

ISAS Brief

No. 66 – Date: 16 May 2008

469A Bukit Timah Road
#07-01, Tower Block, Singapore 259770
Tel: 6516 6179 / 6516 4239
Fax: 6776 7505 / 6314 5447
Email: isasijie@nus.edu.sg
Website: www.isas.nus.edu.sg



The Unravelling of Coalition Politics in Pakistan

Rajshree Jetly¹

The recent breakdown of talks between the Pakistan Muslim League (Nawaz) [PML (N)] and the Pakistan Peoples Party (PPP) on the re-instatement of the judiciary and the withdrawal of federal ministers by the PML (N) from the ruling coalition have threatened to derail coalition politics in Pakistan and deal another body blow to the process of democratisation in the country. At the heart of this matter is the reinstatement of judges of the Supreme Court who were deposed by President Musharraf under emergency rule and the Provisional Constitutional Order of 3 November 2007. Both the PML (N) and the PPP agreed in the Bhurban declaration of 9 March 2008 that the judges would be reinstated through a resolution within 30 days of the formation of the government.

With the expiry of that first 30 April 2008 deadline, further talks were held in Dubai and London to resolve the matter. However, the expiry of the second deadline on 12 May 2008 precipitated the extreme reaction by Nawaz Sharif to pull out his party's nine ministers from the 24-minister federal cabinet. While the coalition has not completely disintegrated – the resignations of the PML (N) have yet to be accepted by Prime Minister Yousaf Raza Gilani –, it has clearly been pushed to the brink. This brief examines the contentious issue of the restoration of the judiciary and the consequences an impasse on this matter may have on Pakistan's political struggle for democracy.

Background to coalition politics and the judicial crisis

Pakistan has been in a state of extreme turmoil, especially over the last 18 months. The holding of elections on 18 February this year, however, infused new hopes for the revival of the democratic process and the end of the military rule of Musharraf. The election results gave an overwhelming mandate to the democratic parties, the PPP and the PML (N), which together accounted for 154 out of 267 directly contested seats and they formed a coalition government. The coalition however, was built on very shaky grounds, and largely united by a common cause, namely, the ouster of Musharraf. Historically, the two parties have been bitter rivals with competing ideologies and agendas.

¹ Dr Rajshree Jetly is a Research Fellow at the Institute of South Asian Studies, an autonomous research institute at the National University of Singapore. She can be contacted at isasrj@nus.edu.sg.

The independence of the judiciary became an issue of national significance with the dismissal of the Chief Justice, Iftikhar Chaudhry, on 9 March 2007. The restoration of the judiciary has become the single most important political issue in Pakistan, symbolising the country's struggle for democracy and ouster of military rule. While it is a source of popular support and legitimisation, it is also a potential time bomb, as there is nothing to prevent a fully restored judiciary from revisiting the constitutional cases involving the legitimacy of Musharraf's presidency, which could open another Pandora's Box of uncertainty and additional turmoil in Pakistan.

Disintegration of the coalition over the restoration of the judiciary

While both the PPP and the PML (N) are in broad agreement on the need to restore the judiciary, the deadlock lies in the modalities rather than the final objective. The PML (N) wants the judges reinstated unconditionally through a resolution to be passed in the national assembly with a simple majority. Its position is that this is in line with the Bhurban Declaration and reflective of the will of the people.

The PPP, on the other hand, is insisting on a comprehensive constitutional political solution to the problem. It wants a comprehensive constitutional package to strengthen the judiciary as a whole, going beyond the reinstatement of the judges and linking the restoration of the judiciary to constitutional reforms, including limiting the powers of top judges and reducing their tenure. The PPP, while willing to reinstate the sacked judges, does not want to remove the current judges who were appointed to replace the judges dismissed by Musharraf. Although negotiations between the two parties are still continuing to break the impasse, the prospects of a breakthrough remain uncertain.

On closer analysis it appears that both parties have their own agendas and are acting in their own self interest rather than the larger good of the country. In some ways, both parties are victims of the personal agendas of their leaders, Sharif and Asif Ali Zardari. Sharif has his personal scores to settle with Musharraf who ousted him from power in the 1999 coup. Some believe that the real reason PML (N) wants former Chief Justice Chaudhry and his colleagues restored is so there is a chance of Musharraf being ousted from the presidency on the grounds of his ineligibility to stand as a presidential candidate. At the same time, PML (N) does not want to be out of power and understands that it cannot push too far on this issue. Thus, it has maintained that it will not dissolve the coalition and will continue to support it on an issue-by-issue basis. Severing ties from the coalition runs the risk of the PPP seeking support from pro-Musharraf elements to form the government. This would completely isolate the PML (N) and leave Sharif at the mercy of his nemesis. His tightrope act has allowed Sharif, at least in theory, to live up to publicly-stated principles and, thus, retain the moral high ground.

The PPP, on the other hand, is driven largely by the personal fears and compulsions of its leader, Zardari who, like Musharraf, does not want to see the return of some of the sacked judges, particularly former Chief Justice Chaudhry, who might take a view that the legal challenges to the National Reconciliation Ordinance, an amnesty Musharraf granted to Zardari, former premier Benazir Bhutto and others against graft cases could be upheld. Zardari is also reported to be comfortable with the present Chief Justice, Abdul Hameed Dogar, who, in a petition against the condition of graduation to contest parliamentary elections, ruled that a person did not have to get a bachelors degree to become a parliamentarian, paving the way for Zardari to contest the forthcoming by-election slated in June 2008.

Possible consequences of the disintegration of the coalition

A disintegration of the coalition will have negative repercussions on Pakistan's politics and economy. There is widespread concern that the political parties are not able to hold the country together, leading to uncertainty in terms of policies and disruption of government services and functions, particular with respect to law and order as well as security. Related to this is the fear that continuing political instability could fuel popular disenchantment and lead to a resurgence of civil unrest. Pakistanis have already been provoked into taking to the streets and it will not take much to push the country into renewed civil strife.

More significantly, the split in the coalition could change the political fortunes of Musharraf whose power has been largely curtailed since the February polls. If the PML (N) decides to sit in the opposition, then there is a chance that Musharraf's party, the PML (Q), could join the coalition despite the PPP's denials of this possibility. Even if the coalition does not dissolve, weakening it will have the inevitable consequence of strengthening Musharraf. Cynics – and even the not so cynical – will argue that this scenario would be perfectly acceptable the United States. There is speculation in some quarters that the United States pressure on Zardari is responsible for the PPP's delaying tactics, as the United States is keen to have Musharraf in place for continuity of its policies on the war on terror.

Invariably, the decision of the PML (N) to quit the federal cabinet has cast a shadow on the investment climate and has shaken the already low investor confidence in the national economy. The formation of a democratic government had raised the hopes of the business community which yearned for political stability for economic growth and recovery. But the recent events have shattered these hopes, and Pakistan will suffer the consequences not just of a loss of investor confidence but a deeper malaise in business confidence and economic fundamentals.

Conclusion

It will be a real pity if the gains as a result of the 18 February 2008 elections are frittered away. The PPP and the PML (N) owe it to the people of Pakistan to get beyond their political differences and personal interests and act in the genuine interest of the nation to restore democracy in a country beleaguered for too long by military rule and dictators. The restoration of the judiciary is critical because it reflects the people's will and because it is a bulwark institution in a democracy.

In addition, this is the first time, or at least the first in a long time, that Pakistan has a judiciary that is willing to stand up to the military and defend democracy. The judiciary's previous history in civil-military conflicts has not been exemplary and if the political parties are genuine about restoring democracy, they must restore the judiciary. If the political elite fail to resolve their differences, Pakistan will be condemned to repeat its familiar past of political mismanagement, giving the army yet another opportunity to stage a comeback. The least that the people of Pakistan deserve is for the political parties to put their act together and save their country. Otherwise, one may well be forced to ask if Pakistan is really ready for democracy or perhaps, more pertinently, whether its political leaders are.

oooOOOooo