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WILL THE LONG MARCH TO DEMOCRACY IN PAKISTAN FINALLY SUCCEED?

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About the Report

This report, commissioned by the United States Institute of Peace, addresses one of the fundamental challenges to stability in Pakistan: sustained democratic rule. It discusses the successful civil society movement of 2007 and 2008 that led to Pakistani president Pervez Musharraf's ultimate ouster from office, assessing the effects of the movement and the institutional changes triggered by it on Pakistan's quest for democratic consolidation. It suggests that, while the cyclical pattern of democratic and military rule in Pakistan may not be obsolete just yet, there is much that the government, civil society, media, and the international community can do to strengthen democratic practices there, building on the work that the mass movement began.

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Peaceworks No. 73

First published 2011

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PEACEWORKS • JULY 2011 • NO. 73

[The number of military interventions in Pakistan's relatively short history has meant that voters rarely have had the chance to deliver a message to politicians about their performance before the military stepped in.]

Summary

- Pakistan has endured a cycle of alternating democratic and military rule since independence. A stable democracy has proved elusive due to the strength of Pakistan's military and intelligence agencies, religious parties' support of the military at the expense of democracy, a compliant judiciary, weak and patrimonial political parties, and Western support for Pakistan's dictatorships.
- In 2007 and 2008, a mass movement of political parties and civil society succeeded in ousting General Pervez Musharraf, opening the way for a consolidation of democracy in Pakistan. The movement's success can be credited to a number of factors: a unified coalition of political parties and civil society with the common goal of defending the judiciary's independence; strong leadership from the lawyers and the judiciary itself; the return of influential political leaders from exile; the existence of private media that could contest the official version of events, promote an alternative narrative, and mobilize supporters; and an agreement between Pakistan's key political leaders on a charter of democracy setting out a plan for Pakistan's governance after the end of military rule.
- Since Musharraf's ousting, however, several obstacles have emerged to consolidating democracy. Despite the military's own admission of shortcomings in developing intelligence on the presence of Osama bid Laden, the military and intelligence agencies appear to be tightly guarding their control of defense and foreign policy and operating in other areas of civilian jurisdiction. There is friction between the government and judiciary as they work out the balance of power between them, tension among the political parties as they negotiate the coalition government, a slow pace of reforming parliamentary and party practices, and weak participation by civil society. Allegations of corruption, which plagued past civilian regimes, have resurfaced.
- To build on the move toward democracy begun by the mass movement of 2007 and 2008, the civilian government should assert authority over the military and intelligence agencies, include civil society and the greater public in creating a robust legislative agenda to address the key issues Pakistan faces, and investigate and prosecute corruption. Political parties should be strengthened in democratic practices. Civil society and the media should likewise be made more effective watchdogs and advocates for reform. For its part, the international community can become more engaged in strengthening democratic practices in government and civil society through expanded consultations and donor assistance and by maintaining long-term support for particularly effective civilian institutions and organizations.

Introduction

With the election of a democratic civilian government in 2008, Pakistan got another chance to consolidate its fragile democracy. The transition from General Pervez Musharraf's military rule, however, has been fraught with challenges, raising the question of whether the dynamics that have repeatedly undermined past efforts to consolidate democracy in the country still dominate the political environment and threaten the current government, or whether the factors that led to the 2008 election will help build democracy now. Pakistan's struggle for democracy began with the founding of the nation, and the goal has remained elusive even as the vast majority of Pakistanis overwhelmingly support it.[1] The incumbent Pakistan People's Party (PPP) government continues to move from one crisis to the next, with many analysts predicting that the government may not last its full five-year term. Why has it been so difficult to establish a more stable democracy, and why is politics still a dirty word in Pakistan?

Under Musharraf, Pakistan was converted from a parliamentary democracy into a dictatorship where decision making was confined to a single person. The cabinet was virtually redundant, the parliament was made into a rubber stamp, and the president had the right to dismiss elected assemblies. It was not the first time democratic development had been interrupted by a military dictator in Pakistan.[2] Whenever mainstream political parties have tried to establish democratic governments, they have failed to endure. Some would argue that the elected governments are themselves to blame: Critics claim that because these governments governed so poorly, the military had no choice but to intervene in order to save the country from ruin. But if poor governance was a universal standard for military intervention, there would be far fewer democracies in the world. Elections, not military takeovers, are the normative way of showing an unpopular government the door. The number of military interventions in Pakistan's relatively short history, however, has meant that voters rarely have had the chance to deliver a message to politicians about their performance before the military stepped in.

The so-called rescues have come at a terrible cost. The military and its intelligence agencies have been brutal and far-reaching in suppressing political parties. Thousands of political activists have been tortured, imprisoned, and killed during military dictatorships. Prime Minister Zulfikar Ali Bhutto, ousted by General Zia ul Haq, was hanged in 1979 after a dubious trial on charges of murdering a political rival. Former prime minister Benazir Bhutto was assassinated in December 2007 at a campaign rally due, in part, to the Musharraf government's inadequate provision of security, despite Bhutto's repeated requests for enhanced security cover.[3] This paper briefly reviews past factors that have prevented the consolidation of democracy, identifies important and unique features of the 2007–08 prodemocracy movement that led to parliamentary elections and General Musharraf's resignation as president, assesses the aftermath of the overthrow of Musharraf, and makes recommendations to capitalize on the opportunities created to strengthen democratic development.

Past Factors in Failures to Consolidate Democracy

The Military

Immediately after partition from India in 1947, Pakistani political leaders underlined the primacy of creating the constitution. However, after the death of Muhammad Ali Jinnah, the country's founder, in 1948, and the assassination of the first prime minister, Liaquat Ali Khan, in 1951, establishing a viable political system proved daunting. The ruling elite began to cultivate the military to strengthen their political position. Such military support enabled Governor

General Ghulam Mohammad to dismiss the first constituent assembly in 1954 and include senior military personnel in the cabinet afterward, signaling that the real political power had shifted from parliament to the governor-general and the civil service, with the support of the army. This was confirmed in 1958 when General Ayub Khan, the army chief, orchestrated a military coup d'état and became the country's first dictator. All political parties were abolished and the Elective Bodies Disqualification Order of 1959 (EBDO) sidelined and punished political leaders.

It was not long before the army formed an alliance with the civil bureaucracy that left no room for the parliamentary democracy the country's founder had envisioned. According to political and defense analyst Hasan Askari Rizvi, the military takeover in 1958 removed the political leaders and the so-called democratic institutions from the scene, giving a free hand to the civil service and the army to run the country: "The Army served as the brain and the civil servants as the hand of the new regime."[4] General Ayub Khan also set the precedent of keeping a tight rein on political parties. Article 173 of the 1962 constitution prohibited any person from contesting elections as a member of a political party unless permitted by an act of the central legislature. The Political Parties Act, passed in July 1962, allowed only limited political activity. Successive dictators perpetuated these and other tough measures against political parties, introducing various laws and regulations to restrict or ban political parties and political activity that would threaten their rule.

After Pakistan's second coup by General Zia ul Haq in 1977, a large portion of the constitution was placed in abeyance, including fundamental rights and Article 17 on the freedom of association. Zia also promulgated the Martial Law Order (MLO) 31 in June 1978, setting up disqualification tribunals to inquire into charges of misconduct against those who had contested the 1977 elections. All forms of political activity were effectively controlled and dissent was dealt with through harsh punishment under laws specially devised for this purpose. Musharraf and the military maintained power for almost nine years, utilizing the same tactics of suppressing democratic forces and rigging national and local elections. He consolidated his power in December 2003 primarily through passage of the seventeenth amendment to the constitution, which transferred a number of powers from the prime minister to the president, including authority to dismiss the prime minister and the national assembly.

Intelligence Agencies

To perpetuate its power and weaken any opposition to the dictatorship, Pakistan's military employed its intelligence agencies to monitor, control, harass, and destabilize Pakistan's political parties, media, and other institutions. Iftikhar H. Malik wrote that "operations against dissenting politicians, objective intellectuals, and other activists were carried out through systematic harassment, disinformation campaigns, fictitious trials, kidnappings, torture, and assassination."[5]

The political role of the Inter-Services Intelligence agency (ISI) began with Ayub Khan's 1958 coup d'état, as the agency became responsible for monitoring Pakistani politicians, the media, and politically active segments of society. Social organizations with potential political influence, such as student groups, trade organizations, and unions, were kept under tight surveillance. The Joint Intelligence Bureau (JIB), also called the internal wing, created specifically to gather political intelligence, was the largest division of the organization.[6] The intelligence agencies became even more deeply involved in domestic politics under the country's next mili-

tary dictator, General Yahya Khan; East Pakistan politicians suspected of plotting a secessionist movement at that time were among the ISI's first victims.

Civilian leaders have done themselves no favors by reinforcing the practice of keeping a close watch on political opponents. Zulfikar Ali Bhutto assigned special importance to strengthening the civilian regulatory apparatus to reduce its reliance on the military in law-and-order situations. He created the Federal Security Force (FSF), under direct control of the federal government, to assist the civil administration and the police; eventually its scope was extended to nationbuilding and development work.[7] Before long, however, the FSF operated as a private army "to force his opponents and former allies into submission."[8] Through an executive order in 1975, Bhutto created the Political Cell of the ISI, similar to Ayub Khan, which he used to rig the 1977 elections.[9] According to author Zahid Hussain, Bhutto also used the ISI to keep surveillance not only on his opponents, but also on his own party men and cabinet ministers.[10]

General Zia disbanded the FSF but further expanded the ISI's power to collect domestic intelligence on political and religious organizations that opposed his regime. The ISI collected intelligence about Sindhi nationalist activities and monitored the leadership of the Pakistan People's Party (PPP) of Benazir Bhutto, who had launched the Movement for the Restoration of Democracy in February 1981.[11] Next, relying on bribery, coercion, and electoral manipulation, the military repeatedly disrupted democratic functioning between 1988 and 1999 when civilian governments were in power. Various presidents dismissed successive civilian governments at the military's behest. In fact, no elected government was allowed to serve its full five-year term.[12]

Under General Musharraf, the ISI was given the task, funds, and freedom to weaken the major parties and ensure the complete loyalty of the ruling coalition. Bribes and blackmail were used extensively in both cases.[13] In 2000, Musharraf, with ISI help, lent tactical support to a group of dissidents who, after the 1999 military coup, had broken away from former prime minister Nawaz Sharif's Pakistan Muslim League-Nawaz (PML-N) to create the Pakistan Muslim League Q (PML-Q).[14] The new military-backed party forcibly took over PML-N party buildings in Islamabad and Lahore, including the party's membership list, thus robbing Sharif's party of its resources in addition to splitting it apart.[15] The ISI was also a factor in convincing the Muttahida Majlis-e-Amal (MMA), a coalition of religious parties, to accept General Musharraf as president in uniform. Their support provided the majority he needed in parliament to pass the seventeenth amendment to the constitution.[16] Pakistan's political history is riddled with ISI meddling to suit the military's interests.

The Mullahs and the Military

In a deliberate process of depoliticization, political parties and politicians were discredited; democracy and democratic norms were questioned and portrayed as unsuitable to the Muslim character of the state and to the cultural traditions of Pakistan. Ayub Khan's Maintenance of Public Order Ordinance (MPO) of 1960 provided for preventive detention of "persons acting in a manner prejudicial to the integrity, security or defense of Pakistan or any part thereof, or external affairs of Pakistan, or public order, or the maintenance of supplies or services." The MPO's primary targets were moderate politicians who opposed the dictatorship. In the late 1970s, General Zia ul Haq's military regime took a further step and based Pakistan's legal and educational systems on a strict Sunni interpretation of Islamic law. This formalized the state's ideology into an official policy of Islamization that was used more for controlling political opposition to the dictatorship than for purely religious purposes.

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Musharraf and the military maintained the belief that secular politicians, not religious parties, were their rivals for political power, and they continued to use the religious parties for their own political advantage against their moderate political-party opponents. Major figures among the secular opposition were exiled or jailed on corruption or sedition charges, positioning the religious parties as Pakistan's sole major opposition group. This enabled religious parties to exercise greater influence than would have been possible in an open, democratic political system, in light of their poor electoral performance in Pakistan's intermittent elections.[17] Thus, successive dictators manipulated religion and supported religious parties to control and attack their moderate political opposition who were for Pakistan's democracy.

Compliant Judiciary

The military's grip on power was legitimized early on by a compliant judiciary. On October 27, 1958, the Supreme Court of Pakistan put its "stamp of approval" on the military regime in a ruling that "a successful coup d'état is an internationally recognized legal method of changing a constitution."[18] The judiciary attempted to explain its failure to protect the constitution through what they called the "doctrine of necessity," which relied on the dubious argument that the army's intervention could be justified because of the need for political stability. This doctrine, according to the International Crisis Group (ICG), was first developed in three cases in 1955, to justify the titular head of state's extraconstitutional dismissal of the legislature. Drawing on this precedent, the Supreme Court validated Ayub Khan's 1958 declaration of martial law as well as Zia's and Musharraf's later coups. Some courageous judges refused to sanctify authoritarian interventions and preferred to resign rather than undermine constitutionalism and the rule of law. Most judges, however, abdicated their duty to uphold the law by legitimizing military rule and intervention. The Supreme Court judgments gave military regimes the trappings of legality and hampered the growth of civilian institutions and moderate political parties.[19]

An editorial in the newspaper Dawn aptly summarizes the judiciary's role in paving the way for dictators to distort the constitution and turn parliament into a rubber stamp:

> In the case of Zia and Musharraf, the Supreme Court not only validated the takeover but also authorised them to amend the constitution—something grotesque, because the apex court was giving to them general powers which it did not possess. Once given legitimacy Ayub, Yahya, Zia and Musharraf proceeded to consolidate their hold politically. They mostly created a "king's party"—the name in each case was Muslim League—tailored politics for years, hounded and jailed those who refused to fall in line by issuing a series of decrees for which they had the court's authority, and then organised bogus elections.… While the collective guilt is here, there is no doubt the judiciary's initial legitimisation of the coup paved the way for others to follow.[20]

Political Parties

While the mainstream political parties have suffered at the hands of the military in the struggle for democracy under dictatorships, they have also been accused of not meeting democratic standards when they have formed governments. Allegations of corruption, incompetence, patronage, and partisanship have plagued all Pakistan's elected governments. The party leaders also have not implemented basic democratic standards within their parties, despite the zeal for such reforms from rank-and-file members. Members of a small elite tend to dominate party leadership, using their positions to accrue personal wealth rather than serve their party or the people. Nominations to run for elected offices are usually determined by the party leader rather

than being openly contested. Party office bearers are appointed rather than selected on merit or by election, and party policies and platforms rarely involve input from members.[21]

Some politicians have even weakened the party system and contributed to the overthrow of elected governments by accepting bribes to cross the floor, splitting parties into factions, and becoming intelligence agency informants. In 1988 some parties agreed to join the Islami Jamhoori Ittehad (IJI), an ISI-arranged alliance of right-wing and religious political parties, to prevent Benazir Bhutto's PPP from sweeping the polls. With the cooperation of party leaders, the ISI orchestrated the reunification of the two Pakistan Muslim League factions, which were joined by smaller parties, to campaign against the PPP. The military-backed opposition failed to prevent a PPP victory in the elections, but ISI manipulations led to greater electoral success for the religious parties.[22] An apology on the floor of the national assembly by PML-N assembly member Khawaja Muhammad Asif in 2003 confirmed that the party had "facilitated" the dictatorial rule of General Zia.[23] After the PPP's victory, the ISI never ceased trying to unseat Benazir Bhutto. In October 1989, in an operation named Midnight Jackals, the ISI tried to sway PPP members of the national assembly to back a no-confidence vote against Bhutto and managed to convince the Mohajir Quami Movement (MQM) to switch its support from the PPP to the opposition.[24]

In 2007 Bhutto negotiated a secret agreement with General Musharraf that allowed her to return to the country and provided immunity to thousands of officials charged with allegations of corruption in return for her support of Musharraf for another term as president.[25] The willingness of some political parties to collude with the intelligence agencies and military against their political opponents has been key to the military's ability to weaken popular parties and maintain control of the political process.

Western Support for Pakistani Dictatorships

Western support for undemocratic regimes in Pakistan has engendered intense animosity toward the West. U.S. Secretary of State Hillary Clinton has acknowledged the U.S. support of successive dictatorial regimes, under which Pakistan experienced long spells of brutal authoritarian rule.[26] Before and after the attacks of September 11, 2001, U.S. policies helped to strengthen religious extremists during the reign of military dictators who spared no effort to marginalize, victimize, and systematically weaken all forms of dissent and demands for democracy. To take the most recent example, when Musharraf confirmed Pakistan's willingness to participate in the U.S.-declared war on terror following the terrorist attacks of September 11, 2001, U.S. sanctions imposed on Pakistan in 1999 were lifted and money began to flow once again from the U.S. to the Pakistani treasury.[27] Additionally, the 2002 general elections, which solidified Musharraf's control over state institutions, had no repercussions even though international and domestic observers declared that they had been massively rigged.[28]

Almost all foreign governments tacitly accepted Musharraf's view that Pakistan was not yet ready for full-fledged democracy. His policy of "enlightened moderation" was a palatable veneer to hide the suppression of political and human rights in Pakistan. The international community regarded the suppression of political parties during this period as an internal domestic issue, and did not link the need to support democratic forces with the fight against terrorism and militant extremists. They dismissed the political parties as feudal, corrupt, and unable to deliver on the war on terror as they believed Musharraf could.[29] Thus, from 2002 until his ouster from power in 2008, Musharraf played a double game, accepting billions of dollars from the George W. Bush administration while turning a blind eye to, if not

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approving outright, ongoing military support for religious extremist groups that were known to be involved in terrorist activity.[30]

Western support for Pakistani dictators may be more coincidental than intentional: Had democratic governments been in power at the time, they might have received the same support. Intentional or not, however, the effect of the support for dictators has created a trust deficit between Pakistanis and the West—the United States in particular—that continues to influence public opinion about terrorism and the ability of the Pakistani government to support U.S. efforts to fight it.[31]

The Long March to Restore Democracy, 2007–08

Pakistan has struggled to establish a fully functioning democracy since its inception, but successive military dictatorships have intervened to quash prodemocracy forces and weaken democratic institutions. Yet, notwithstanding their own shortcomings, moderate political parties and civil society groups have historically played a major role in the struggle for democracy, in two periods in particular. The time between October 1968 and March 1969 saw the first mass opposition movement against a military dictator in Pakistan. It forced Ayub Khan's resignation, but did not restore democracy; power was simply transferred to General Yahya Khan, who assumed the powers of chief martial law administrator and president of Pakistan until 1971, when parliamentary elections restored a democratic government. The political movement that forced Ayub Khan to resign was unique at the time. It was "spontaneous, unplanned and lacked a unified direction. The scope and intensity of the movement left few institutions and concepts untouched."[32] It failed, however, to produce alternate leadership to Ayub, in part because they were not only fighting against the Ayub regime, but also trying to outwit each other. The army, on the other hand, remained organized and cohesive, facilitating their takeover in 1969.[33]

The second and most recent mass movement was from March 2007 to February 2008, when political parties and civil society united against the Musharraf dictatorship. It succeeded in electing a democratic government, which is now well over halfway through its five-year mandate. That the anti-Musharraf movement combined the people fighting for the institutional revival of the judiciary, the political parties fighting for democracy, and an energized and media-driven civil society calling for a clean break from the military's role in politics raised hopes that Pakistan was entering an era in which institutional supremacy and democratic consolidation would not be negotiable. This section highlights some of the key events in analyzing the unique factors that led to the election of a democratic government and forced Musharraf's resignation as president.

Background of the Movement

The first signs of an organized opposition to Musharraf's government emerged in 2005 with the formation of the Alliance for the Restoration of Democracy (ARD), which united fifteen political parties, including the PPP and PML-N, the two largest. The Alliance sought to agree on an "effective political strategy for the restoration of real democracy and the supremacy of parliamentary institutions."[34] A critical turning point came in May 2006 when two former prime ministers and leaders of PPP and PML-N, Benazir Bhutto and Nawaz Sharif, signed the Charter of Democracy (CoD). Even as they were both in exile, and their parties subjected

to harsh repression in Pakistan, these staunch political rivals negotiated an agreement that set out a roadmap for the country's return to democracy.

The opening for the parties to launch their anti-Musharraf campaign came on March 9, 2007, when Musharraf demanded that Iftikhar Muhammad Chaudhry, chief justice of the Supreme Court of Pakistan, resign. Chaudhry's refusal unleashed a wave of opposition that had been steadily growing and then found a cause that transcended partisan differences: the independence of the judiciary. Led by retired judges and leaders of the country's bar associations, the so-called lawyers' movement was joined by students, human rights and social activists, journalists, and the country's main opposition political parties. From March 2007 to February 2008, an opposition movement of tens of thousands of Pakistanis undermined Musharraf's authority and eroded his support. In the most significant display of dissent, thousands lined the roadside to support former Chief Justice Chaudhry as he drove from Islamabad to Lahore to address assembled lawyers. Referred to as the Long March, Chaudhry's caravan had to slowly inch from village to village as the overwhelming number of supporters waved party flags and showered the road with rose petals.

The political parties were soon in the mix and tied the quest for the return of democracy with the cause of institutional supremacy. Both Benazir Bhutto and Nawaz Sharif returned from exile, giving further impetus to the movement. The opposition movement faced episodes of government backlash. While attending rallies to support Chief Justice Chaudhry, more than sixty-five PPP and ANP activists were killed and many more injured by snipers in Karachi and a suicide attack in Islamabad. Dozens of lawyers and other activists were beaten, thrown in jail, or forced into hiding.[35] Musharraf's violent response to political protesters, however, only fomented anti-Musharraf sentiments and provided greater momentum to the movement. On November 28, in what was seen as a victory for the forces of democracy, Musharraf was forced to relinquish his role as chief of army (stop wearing his military uniform), despite his imposition of emergency rule on November 3, and General Ashfaq Kayani took over as chief of army staff (COAS). Musharraf had earlier made a public promise that if he was re-elected president, he would relinquish his position as COAS and doff his uniform.[36]

The election campaign called by Musharraf on November 15 halted abruptly on December 27, when Benazir Bhutto was assassinated at a campaign rally. Bhutto's husband and the party's new leader, Asif Ali Zardari, demanded that the election go ahead. The party refused to allow Bhutto's murder to derail the opportunity to restore democracy to the country, citing her oft-repeated declaration that "democracy is the greatest revenge" against dictatorship. Anticipation of a potential sympathy vote may also have influenced the decision. Nawaz Sharif fully supported the PPP demand to proceed with the elections, leaving Musharraf with no excuses to stop them.

While most international and domestic observers acknowledge that there was some rigging in the election, especially in the campaign period leading up to election day, the political parties widely accepted the results.[37] The pro-Musharraf PML-Q, along with the religious parties, suffered a massive defeat and lost power at the center and in all four provinces. The PPP secured enough votes to form a coalition government at the center and form or be part of coalitions in all four provinces. The PML-N won the most seats in Punjab, the country's largest and most powerful province.[38] Musharraf tried to cling to the presidency even after the elections but, ultimately, rather than wait for a vote on impeachment, he resigned as president on August 18, 2008. On September 6, PPP cochairman Asif Ali Zardari was elected president of Pakistan by the elected assemblies and senate.

Key Characteristics of the Movement

As mentioned above, the recent mass movement was not the first time political parties, students, lawyers, and other civil society sectors forced the resignation of a military dictator, but it was the first time a mass movement succeeded in both ousting a dictator and electing a democratic government. The following analysis assesses how the characteristics of the most recent movement led to the election of a democratic government and sparked hopes of a democratic consolidation in Pakistan.

The Common Fight for Institutional Supremacy

Musharraf's blatant attack on the judiciary's independence unified Pakistan's fractured society in a fight to uphold institutional supremacy. Defending a core democratic value, a wide range of political parties and civil society groups joined forces in a way that may not have occurred otherwise. While Musharraf faced political opposition before the movement, only after the chief justice was forced to resign did a diverse cadre of Pakistanis join the efforts to oust Musharraf. The majority of the protestors were united by a common grievance that allowed them to streamline the movement according to the overriding objective of defending institutional supremacy against a military dictator. This was a significant difference from the anti-Ayub movement, which was mass-based but not united exclusively around a single issue: It started as student agitation over issues of concern mainly to students, which did not appeal to a broad contingent of Pakistani society. The appeal of the anti-Musharraf movement's rallying cry—defending Pakistanis' right to rule by a democratic government—transcended all sectors of society. Partisan boundaries were temporarily dissolved until Musharraf relinquished power. That Pakistanis from all sectors of society mobilized following the suspension of the judiciary's institutional independence suggests that democracy resonates with the core values of Pakistani society.

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Return of Influential Political Leaders

The return from exile of the country's two most popular political leaders filled the leadership void in their respective parties, reinvigorating and mobilizing party members in ways that would not have been possible otherwise. It also heightened the profile of the struggle. After her return, Bhutto announced that her deal with Musharraf was off. She mounted an aggressive campaign against him that landed her under house arrest, encircled by barbed wire and dozens of armed security forces for several days. Undaunted, she held a news conference to draw international attention to Musharraf's brutal and dictatorial methods using graphic images in addition to mobilizing her own supporters[39] After Sharif's return, supporters who had crossed the floor after the 1999 coup to join Musharraf began to abandon the general and signaled their renewed support for the former prime minister. This split the military-backed PML-Q and created momentum for the PML-N. It also signaled a weakening of Musharraf's control over the political environment, since the former prime minister he had ousted was returning to the country against his wishes.

The timing of Bhutto's and Sharif's returns from exile was significant, as the lawyers' movement had been building anti-Musharraf momentum for some months throughout the country, and their returns reinforced the growing perception that Musharraf was losing control. They also ensured that party supporters would have strong leadership to guide them through a turbulent period and stay focused on the fundamental goals of the movement. The anti-Ayub

movement had no political leaders with the same stature. Zulfikar Ali Bhutto, who eventually became the country's most popular elected leader, was only beginning to establish his independence from Ayub. He was a formidable force at that time, but his fledgling Pakistan People's Party was just getting off the ground and did not have the membership or capacity to mobilize as the PPP could under Musharraf. Other political leaders, such as the Awami National Party's Khan Abdul Wali Khan, were jailed along with Zulfikar Ali Bhutto, but the circumstances at that time did not provide the same high-profile opportunities as they did later for Benazir Bhutto and Nawaz Sharif. Neither Zulfikar Ali Bhutto nor Khan Abdul Wali Khan had been prime ministers and did not enjoy the same stature as Benazir and Nawaz did upon their return from exile. There were also no private media to provide exposure to the opposition and an alternative narrative to Ayub's.

Strong Leadership from Judiciary

In addition to the strong political party leaders at the time, the leaders of the lawyers' movement were well established and highly respected retired judges and senior members of the bar who had the experience and authority to mobilize and keep organized tens of thousands of lawyers around the country for almost two years. Some of them were also office bearers and activists in the lawyers' wings of the main political parties, which created strong links and facilitated good communication between the parties and the rest of the movement. The key was that the lawyers' movement was defined as one for institutional revival, and not only restoring the judiciary. Never before in Pakistan's history had a civilian institution's quest for reclaiming its space—tied in, as it was, with the mantra of national institutional revival—coincided with incumbency fatigue linked to a military dictator. When the movement became the target of violence, with many killed and many more injured, it helped build public sympathy and a wide base of public support.

Political Unity

The unity between the PPP and PML-N was short-lived after the election, but profoundly significant while it lasted, as it helped pave the way for restoring the constitution to its democratic origins. The sustained unity of the main political parties over a lengthy period during the Musharraf era marks a significant difference from the anti-Ayub movement. In the Ayub era, while there was some cooperation between the parties through the alliance they had formed in the Pakistan Democratic Movement (PDM), and later the Democratic Alliance, each party had its own agenda which prevented them from uniting for a collective purpose. Once Ayub agreed to their two main demands—a parliamentary system and direct elections—he removed the only basis on which they all agreed and their differences became very sharp.[40] Ayub resigned as president in March 1969, but after several months of violent demonstrations against his government, instead of transferring power to the speaker of the national assembly, as required by his constitution of 1962, he returned the country to martial law. The army chief, General Yahya Khan, became Pakistan's president and chief martial law administrator.[41] Although opposition forces succeeded in making Ayub resign, he ensured they would not have the opportunity to come to power.

The parties in the ARD also had their differences, but the main members managed to overcome them for the greater goal of ending Musharraf's rule through free and fair elections. Unlike Ayub, who refused to enable elections after his resignation, Musharraf had struck a deal

with Benazir Bhutto, brokered by the international community, which forced him to take off his uniform and hold elections as a condition of remaining president.[42] As mentioned above, Bhutto then reneged on the deal and withdrew her conditional support of Musharraf. After her murder, the opposition victory in the 2008 elections ultimately led to his ouster as president and his flight from the country soon after.

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Media

Under Ayub, the state-owned and government-controlled media was the only source of information. Under Musharraf, new private media organizations broadcasted within the country and to the world the dramatic events unfolding in a country that was already the subject of intense international attention. This helped expose the massive opposition to the status quo in Pakistan and resulted in considerable international support for the lawyers' movement.[43] After their stations were blocked from transmitting, private television channels found creative ways to defy the blackout, holding talk shows hosted by their popular anchors in outdoor markets around Islamabad, which drew large crowds opposing Musharraf. With restrictions on the media, freedom of the press became part of the struggle and the media part of the movement.

The media's exposure of Musharraf's violent attacks on the opposition corresponded with a sharp decline in his public support. Footage of heads being cracked open, politicians being shot, and charges on lawyers belied Musharraf's claims of enlightened moderation. The opportunity for lawyers, opposition members, and others to appear on the media also challenged Musharraf's version of events and provided an alternative narrative. This made a qualitative difference in the movement's ability to deliver its message to the entire country. That Musharraf saw the need to black out their broadcasts during the state of emergency reinforced their critical role. The overt victimization of the media through attacks on their offices, broadcast facilities, and individual reporters, in addition to covert pressure from the ISI on reporters and media owners, additionally suggests the degree of threat the media posed to the establishment.[44] The media's watchdog role on election day, when they reported the results as they were counted, directly limited the rigging historically related to vote counting in previous elections. The private media not only provided information to readers and viewers, but also allowed the opposition movement to contest the official version of a story, promote a different message, and mobilize supporters. These were powerful factors in the success of the movement.

CoD

The Charter of Democracy was an unprecedented achievement in Pakistan's political setting and raised prospects for a quantum leap in the level of cooperation with which political leaders were willing to operate afterward. The CoD included, among other things, a pledge to never support the military to overthrow an elected government; criteria to establish an independent election commission and a process to appoint judges; measures to address demands for more provincial autonomy; reforms for the federally administered tribal areas (FATA) and the northern areas; and a lifting of the ban on political parties' involvement in local elections.

Additionally, the CoD signified the political elite's recognition of the need to initiate a nonpartisan struggle in the defense of democracy. The sustained unity of the main political parties over a lengthy period during the Musharraf era marks a significant difference from the anti-Ayub movement. Under Ayub, there was some cooperation, but each party had its own agenda that overshadowed their collective purpose. Conversely, despite their partisan dif-

ferences, the main political parties showed remarkable unity in realizing their greater goal of ending Musharraf's rule through democratic elections.

Where Democracy Is Headed: Obstacles and Opportunities

The fraught history of democratic consolidation in Pakistan has created many obstacles to transitioning from a military dictatorship to full-fledged democracy. The events leading up to and following the Long March against Musharraf raised hopes of a possible clean break from the past. The powerful mobilizing element of the fight for institutional supremacy, the timely return of key political leaders, the strong leadership from the lawyers and judiciary, the expanded role of the media, and the political elite's single-mindedness of purpose and commitment to the CoD combined to force Musharraf to resign and usher in an era of democratic government. These were unique factors in the lead up to and throughout the lawyers' movement that contributed to its success.

But is it enough to consolidate democracy? Are the achievements made during this period sustainable or will past obstacles continue to prevail? There is little consensus on this issue in the literature on democratic consolidation. Democratic transitions such as that in Pakistan are considered to be only the first and—as Pakistan's own history suggests—often reversible step in the progression to a consolidated democracy.[45] As the literature points out, factors that may be instrumental in ousting a dictatorship do not necessarily build successful coalitions among civilians; deep-rooted structural anomalies can often frustrate such efforts in the long run.[46]

This section analyzes the transition so far and whether the unique factors mentioned above are likely to be sustained. The analysis suggests a mixed picture: While enough has happened to dampen the initial euphoria about a clean break from the past, a number of positive trends since Musharraf's ouster seem to be moving Pakistan toward a stronger democracy. Pakistan stands at a crossroads, and efforts to further strengthen the hand of civilian political forces in the short to medium term may prove decisive in the quest for democratic consolidation.

The Military and Intelligence Agencies

The period after the election held a great deal of promise. General Ashfaq Kayani, who took over as army chief, ordered the withdrawal of military officers from all Pakistan government civil departments and announced the army would stay out of politics and support the new government.[47] In a step toward civilian oversight of the military, two pages of the 2008–09 defense budget were laid before the senate for debate, for the first time in the country's history. Until then, parliament had only received one line on defense spending, even as it consumed a substantial share of the country's total budget. While complete defense budget details were still not forthcoming, taken together with Kayani's earlier commitment to keep the army out of politics, it signaled a potentially new era in which the military would acknowledge civilian oversight.[48]

Since then, however, the military seems to be jealously guarding its hegemonic position. The government has met resistance in bringing the intelligence agencies under civilian control, according to the CoD. In July 2008, Prime Minister Yousuf Raza Gilani issued an order to place the ISI under the jurisdiction of the Interior Ministry, which would have given the civilian government administrative, financial, and operational control of the agency. Within hours, however, the prime minister was forced to rescind the order due to an uproar from the military.

The government's move may have been ill-planned and poorly timed, but the military's rejection and the civilian government's backtracking clearly showed the lingering anomalies in the civil-military equation.

Meanwhile, General Kayani has strayed from his original promise to keep the army out of politics. In October 2009, the army issued a press release opposing the U.S. Kerry-Lugar aid bill, which grants Pakistan a $7.5 billion civilian aid package over a five-year period.[49] The army was vehemently opposed to provisions that required the U.S. administration to monitor progress on civilian oversight of the army, and the angry outburst set off a media frenzy and created a political crisis, even as the army continued to receive millions of dollars in military aid from the U.S. government.[50] The Kerry-Lugar bill passed, but the message conveyed was that regardless of what the elected politicians said, it was still the army that mattered on foreign affairs and defense policy. In a further sign of the army's mounting power over the civilian government, General Kayani and not cabinet ministers called civilian heads of major government departments, including finance and foreign affairs, to his army headquarters in the lead-up to the launch of a U.S.-Pakistan strategic dialogue in March 2010. In both Pakistani and U.S. media, much was made of how Kayani drove the agenda for the talks in Washington, even though the foreign minister was the nominal head of the Pakistani delegation.[51]

The plight of missing people is another disturbing issue reinforcing concerns that the army still operates outside the realm of civilian accountability. During the Musharraf regime, an estimated 400 to 6,000 people, many of them political activists from the Baloch nationalist parties, went missing. Some of them are believed to be in the hands of the Pakistani intelligence agencies, based on accounts from returned kidnap victims.[52] Even the powerful Supreme Court has failed, after five years of hearing cases concerning missing persons, to elicit any useful information.[53]

General Kayani's failure to live up to his public statements at the outset of his tenure raises serious concerns about the military's ongoing interference in the affairs of the civilian government. The government, for its part, seems unable or unwilling to execute civilian oversight of the military in the face of this interference. The prime minister's July 2010 announcement of a three-year extension for General Kayani as chief of army staff prompted *Dawn* commentator Arifa Noor to assert that "the democratic dispensation that has evolved over the past two years has … accepted that their place is on Constitution Avenue and not beyond. They do not even dare to see if their reach extends to the GHQ."[54] The recent extension of the director general of the ISI's tenure further reinforces this perception.[55]

The surprise U.S. attack on Osama bin Laden on May 2, 2011, at a residential compound close to the military's premier training academy in Abbottabad underscored the army's dominance.

The surprise U.S. attack on Osama bin Laden on May 2, 2011, at a residential compound close to the military's premier training academy in Abbottabad underscored the army's dominance more than ever. Despite the military's own admission of "shortcomings in developing intelligence on the presence of Osama bin Laden in Pakistan,"[56] the public debate in the days following the attack focused almost exclusively on U.S. violation of Pakistani sovereignty, ignoring the role of the military in the massive security breach and intelligence failure. The response by the civilian leadership was delayed and low key while the military set the tone and defined the message that framed the public debate on the issue. The president's only public statement came in a column in an American newspaper the morning after the attack, where he declared that Pakistan was not involved in the raid and did not know bin Laden's whereabouts beforehand.[57] Since then the president has remained silent about the spectacular event.

The prime minister waited almost a full week before he addressed parliament, traveling to Paris in the meantime for talks with French officials. His speech in the National Assembly emphatically declared allegations of military incompetence or complicity as "absurd" and strongly affirmed confidence in the military and intelligence agencies before any investigation had been conducted.[58] After absolving the military of any involvement or wrongdoing, he announced that an investigation into the unprecedented breach of security would be conducted by the army despite the chorus of questions about the army's role in the affair and the appearance of a conflict of interests. It is interesting to note that the prime minister saw no need at any point to speak directly to a shaken nation that was confused and scared, both by the knowledge that bin Laden had been residing among the local population and by the attack that killed him.

Surprisingly, it was General Kayani, and not the prime minister, who recommended a joint session of parliament, even though he had made it clear that he was unhappy with the government's "insufficient formal response."[59] Kayani and the ISI chief, Lieutenant General Ahmed Shuja Pasha, gave an in-camera briefing at the eleven-hour session that led to a joint resolution that strongly condemned the U.S. action and "affirmed full confidence in the defence forces of Pakistan in safeguarding Pakistan's sovereignty, independence, and territorial integrity and in overcoming any challenge to security, with the full support of the people and Government of Pakistan."

A recent admission by the minister of defense, Ahmed Mukhtar, reveals the civilian government's lack of motivation to take responsibility for defense and foreign policy. When asked about the revelation made by the ISI chief at the joint session of parliament—that Pakistan has no written agreements with the U.S. regarding security—Mukhtar replied that he "never knew that the present counterterrorism cooperation between Pakistan and the U.S. was without any written agreement," adding that he had never inquired about it in his meetings with Hillary Clinton and other U.S. officials.[60] Considering the public furor over U.S. drone attacks, the admission is startling. Additionally, he revealed that he did not attend the joint session of parliament; instead, he was on a mission to Russia with the president.

While the governing coalition has shown little interest in using the Abbottabad attack as a rare opportunity to exercise more oversight of the military and hold them to public account, the PML-N leader, Nawaz Sharif, has forced the government to expand the commission investigating the U.S. raid to include nonmilitary representatives such as members of the judiciary.[61] He has also called for a full parliamentary debate of the military budget.[62]

It is too soon to say whether the bin Laden affair will result in any fundamental rebalancing of civil-military relations, but so far it seems that the government is not inclined to make any dramatic changes. Without a clear commitment and the initiation of an explicit process, democratic institutions will remain fragile and democratic consolidation out of reach.

Judiciary

The restoration of the chief justice and other members of the Supreme Court was considered a victory of the two-year long lawyers' movement, bringing hope for a new era of judicial independence and the rule of law. Some argued that the military's task to orchestrate a coup or even breach the constitution through outright political meddling had become next to impossible. That impression may already be changing; some senior lawyers and many in civil society maintain that the chief justice's actions since his restoration are hyperactive and have even raised concerns about the potential for a "judicial dictatorship."[63] Some commentators and

politicians are concerned that the chief justice is using his *suo moto* power to seemingly go beyond his jurisdiction, interfering with political matters. He has insisted that a former case in the Swiss courts against President Zardari be reopened even as others insist that the president has immunity from prosecution under the constitution.[64] There is concern that, by demanding that old allegations be reopened, the chief justice may be seeking revenge for the PPP government's year-long delay in reinstating him. Such fears were further fueled by the chief justice hearing a case against the eighteenth amendment (see below), which was unanimously adopted by parliament. The decision on this hearing upheld the supremacy of the parliament and was well received by all quarters, but issues continue to arise, such as the court probing into the legality of government contract appointments, ordering the dismissal of the director general of the Federal Investigation Authority, and declaring invalid the appointment of the National Accountability Bureau chief, an appointment that strains the relationship between the executive and the judiciary.[65] That said, the chief justice was even more active toward the tail end of the Musharraf era, when he took *suo moto* action on the missing persons case and rendered decisions against the government, such as the reversal of the privatization deal for the Pakistan Steel Mills.[66] Many believe that Musharraf imposed a state of emergency on November 3, 2007, and sent the chief justice packing for a second time because he feared that the chief justice would rule him ineligible for office.[67]

Some jockeying between the judiciary and branches of government may be necessary to establish a workable balance between them, but the level of hostile rhetoric coming from different quarters—lawyers, politicians, and the media—forecasting a "clash of institutions" and the imminent demise of the government is detrimental to the fragile transition process and fuels old fears of hidden forces playing a dubious role in the judiciary, which could destabilize democracy and civilian rule. Hasan Askari Rizvi observes that "traditionally, the military played a key role in the making and unmaking of political governments. Now the superior judiciary is expanding its domain of power and stepping into what has traditionally been the sphere of the executive or legislature under the pretext of judicial activism."[68] Rizvi warns that unless the judiciary and military recognize that only parliament has the constitutional power to remove the president, the political future of the president will be in doubt and the clash of state institutions remains a possibility.

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The unity of purpose fostered by the lawyers' movement created a new opportunity to rise above partisan differences for the greater cause of democracy and the rule of law. But it has deteriorated into aggressive partisan attacks, with one side smearing the judiciary and the other the government, reminiscent of the divisive tactics the military historically used to divide and conquer the forces of democracy. However, it is heartening that the chief justice refused to bow to the military in 2007, drawing a line in the sand that may make another military takeover more difficult—at least one sanctioned by the judiciary, as they have been in the past.

Media

In the period leading to Musharraf's resignation, the private media played an oppositional role, obscuring the line between reporting events and affecting them. This was partly because the media themselves were being targeted for exposing the brutality of the Musharraf regime by broadcasting live coverage of attacks on civilians and providing outlets for voices of dissent. The unprecedented media coverage of the struggle to restore civilian rule was an important factor in building public awareness. As a result, the media gained a new level of public confidence that brings with it a corresponding level of responsibility to provide factual reporting

and informed analysis. While there are outstanding examples of responsible journalism, the media sector has not made the transition from its role as opposition to one of public watchdog that adheres to a set of transparent journalistic practices, such as balance and objectivity, that are standard in a developed democracy. Allegations of influential reporters and television anchors being paid to plant fabricated stories against the government are widespread. One high-profile anchor has been accused of enticing extremists responsible for the murder of two former ISI officials.[69]

Journalists must stop being used as pawns by the intelligence agencies and others to whip up public frenzy on behalf of hidden interests on the grave matters of life and death facing the country. Beyond such blatant partisanship, however, is the need for clear standards to be set and enforced to govern the media and ensure it contributes to the free flow of information that will equip citizens to develop informed opinions about their elected representatives and matters of public policy. Ongoing media predictions about the fall of the government are irresponsible and create a climate of instability that undermines governance and the legitimacy of an elected government. The media are crucial to democracy, but they also have to play by the rules if the process of democratic consolidation is to be completed. Recent announcements about the development of a code of conduct, developed by media representatives and others, are a positive step in this direction.

Politicians, too, must accept the media as legitimate watchdogs holding them to account for their actions and behavior. A resolution in the Punjab assembly in July 2010, attacking the media for their coverage of fake university degrees, generated a powerful public backlash that forced the assembly to quickly backpedal.[70] Perhaps ideal for Pakistan will be media that continue to unearth excesses by the state without assuming a self-defined role of a new hub of power and another arbitrator of national political interest.

Civil Society

The tens of thousands of lawyers that formed the lawyers' movement were joined by thousands more from other civil society sectors, including students, women's groups, journalists, human rights activists, academics, trade unions, and professional groups. Since the judges' restoration, these groups' roles in strengthening the transition from dictatorship to democracy, with some exceptions, have been much less visible than hoped. Since the elections, they have generally failed to occupy the political space that they helped create. In strong democracies, civil society is an agent of social change, advocating reform on issues of concern, raising awareness, and mobilizing public opinion as a vehicle for input to the political decision-making process. Civil society groups are also crucial watchdogs of institutions, such as parliament, the police, the election commission, and the courts, adding another level of accountability and transparency. Pakistani civil society has seen some success, as in helping to pass new legislation on sexual harassment in the workplace. Advocacy efforts by women's groups, lobbying and working with the government and parliament on policy development, resulted in a new law to protect women that has been widely accepted across party lines. Much more of this kind of advocacy is needed to help parliament be more responsive to the needs of citizens.

Civil society sectors' . . . roles in strengthening the transition from dictatorship to democracy have been much less visible than hoped.

With donor support, some organizations, such as the Pakistan Institute of Legislative Development and Transparency (PILDAT) and the Free and Fair Elections Network (FAFEN), have become involved in parliamentary oversight that provides a valuable monitoring role and enhances transparency and accountability. Similar oversight is needed of other key institu-

tions, such as the military, police, and courts, that have an equally critical role in the process of democratic consolidation. Politicians face considerable criticism for not addressing the needs of the people, yet citizens also have democratic rights and responsibilities beyond voting once every five years. If more people exercise their responsibilities, the roots of democracy will be stronger and deeper, and democracy itself harder to overthrow.

At the same time, parliament and the government need to better understand the constructive role civil society can play in advocating for reform and offering policy options. The mutual suspicion between them must be replaced with a common understanding that each has an important part to play in a democracy. More public consultation, such as the input sought and provided to the Parliamentary Committee on Constitutional Reform (PCCR), would expand the sense of ownership of public policy decisions and mitigate against elitism and the sense of exclusion that characterizes the polity. The urgent need for movement in this direction has been brought home recently by the weak civil society response to the murders in January and March 2011 of two proponents of reform to the national blasphemy laws, Punjab governor Salman Taseer and minister of minorities Shahbaz Bhatti. The events, believed by some to be game changers in Pakistan's quest to pacify extremist voices, raise concerns about civil society's ability or willingness to mobilize mass support for reforms to enhance the country's tolerance and inclusiveness, especially compared to the massive organized response from religious extremists supporting the perpetrators of violence.[71]

The May 2 attack by the U.S. that killed Osama bin Laden in Abbottabad opened up an unprecedented opportunity for much-needed public debate on the fundamental question of civil-military relations. Yet there was surprisingly little response from civil society, and even that came after the joint parliamentary resolution was passed.

PILDAT lauded the unprecedented joint parliamentary session as an important step in rebalancing the civil-military equation.[72] Others, however, like the prominent head of the Supreme Court Bar Association and a former leader of the "lawyers movement," Asma Jehangir, expressed dismay that the civilian government has missed a unique opportunity to demand military accountability and reclaim its authority over security and foreign policy: "Now that parliament has given a clean chit to our security forces through a resolution, should they then expect sturdier shoulders in the commission to carry the responsibility of uncovering the bitter truth and presenting wiser choices?. . . This time around the main issues have been skilfully sidestepped. We have suffered crisis after crisis with unending patience because of skewed security and foreign policies. This is not likely to change after the military leadership has turned the tables on civilians who have abandoned their own concerns and joined the establishment's bandwagon."[73]

The missed opportunity to initiate a public debate on one of the most fundamental aspects of democratic consolidation raises questions about the degree of civil society's engagement in the democratic project.

The missed opportunity to initiate a public debate on one of the most fundamental aspects of democratic consolidation raises questions about the degree of civil society's engagement in the democratic project and how active a role they seek to play.

The Government

After the election, the PPP was still recovering from the loss of their leader, Benazir Bhutto, whose political experience, personal relationships, and international stature was irreplaceable. The election results, nonetheless, prompted the PPP to form a coalition with parties they were more used to competing with for votes than cooperating with in office. Building on the spirit of cooperation that helped create the CoD, the PPP and the PML-N reached an unprecedented agreement to form a government that survived long enough to oust Musharraf.

They released scores of political detainees, including lawyers and judges arrested during the state of emergency. The coalition fell apart, however, over delays in restoring the chief justice and fifty higher court judges. Again, the initial unity on this issue was one of the positive factors in the post-Musharraf equation that gave many hope of a new political chapter in the country's history. Yet the outcome once again reinforced that coalition formation is not the same as consolidation.

It remains unclear why the PPP waited almost a year to restore the chief justice. There is speculation that President Zardari feared the chief justice would initiate old corruption cases against him.[74] The delay, in addition to breaking up the coalition with PML-N, led to the reconstitution of the lawyers' movement for another year and overshadowed other crucial issues, such as the rise of militancy, the spread of suicide attacks, the escalation of conflict in Balochistan, the dire economic crisis, and the severe shortage of water and power throughout the country. It also precipitated the president suspending the Punjab assembly and imposing governor's rule in February 2009. This delay left the president and federal government vulnerable to charges of incompetence and poor governance. Questions about whether democracy was improving the lot of the common man quickly resurfaced.

Stories of massive corruption in state-owned enterprises, dating back to Musharraf's rule, along with perceptions of corruption in the PPP government, also plague the new government.[75] President Zardari remains a contentious figure despite restoring powers to the prime minister that Musharraf abrogated when he was president. Zardari's refusal to give up his position as PPP cochairman while president, his unresolved legal issues arising out of the National Reconciliation Ordinance, and his seeming indifference to the pressing needs of the common people, exemplified by his trip to France and the United Kingdom at the onset of the worst floods in Pakistan's history, leave him vulnerable to criticism and weaken the presidency. Government credibility continues to be low. Poor economic performance that is increasing the burden on the common citizen, as well as the overall aura of inappropriate governance, has contributed to much of the political gains being overlooked.

Nonetheless, the government has achieved some progress in strengthening parliament, the judiciary, and the federation itself. The chief justice and all Supreme Court judges fired by Musharraf were restored, albeit later than promised. A new national financial award was agreed to by all the provinces with the federal government for the first time in ten years, which begins to address old grievances about the need for a bigger share of the revenue from the federal government. A package addressing some of the long-standing grievances in Balochistan is being implemented, the province of Gilgit Baltistan was established, and the North-West Frontier Province changed its name to Khyber-Pakhtunkhwa. For the first time in a Muslim country, a woman was appointed speaker of the national assembly and a number of chairs of parliamentary committees were given to the opposition parties, including the powerful public accounts committee. Undoubtedly the most significant achievement toward consolidating democratic institutions, however, is parliament's unanimous adoption of the eighteenth amendment to the constitution. Developed over nine months by the PCCR and made up of members representing all the parties in parliament, the comprehensive amendment draws heavily on the CoD and undoes the constitutional distortions of successive dictators. Most notably, it restores the original powers of the prime minister, which Zia and Musharraf had subverted; sets out a transparent process for appointing Pakistan's election commission; creates a judicial commission to appoint judges; and devolves more power to the provinces.

The most significant achievement toward consolidating democratic institutions, however, is parliament's unanimous adoption of the eighteenth amendment to the constitution.

The PCCR's consensus process demonstrates a political class that, according to PCCR chair and senator Raza Rabbani, "rose above their own interests . . . to pass the bill without a dissenting note . . . which shows that institutions are strong."[76] The president's voluntary transfer of power back to the prime minister not only strengthens the prime minister's office, but the parliamentary system. The new parliament has shown that, left to its own devices, it is adept at operating according to democratic practices and committed to strengthening democracy. According to the Center for Civic Education Pakistan, the government has implemented twenty-three of the thirty-three points in the CoD.[77] The eighteenth amendment addressed those points in the charter that required constitutional changes and that all the parliamentary parties supported, even though they had not signed the charter. The remaining points, such as establishing civilian oversight of the military, will require broad-based support if they are to be implemented.

The Official Opposition

After the 2008 election, the PML-N joined the coalition government in an act of good faith, based on a commitment to restore the deposed judges. When the agreed deadline to do so passed in May 2008, the party resigned, claiming it was a matter of principle. The resignation meant the PPP had missed the unique opportunity to have PML-N support within the government, not only to restore the judges, but also to implement the entire roadmap the two parties had jointly laid out in the CoD.

Since resigning, the PML-N has played more of an extraparliamentary role than that of an official opposition in parliament. In March 2009 the party joined forces with the lawyers' movement in organizing the Long March on Islamabad; Nawaz Sharif's threat to storm the capital resulted in the chief justice's restoration, but also created a political crisis when the military proved reluctant to support the government's call for troops to halt the march. Since then, the PML-N periodically threatens to mobilize more extraparliamentary action over disagreements with the government. In February 2011 it gave a forty-five-day ultimatum to the government to enforce a ten-point reform agenda. Despite reports by PML-N representatives on a joint agenda-implementation committee that the PPP was making progress, PML-N leader Nawaz Sharif announced that the deadline had not been met.[78] The committee ceased to function and the PML-N subsequently removed PPP ministers from the Punjab government.[79] The arbitrary deadline may have been an excuse for the PML-N to end all postelection cooperation with the PPP. Notwithstanding repeated statements about the supremacy of parliament, Sharif has refused to run for elected office despite opportunities in various by-elections.[80] He continues to lead the party from his Raiwind estate outside Lahore, meeting privately with the prime minister to raise concerns and calling for all party meetings to hash out issues, rather than taking them to the floor of the parliament for debate.[81]

Within parliament, the PML-N has ably demonstrated its effectiveness in bodies such as the PCCR and the Public Accounts Committee, which is under the chairmanship of their parliamentary leader. But it does not fully avail itself of the opportunities accorded to the official opposition. In the daily parliamentary question hour, meant to be the opposition's chance to hold the government to account, members of the treasury benches often ask more questions of their own ministers. The PML-N's apparent preference for threatening mass disruption rather than using the parliamentary forum itself to voice opposition sends a confusing message, given their leader's stated commitment to parliament's supremacy. Additionally, there

are disturbing stories about PML-N leaders, including party president and chief minister of Punjab Shahbaz Sharif holding secret meetings with COAS General Kayani. Concerns were heightened when the stories were first denied, then dismissed as unimportant with no clear information provided about their purpose.[82] Considering the PML-N history of collusion with the military to overthrow an elected PPP government, however, such stories raise questions about the PML-N's commitment to the CoD.

That said, despite the actions of others in the PML-N, Nawaz Sharif insists that "democracy should continue to grow" in Pakistan.[83] There is also no obvious evidence of any political party colluding directly with the military to weaken incumbents, which was very much the norm in the 1990s. The end of the PPP–PML-N coalition in Punjab, while disruptive, is not undemocratic and did not result in the collapse of the government at the behest of the military. This in itself is a major step forward, reflecting a fundamental change that seems to be holding despite simultaneous political tensions and actions that serve as reminders of the pursuit of strictly partisan agendas by some single-minded politicians.

Political Parties

The 2008 elections opened up the political space for democratic reforms in all institutions. However, the main political parties have not used the opportunity to strengthen democratic practices within their own organizations. As part of the eighteenth amendment, they reversed the regulation that necessitated democracy within the parties, pleading that the stipulation already existed in the Political Parties Act. The move, however, was widely interpreted as attempting to perpetuate the unquestionable hold of the present party leaderships on their parties. Even operationally, the secretariats lie dormant despite leaders' public announcements to revive them after years of dictatorship made it difficult to operate openly. Structures in many parties remain incomplete or even disbanded, leaving local members confused about their roles. Open elections for new office bearers have not been held to replace old executives and steps to introduce transparency, accountability, and the recognition of merit have not been taken. Meanwhile, the parliamentary rules of procedure are left over from dictatorships that used the parliament as a rubber stamp; they were not designed for elected representatives to seriously debate legislation and other important issues. The rules are unduly restrictive and limit the meaningful participation of members and parties.

The main political parties have not used the opportunity to strengthen democratic practices within their own organizations.

Conclusions and Recommendations

The Long March against Musharraf brought together a broad spectrum of civil society and political parties and ultimately coalesced under the common agenda of ensuring institutional supremacy and restoring democratic rule in Pakistan. The struggle focused on the democratic values of an independent judiciary, parliamentary supremacy, a free media, and free and fair elections. There was reason to believe that the situation was qualitatively different from previous transitionary patterns. The CoD, freedom of the media, and the sense that parties realized the need to unite for national interest were rather unique in the Pakistani context. However, once again, the classic transition-versus-consolidation dilemma has resurfaced: While the politicians created a coalition durable enough to overthrow an incumbent, they could not hold it together once the incumbent was ousted. The quest for the consolidation of democracy therefore remains fragile, and it is difficult to know whether Pakistan can break its traditional cycle between civilian and military rule. The need for concerted policy action from all stakeholders

is more important than ever. The following are recommendations to further build on achievements by those who share the vision of a democratic Pakistan.

Civil-Military Relations

- The prime minister should establish a joint civil-military review process to recommend measures for a transition to civilian oversight of the military and intelligence agencies.
- The minister of interior and the COAS should ensure the political wings of all intelligence agencies are disbanded in letter and spirit and that they cease all political activities, including monitoring and tracking the activities of politicians, media, and other activists.
- The minister of defense should place the full defense budget before the parliament for debate and approval.
- The prime minister should require the Ministry of Defence to report quarterly to parliament on defense activities and expenditures.
- The prime minister should require all senior military officers to file annual assets and income declarations, making them, like parliamentarians, accountable to the public.
- The COAS should recall all military personnel, active and retired, occupying senior positions in civilian agencies, including all state-run agencies and educational institutions. They should be replaced with civilian appointments by the prime minister in federal institutions and chief ministers in provincial institutions.

Government

- Build on the sense of common purpose and support for fundamental democratic values that unified the political parties and civil society groups leading up to the 2008 national elections.
- Establish a committee with representatives from the political parties and civil society groups to develop a wide-ranging national plan to fight terrorism for consideration by the government and parliament.
- Introduce a more robust legislative agenda, incorporating public input, to address the key issues facing the country. As part of the legislative development process, hold public hearings to seek input on solutions for problems such as flood rehabilitation and reconstruction, poverty, unemployment, electricity, education, water, police reform, and civil bureaucracy reform.
- Issue a white paper on foreign policy for public consultation and development of government strategy on key policy issues, including Afghanistan, India, Kashmir, the United States, and China.
- Reduce the size of the cabinet and set public benchmarks with deadlines for key ministries to ensure that democracy improves the lives of the masses.
- Hold routine news conferences after each cabinet meeting to report on key issues and decisions as part of a commitment to enhance government transparency and accountability.

- Implement effective measures to investigate and prosecute corruption in government, such as:
  - Establishing a process for appointing an independent special prosecutor investigating allegations to determine whether charges should proceed and what the charges should be as well as managing and directing the prosecution. The prosecutor must be completely independent once appointed.
  - Enacting conflict of interest legislation to ensure legislators remove themselves from making decisions about which they may have a personal conflict or appearance of conflict.
  - Amending the criminal code to ensure that public officials cannot receive benefits from influencing the government.
- Enact freedom of information law based on parliamentary debate and public scrutiny.
- Establish a national democracy commission to promote and develop a democratic culture and assist political parties to build political skills and organizational capacity according to democratic practices.
- Review campaign finance legislation and explore state funding mechanisms for political parties to enhance transparency and lessen their dependence on wealthy individuals.
- Amend legislation to limit the amount individuals can contribute to election campaigns.

Parliament

- Establish a parliamentary committee, similar to the PCCR, to develop an implementation plan for the clauses of the CoD that have not yet been implemented.
- Revise parliamentary rules of procedure to promote more active participation of members and enhance the role of opposition in question hour.
- Provide resources to parliamentary parties, based on proportion of seats, for staff, equipment, offices, and meeting space to strengthen caucuses and promote more informed debate in the assembly.
- Require parliamentary parties to introduce internal organizational structures to enhance internal caucus accountability and facilitate active participation of individual members.
- Provide opportunities for the public to observe parliamentary proceedings and conduct organized study trips to parliament for students.
- Prepare and distribute resource materials on the role of parliament for use in schools.
- Strengthen relations with civil society through the creation of a citizens' information office that would make available the calendar and daily agenda for sessions of the national assembly and senate; provide information on parliamentary committees, including members, schedule of meetings, and agenda items; act as a liaison between parliamentary and civil society organizations to facilitate meetings; and provide copies of bills and legislation to civil society organizations.
- Ensure parliamentary website is regularly updated and provides useful information about daily proceedings and parliamentary activities.

Political Parties

- Fill the vacancies as soon as possible in party structures by holding free and fair internal party elections.
- Motivate the membership by modernizing and professionalizing party secretariats to encourage participation and flow of information.
- Hold policy conventions with delegates from the rank and file on key issues, such as the economy, education, poverty reduction, electricity, water, law and order, and foreign and defense policy.
- Actively reach out to youth and women to join the party and provide support and direction to party youth wings and women wings so they can become fully functioning.
- Review party rules, procedures, and constitutions to ensure transparency and accountability in the election of office bearers and the selection of nominees for general election based on merit.
- Ensure regular meetings of duly constituted party bodies.
- Develop routine mechanisms to ensure liaison between party structures and the parliamentary party on policy and political strategy.
- Institute regular fundraising mechanisms and transparent methods of financial management and accounting practices.
- Form an all-parties forum to discuss options for public funding for political parties and election campaigns as a way to reduce reliance on wealthy individuals.

Civil Society

- Be more active in the political process by advocating for reforms and providing policy options to government.
- Actively raise issues in media to build public awareness and motivate parliament.
- Play constructive watchdog role of all key institutions, including parliament, media, election commission, police, judiciary, military, and government, to encourage transparency and accountability.

Media

- Develop and implement a transparent media code of conduct based on international journalistic standards.
- Establish a media council to provide a forum for the public to raise concerns and complaints about media coverage in a neutral environment.
- Lobby for the development of professional journalism degree programs in major universities to improve the overall quality of reporting and professional practices according to international standards.

International Community

- Expand current engagement to a wider range of Pakistani parliamentarians and political leaders through in-country meetings, study and exchange trips of parliamentarians and political parties, and other means of establishing ongoing liaison and communication between appropriate bodies, that is, parliamentary committees, party convention, and election observation missions for parliamentarians, as well as party activists, including women and youth.
- Actively and openly support the strengthening of democratic institutions and the political process, including political parties, parliamentary parties (caucuses) and parliamentary committees, not only government bureaucracy and bricks-and-mortar projects.
- Expand donor assistance to support civil society research and advocacy groups actively engaged on public policy issues.
- Maintain consistent, long-term support for democratic strengthening and actively support those institutions and organizations promoting it.

Notes

1. C. Christine Fair, Clay Ramsay, and Steve Kull, "Pakistani Public Opinion on Democracy, Islamist Militancy and Relations with the U.S," working paper, WorldPublicOpinion.org and United States Institute for Peace, February 2008.
2. Pakistan has been subjected to four periods of military rule: General Ayub Khan, 1958–69; General Yayha Khan, 1969–71; General Zia ul Haq, 1977–88; and General Pervez Musharraf, 1999–2008.
3. A UN commission of inquiry into Benazir Bhutto's murder found that General Musharraf did not accord her the necessary security that could have saved her life in light of the known threats against her. The inquiry also found the circumstances surrounding her death raised questions about the role of the intelligence agencies in covering up the crime. See UN Commission of Inquiry into the facts and circumstances of the assassination of Former Pakistani Prime Minister Mohtarma Benazir Bhutto, April 15, 2010, http://www.un.org/News/dh/infocus/Pakistan/UN_Bhutto_Report_15April2010.pdf.
4. Hasan Askari Rizvi, *The Military and Politics in Pakistan 1947–86* (Lahore: Sang-e-Meel Publications, May 2000), 91–92.
5. Iftikhar H. Malik, *State and Civil Society in Pakistan: Politics of Authority, Ideology, and Ethnicity* (New York: St. Martin's Press, 1997), 104.
6. Frederic Grare, *Reforming the Intelligence Agencies in Pakistan's Transitional Democracy* (Washington, DC: Carnegie Endowment for International Peace, 2009), 15. Officially the JIB was disbanded in 2008. The author, however, continues to hear stories from politicians and other political activists about their phones and email being monitored on a regular basis.
7. Rizvi, *Military and Politics,* 216.
8. Grare, *Reforming the Intelligence Agencies,* 18.
9. Ibid.
10. Zahid Hussain, *Frontline Pakistan: The Struggle with Militant Islam* (New York: Columbia University Press, 2007), 14.
11. Rizvi, *Military and Politics,* 254.
12. In 1988, Prime Minister Junejo was dismissed by President Zia ul Haq. In 1990 Prime Minister Benazir Bhutto was dismissed by President Ghulam Ishaq Khan. In 1993 Prime Minister Nawaz Sharif was dismissed by President Ghulam Ishaq Khan. In 1996 Prime Minister Benazir Bhutto was dismissed by President Farooq Leghari and in 1999 Prime Minister Nawaz Sharif was ousted by General Musharraf. Mian Raza Rabbani, *LFO: A Fraud on the Constitution* (Karachi: Q.A. Publishers, 2003), ix. Prime Minister Benazir Bhutto's first PPP government lasted from 1988 to 1990, the second from 1993 to 1996. Prime Minister Nawaz Sharif's first government lasted from 1990 to 1993, the second from 1997 until he was ousted by Musharraf's October 1999 coup.
13. Mahmood Shafqat, "Covert Operations Fall Out," *News,* March 14, 2003.
14. The *q* stands for *quaid*; see note 20.
15. Various interviews with the author, 2006–10.
16. Grare, *Reforming the Intelligence Agencies,* 20.
17. Hussain Haqqani, *Pakistan: Between Mosque and Military* (Washington, DC: Carnegie Endowment for International Peace and Vanguard Books, 2005), 318.
18. Rizvi, *Military and Politics,* 91; The State v. Dosso and another P.L.D. 1958, Supreme Court, 533–70. In April 1972, the Supreme Court overruled this judgement in Asma Jillani v. The Government of the Punjab and others, P.L.D. 1972, Supreme Court, 139–270.
19. International Crisis Group, "Reforming the Judiciary in Pakistan," Crisis Group Asia Report no. 160, Brussels, October 16, 2008, 3.
20. Editorial, "Mr. Ramday's Point," *Dawn,* July 16, 2010. The "King" party refers to *quaid*, which is the name the Sharif dissidents gave their faction of the Pakistan Muslim League, i.e., PML-Quaid.
21. During the author's four years working with political parties, there was universal support from rank and file members of all the mainstream parties for internal reforms that would eliminate the influence of money and replace it with merit, transparency, and accountability.
22. Grare, *Reforming the Intelligence Agencies,* 23.
23. Centre for Civic Education Pakistan, "Political Parties in Pakistan Disabled by Design," Islamabad, Pakistan, October 2004, 18.
24. Grare, *Reforming the Intelligence Agencies,* 24. MQM later changed its name to the Muttahida Quami Movement.
25. As mentioned below, Bhutto reneged on the agreement after she returned to Pakistan in October 2007 and withdrew her support for Musharraf. In a meeting with the author in December 2007, she stated she was being pressured into the agreement by the international community who wanted to ensure that Musharraf remained in power. An amnesty, known as the National Reconciliation Ordinance (NRO), which gave

immunity to thousands of officials, including Bhutto and her husband, President Asif Ali Zardari, was rejected by parliament and its legality overturned by the Supreme Court of Pakistan in December 2009. Related cases are still before the court.

26. Asim Yasmin, "US Not to Back Dictators in Future," *The News* (Karachi), October 31, 2009.
27. Pakistan was suspended from the Commonwealth in 1999 after General Musharraf seized power, readmitted in 2004, suspended again in 2007 after a state of emergency was declared, and readmitted after the 2008 elections.
28. European Union Election Observation Mission, "Pakistan National and Provincial Assembly Election," final report, October 10, 2002, http://www.eueom.eu/files/dmfile/FINALREPORT.pdf.
29. This view was stated repeatedly to the author by various diplomats in Islamabad from 2006–08. Since the elections, some diplomats continue to argue privately that Musharraf was better for the country than the new government is. Many continue to rely on only a handful of dubious contacts in the parties, rather than broaden their network to ensure a wide range of opinion and sources of information from within the parties.
30. Shaun Gregory, "Pakistan's Political Turmoil: Musharraf and Beyond," OpenDemocracy, August 27, 2008, http://www.opendemocracy.net/article/pakistan-s-political-turmoil-musharraf-and-beyond.
31. Our Correspondent, "Backing to Army Operations can Fade Away: PM," *The News* (Karachi), July 10, 2010.
32. Rizvi, *Military and Politics,* 180.
33. Ibid.
34. Shaun Gregory, "Pakistan on Edge," OpenDemocracy, September 24, 2006, http://www.opendemocracy.net/conflict-india_pakistan/musharraf_rule_3935.jsp.
35. Human Rights Watch, "Pakistan: Musharraf Uses Anti-Terror Laws to Jail Critics," news release, November 16, 2007. On May 12, 2007, forty-seven political party activists were gunned down by snipers en route to the airport to greet the chief justice. On July 17, 2007, seventeen supporters were killed in an attack at a PPP rally for the chief justice. Dozens of others were jailed, put under house arrest, and beaten by police at rallies across the country. Even the media came under violent attack when they refused to stop broadcasting the violence being meted out to demonstrators.
36. Musharraf was re-elected president on October 6, 2007.
37. National Democratic Institute (NDI), "Statement of the NDI Pre-Election Delegation," May 17, 2007, http://www.ndi.org/files/2157_pk_pre_election_statement_051707.pdf; "Statement of the NDI Pre-Election Delegation to Pakistan," October 21, 2007, http://www.ndi.org/files/2208_pakistan_peam_stamt_102107.pdf. Also see various election reports of the Free and Fair Elections Network (FAFEN), http://www.fafen.org/site/v1/admin/products/p4860f3015a25e.pdf and European Union Election Observation Mission, "Islamic Republic of Pakistan National and Provincial Assembly Elections 2008," final report, April 16, 2008, http://www.eueompakistan.org/PDF/final%20report/EU_EOM_Pakistan_Final_Report.pdf. Musharraf's most egregious interference in the elections was in the province of Balochistan, where election commission officials admitted in a private meeting with the author that the election in that province was being managed by the military intelligence.
38. The PML-N won the most votes in Punjab and the Awami National Party won the most seats in the North-West Frontier Province. Both parties invited the PPP to form a coalition government while the PPP in Sindh, even though they won a majority of seats, invited their biggest rival in the province, the MQM, to join them in forming a coalition government. No party won a majority of seats in Balochistan, but the PPP managed to cobble together a coalition government, even though it did not win the most seats.
39. MSNBC, "Bhutto: Pakistan a Pressure Cooker," November 11, 2007, http://www.msnbc.msn.com/id/21683231/ns/world_news-south_and_central_asia/.
40. Rizvi, *Military and Politics,* 174.
41. Haqqani, *Pakistan,* 50.
42. Associated Press, "Benazir Unveils Details of Deal with Musharraf," *Dawn,* August 23, 2007.
43. American Bar Association, "Heroism of Pakistani Lawyers, Judges to be Honored by American Bar Council," April 29, 2008, http://apps.americanbar.org/abanet/media/release/news_release.cfm?releaseid=325.
44. "Islamabad Police Attack," GEO TV, March 16, 2007, http://www.youtube.com/watch?v=EmlPCkmIeg8; "MQM Attack on AAJ TV," May 17, 2007, http://www.youtube.com/watch?v=METr2vAtObs.
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About the Author

Sheila Fruman was the resident senior country director for Pakistan for the National Democratic Institute (NDI) from March 2006 to April 2010. Based in Islamabad during this eventful period, she worked extensively with political parties, senior political leaders, and civil society groups supporting democratic development, political party strengthening, and free and fair elections. She also worked in Balochistan and the federally administered tribal areas (FATA), bringing together key stakeholders on issues in those regions. This report builds on her professional and personal experience in the country and was motivated by her close observation of and interest in the lawyers' movement (2007–08) and the lead-up to the 2008 parliamentary elections. She continued to be active in the postelection democratization process until her departure from Pakistan in 2010. Fruman has written this report in her personal capacity and the views expressed are solely her own.

Prior to her work in Pakistan, Fruman was the NDI resident senior country director in postconflict Macedonia from 2001 to 2004, where she worked on elections and with parliament and political parties. She was the head of external relations for the United Nations Joint Election Management Body for the 2005 parliamentary elections in Afghanistan. Her international work also took her to Montenegro, Ukraine, and Algeria. Fruman has twenty-five years of experience in her native Canada as a political activist, trade union official, government official, media commentator, and adviser to the premier of British Columbia. She has a master's degree in political communications.

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Pakistan has endured a cycle of alternating democratic and military rule since independence. In 2007 and 2008, a mass movement of political parties and civil society succeeded in ousting General Pervez Musharraf, opening the way for a consolidation of democracy in Pakistan. Since Musharraf's ousting, however, several obstacles have emerged to creating sustained democratic rule. This report assesses the prospects for democracy in Pakistan and what the government, civil society, media, and international community can do to improve them.

Related Links

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