic Times*, April 8, 2008.
http://articles.economictimes.indiatimes.com/2008-04-08/news/27721311_1_pml-n-parliamentary-resolution-judges, Retrieved on December 21, 2014 at 6: 36.
- 38 *Daily Times*, March 10, 2008.
- 39 *News*, April 30, 2008.
- 40 *Dawn*, May 14, 2008.
- 41 *News*, June 08, 2008.
- 42 *Ibid*, July 22, 2008.
- 43 *Ibid*. August 8, 2008.
- 44 Belokrenitsky and Moskalenko, *A Political History*, 409.
- 45 Aziz, *Between Dreams and Realities*, 334.

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- 46 *Dawn*, June 24, 2008.
- 47 *Daily Times*, August 24, 2008. See also Nasreen Akhtar, *Pakistan's Undemocratic Political Culture*, 20. <http://artsonline.monash.edu.au/mai/files/2012/07/nasreenakhtar.pdf>. Retrieved on December 25, 2014.
- 48 *Jang*, August 26, 2008.
- 49 Ian Talbot, *Pakistan: A New History* (Karachi: Oxford University Press, 2012), 212. See also Iftikhar Malik, *Pakistan: Democracy, Terror and the Building of a Nation* (London: New Holland Publishers, 2010), 102.
- 50 *News*, March 12, 2013.
- 51 *Dawn*, April 1, 2009.
- 52 *Nation*, June 10, 2008.
- 53 *Dawn*, March 13, 2009.
- 54 Aziz, *Between Dreams and Realities*, 323.
- 55 *Ibid.* 344.
- 56 *Dawn*, March 31, 2007.
- 57 Talbot, *Pakistan* (2012), 213.
- 58 *Dawn*, May 16, 2006.
- 59 *Ibid.*
- 60 *Jang*, January 2, 2011.
- 61 *Ibid.*