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Post Transition Challenges to Emergent Democracy: A Study of 2008 Transition in Pakistan

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Abstract

Pakistan's history is witness to the fact that in all cases of the military takeover, though Military Regimes initially were able to consolidate, yet with the passage of time, growing discontent, desire for change, and the gradual erosion of legitimacy pose a serious threat to not only the regime but also the institutional interests of the military. International allies of the regime also feel it difficult to support an unpopular regime at home. Thus the combination of internal and external pressures compels the regime to transfer power to civilian leadership. Emerging democracy, in the post-transition period, faces a multitude of challenges. This paper investigates various challenges posed to the newly installed government of the PPPP led alliance after the transition of 2008. The paper is based upon the juxtaposition of primary and secondary sources to enrich and substantiate the arguments.

Key Words: Pakistan, Transition, Civilian rule, Election, NRO

Introduction

After passing through a relatively stable period of its rule till 2005, Military Regime was challenged by more organized opposition at home. A sudden rise in terrorist activities throughout Pakistan, a more vibrant secessionist struggle in Baluchistan, and a gradual decrease in international support for the regime weakened the control of the regime on power. The judicial crises, the operation against the Red Mosque and the imposition of emergency further eroded the credibility of the regime. The political crisis reached the extent that the regime was left with a single option to transfer power to civilian leadership. As a result of the February 2008 elections, the opposition political parties formed the government. General Musharraf, who had already resigned as a Chief of Army Staff prior to elections, was forced to resign from presidency; through 18th constitutional amendment the constitutional tampering was corrected, and the 1973 constitution was fully revised.

The newly elected democratic government faced a number of challenges. It inherited a judicial crisis, energy shortage and poor economy. This paper addresses the background of Pakistan's move towards the transition to democracy and the subsequent challenges posed to the newly installed civilian government. After rounds of negotiations with the leader of Pakistan Peoples Party, Benazir Bhutto, a formula for the transition was agreed upon between the two, the Military Regime and Benazir Bhutto. This paper is divided into four sections. The first section discusses how and under what conditions negotiations were carried out? The second section discusses the outcomes of these negotiations. The third

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section discusses the elections as a mechanism of transition, and the fourth and last section explores post-election challenges for the newly elected democratic government.

Quest for Negotiated Transition

After signing the Charter of Democracy, the two mainstream political parties, Pakistan Peoples Party and Pakistan Muslim League (N), had buried their previous rivalries and joined hands with each other for the restoration of democracy in Pakistan. The main challenge before the two parties was that the leaders of both parties were in exile. The first option was to launch a movement against the Military Regime in Pakistan and compel the Military Regime through a series of strikes, processions and long marches to surrender and transfer power to the civilian leadership. The second option was to look for a negotiated formula of transition to democracy with the Military Regime. In the absence of crowd-pulling leaders of the two parties, the first option was dropped. A negotiated transition, trans-placement, seemed the only viable option. The main challenge here was how to compel the Military Regime to go for a negotiated settlement and surrender power to the political forces through a fair and free electoral process. The Military Regime was facing a number of challenges at the domestic level. Growing discontent due to rising poverty, poor law and order situation, foreign policy shifts, rising unemployment, price hike and shortage of food items had eroded the legitimacy of the regime to a greater extent. With the passage of time, the Military Regime was becoming more unpopular. Well aware of these domestic pressures, the leader of the Pakistan Peoples Party, Benazir Bhutto, decided to couple them with international pressure to bring the Military Regime to a negotiation table. She had been lobbying for the restoration of democracy in Pakistan for a long, but now she accelerated her efforts. In her book *Reconciliation: Islam Democracy and the West*, she wrote that throughout this period, she lobbied for the restoration of democracy in Pakistan by meetings with policymakers, politicians and influential elites. She admitted that the task was difficult as General Musharraf was a frontline ally of the West in the war against terrorism, but she carried on her efforts (Bhutto, 2008, pp. 224-226). It seemed that being an intelligent politician, she knew that enough ground was there to prove that the Military Regime had lost its credibility at home, and an unpopular regime could not be relied on to successfully carry on war against terrorism. External pressure on General Musharraf for transition gradually mounted, and he called Benazir Bhutto in August 2006, showing his willingness for a negotiated formula of power-sharing (Bhutto, 2008). The call from General Musharraf served as an ice breaker. As a first step towards confidence-building, General Musharraf sought the support of the Peoples Party's parliamentarians in a bill relating to women rights on the floor of the assembly. Benazir Bhutto agreed. After the passage of the bill, a major breakthrough was achieved when a meeting between General Musharraf and Benazir Bhutto was planned in the United Arab Emirates (Bhutto, 2008). Rice referred to the role of the United States in bringing the two, General Musharraf and Benazir Bhutto, on the negotiation table. She stated that it was General Musharraf who approached the US authorities and asked for their favor to start a negotiation process with Benazir Bhutto due to serious challenges posed to his regime by the conservatives and extremists. The United States, being aware of the fact that success in this matter would ultimately lead to the tilt of equilibrium in favor of moderate forces in Pakistan, assigned the task of bridging the gulf between the two to Richard Boucher, the assistant secretary for South and Central Asian affairs. Richard Boucher successfully mediated between the two and brought them to have a face-to-face meeting in the United Arab Emirates (Rice, 2011, pp. 383-386). Mark Seigel, in an interview with James P. Farwell, admitted that the United States of America facilitated the negotiations between Benazir Bhutto and General Musharraf, through Richard Boucher, when it was felt in the United States of America that General Musharraf was losing credibility in Pakistan and the Military Regime was stumbling (Farwell, 2011, p. 105).

The first meeting between General Musharraf and Benazir Bhutto took place in Abu Dhabi at Sheik Zayed bin Sultan's palace. In this long one to one meeting, Benazir Bhutto placed the following demands before General Musharraf:

1. To shed uniform in the earliest.
2. To conduct free, fair and transparent elections allowing international agencies to monitor the process.
3. To establish a new and impartial Election Commission and devise procedures to ensure free voting and accurate counting.
4. All political parties should be given an equal opportunity to participate in the elections.
5. To remove the specific clause from the constitution that imposes a ban on running for the third time as Prime Minister.
6. To drop charges against all politicians belonging to opposition parties during his regime and were not proved yet.

According to Benazir Bhutto, General Musharraf response to all these demands was positive (Bhutto, 2008, pp. 226-227). As a political bargain General Musharraf sought the support of the Pakistan Peoples Party on the following issues:

1. To leave the legality of Presidential election from the running assemblies to courts. He would not ask for the votes of the Pakistan Peoples Party, but PPP would not challenge the issue.
2. The issue of Presidential power to dissolve assemblies would be resolved later after reaching an appropriate power sharing formula (Bhutto, 2008, pp. 227-228).

The first meeting ended with positive gestures. Before the second meeting in July 2007, there had been an ongoing process of negotiations, between General Musharraf and Benazir Bhutto, through United States' secretary of state Condoleezza Rice, as she wrote in her memoirs. The continued contacts resulted in the second meeting. General Musharraf was facing serious problems in Pakistan due to sacking the Chief Justice and Operation against Red Mosque. The Chief Justice was reinstated by the larger bench of Supreme Court. The second meeting revolved around the following issues:

1. General Musharraf wanted to reduce the age of retirement of the judges of Supreme Court. He sought the support of the Pakistan Peoples Party in this respect.
2. General Musharraf refused to terminate cases against parliamentarians as he promised earlier.

Benazir Bhutto refused the first, arguing that it would lead to another confrontation among the state institutions. On the second point, she gave him an alternative option of lifting the ban from becoming a third time Prime Minister. General Musharraf agreed, but no practical step was taken by the regime in this respect (Rice, 2011, pp. 228-230). Thus, amidst this environment of mutual distrust and willingness to chart out an appropriate formula for transition to democracy came again the international factor. Condoleezza Rice noted in her memoirs that both leaders were suspicious of each other's motives. She said that she remained in touch with both leaders to facilitate a power sharing formula. As a result of these phone call negotiations General Musharraf showed his willingness to take off uniform after presidential elections. Benazir Bhutto agreed only because the United States of America guaranteed that General Musharraf would keep his promise. Consequently, Benazir Bhutto would be allowed to come back to Pakistan and participate in the elections which were promised to be held in mid-January 2008 (Rice, 2011). Finally, the agreement was declared on October 4, 2007, just two days before the presidential elections in the form of a National Reconciliation Order.

National Reconciliation Order was approved by the federal cabinet on October 5, 2007. The president gave his final assent on the same date, and it was promulgated consequently. The draft of the National Reconciliation Order was prepared after a series of negotiations between the teams representing Pakistan Peoples Party Parliamentarians and emissaries of the Military Regime. National Reconciliation Order addressed the following issues (PILDAT, 2009):

1. NRO established that all such cases of political victimization from 1st January 1986 to 12th of October 1999 would be reviewed by the Federal Review Board or Provincial Review Board depending on

the nature of the case. These Review Boards would analyze the whole record of a case and would recommend to the federal or provincial government to withdraw a case or otherwise. The Federal Review Board would consist of three members: a retired judge of the Supreme Court as its head with the Attorney General and Federal Law Secretary as its members. Similarly, the Provincial Review Board would also be comprised of three members; a retired judge of High Court as its head along with other two members, one being Provincial Law Secretary and Advocate General or Prosecutor General.

2. In order to ensure transparency in elections and avoid manipulation of results, NRO established that the returning officers would be bound to give a copy of results to all contesting candidates or their election agents present at the time of counting. It could ultimately minimize the post counting manipulation of results.
3. NRO restricted the role of the National Accountability Bureau to a greater extent in cases related to the members of Federal or Provincial Legislatures. It established that Special Ethics Committee on Ethics would be formed in the federal as well as each of the provincial legislatures. The Special Committee of the central legislature would consist of eight members, each from Senate and National Assembly, and a chairman. The chairman may belong to either of the two houses of the central legislature. This committee would be selected by the Chairman Senate and Speaker National Assembly on the recommendations of the leader of house and leader of opposition of their respective houses. The representation of members would be equal from both sides of the house; opposition and the government. Similarly, the Special Committee of the Ethics in each Provincial Assembly would consist of eight members and a chairman selected by the speaker. The leader of the house and leader of the opposition would recommend the names of members with equal representation from both sides. National Accountability Bureau was bound to a recommendation from these committees before arresting any members of the federal or provincial legislature. The Chairman National Accountability Bureau was bound to place the entire evidence against any member of the central or provincial legislature and only upon the recommendation of the Special Committee on Ethics could go ahead with the case. This clause ultimately empowered the parliament and reduced the chances of false cases initiated against any member of the parliament for political reason in future.
4. NRO established that all those long standing cases, initiated by National Accountability Bureau in any court of the country or abroad from 1st of January 1986 to 12th of October 1999, in which decisions were pending, would be terminated. It also established that if, in any case, a judgment was given against a party or person in absentia, it would not be acted upon and would stand terminated.

The promulgation of NRO opened the doors for Benazir Bhutto's arrival in Pakistan. Ruling party Pakistan Muslim League (Q) showed disappointment. Mainstream dailies declared NRO as unjust and notorious ordinance. Future of Pakistan's transition to democratic polity depended largely on the results of upcoming election. The response of political workers of Peoples Party gave her strength. She became more vocal and offensive after watching widespread anti-Regime sentiments and vulnerability of the Military Regime against popular reaction, to imposition of emergency and sacking of the judges of Supreme Court. Imposition of second emergency further engulfed the distance between the two. Benazir Bhutto backed away from any deal with General Musharraf after the imposition of emergency. Condoleezza Rice wrote in her memoirs that Bhutto had no more negotiation with the Military Regime. Musharraf remained

president for eight months after election but he had lost his war quite earlier, says Rice. Musharra forced to lift emergency, take off uniform, and hold free and fair elections under independent Election Commission. On 27th of December, what was believed to be, so far a peaceful transition became a bloody one with the assassination of leader of Pakistan Peoples Party, Benazir Bhutto. With this tragic incident, a wave of violence broke out throughout Pakistan, especially in Sind and Southern Punjab. Pakistan Muslim League (N) declared to boycott the elections, but the leadership of the Pakistan Peoples Party convinced PML (N) to participate in the upcoming elections. Peoples Party gave a strong message that it would not tolerate delay in elections. The president initially declared postponement of general elections for the time indefinite but later declared that election would be held on 18th of February 2008, with a delay of one month due to law and order situation. The decision of the Peoples Party carried weight as boycott would give pro-Musharraf Pakistan Muslim League (Q) a run over in the election, minimizing any prospects of a peaceful transition to democracy in the near future. Peoples Party decided not to repeat its folly of boycotting elections in 1985, due to which it suffered a lot. The party leaders repeating the famous saying of their leader Benazir Bhutto “democracy is the best revenge” declared to participate in the elections and complete the process of democratization initiated by their leader. Continuous requests of the party’s new Co-Chairman Asif Zardari, the husband of late Benazir Bhutto, finally pacified the emotions in Sind and Southern Punjab.

Elections: Issues, Controversies and Contestants

With the announcement of the date for upcoming parliamentary elections on 18th of February, the election campaign of all the political parties started with the exception of the All-Parties Democratic Movement (APDM), an alliance of right-wing political parties, which decided to boycott the election on the charges that the upcoming elections would be rigged in the absence of an independent judiciary and Election Commission. APDM persuaded Pakistan Muslim League (N) to boycott the election, but Pakistan Peoples Party convinced Nawaz Sharif to participate in the election. The withdrawal of the Pakistan Muslim League (N) from the ranks of APDM weakened the alliance. In Baluchistan Jamhoori Watan Party (JWP), Pakhtun Khwah Milat Awami Party (PKMAP) and Baluchistan National Party Mengal (BNP-M) boycotted the elections. Pakistan Peoples Party started its election campaign a bit later. There seemed to be an informal electoral alliance between the two mainstream political parties PML (N) and PPPP. Both parties remained focused on criticizing the performance of PML (Q) and General Musharraf during the past five years.

Another distinctive feature of this election was that the Lawyers Movement decided to put its candidates in the elections. It lacked the status of a political party, and the only agenda before this movement was the reinstatement of deposed judges. Later on, this movement also declared to boycott elections, and its candidates withdrew their papers as contestants. A number of lawyers who were members of political parties too preferred their affiliation with legal fraternity over their political parties. A leading example was that of E’tizaz Ahsan, a leading figure in the Peoples Party who refused his party ticket because of the legal fraternity’s decision to boycott the general elections.

All the major political parties had announced their manifestos after the declaration of the upcoming parliamentary election. Manifesto of Pakistan Peoples Party was announced by Benazir Bhutto on 1st December 2007. The manifesto primarily focused on 5 E’s, namely employment, education, environment, equality and energy. She declared reforms in all these sectors. Charter of Democracy was completely included in the manifesto. Despite this 5E’s program, the popular slogan of Peoples Party *roti, kapra and makan* (food, clothing and shelter) remained dominant during the PPPP’s election Campaign. Lifting ban from students unions and promises to eradicate terrorism and extremism were made in the manifesto. Construction of small dams to overcome energy shortage, ensuring the independence of judiciary and supremacy of the constitution, empowerment of women and minorities, ensuring support for Kyoto Protocol on the environment, revision of curriculum in defence institutions to inculcate respect

for democracy and democratically elected representatives in the armed forces of the country, were presented as a future course of action. In order to meet the challenges of growing centrifugal tendency in the smaller provinces, it promised to abolish the concurrent list, revision of NFC award, and revision of natural gas rates and royalty formula (PPPP, 2007).

After the tragic incident of December 27, 2007, Pakistan Peoples Party suspended its election campaign for a few days. When it was resumed again the major slogans that dominated the political campaign were “democracy is the best revenge” and *roti, kapra and makan*. The confusion created by the regime in the post-assassination scenario, debates on Banzir Bhutto’s letter in which she alleged leadership of PML (Q), Director Investigation Bureau and General Hameed Gul for planning her assassination, the Military Regime’s failure to provide her security, on one hand, strengthened anti-regime sentiments while on the other they increased sympathies for Pakistan Peoples Party.

Pakistan Muslim League (N) was the second mainstream political party that ruled Pakistan during the decade of 1990’s for two terms. It remained the main target of political victimization during Musharraf Regime. Despite all efforts to eliminate it completely it was able to survive. On 18 December, 2007, Pakistan Muslim league (N) announced its seven point manifesto. The seven point manifesto RESTORE referred to “Restoration of Judiciary, democracy and constitution, Elimination of Military’s role in politics, Security of life and property of the people, Tolerant and pluralistic society, Overall national reconciliation, Relief for the poor and education and health for the citizens. A distinctive feature of this manifesto was that it promised to appoint independent commissions to probe into the causes of Kargil Adventure in 1999, to explore the causes of military coups and illegal removal of political governments, and examination of politically motivated accountability. The manifesto also promised to make the military accountable to the representatives of the people (PML(N), 2007).

Pakistan Muslim League (Q) was among the leading co-opted party by the Military Regime. PML (Q) announced its manifesto on 10th of December 2007 in a press conference at PML house Lahore. The manifesto of the Pakistan Muslim League (Q) revolved around five D’s; Democracy, Development, Devolution, Defense and Diversity. The party leaders in the press conference gave the party slogan “live and let others live” and promised to evolve Pakistan into a tolerant society. The manifesto included a number of sayings of Quaid e Azam Muhammad Ali Jinnah, the founder of Pakistan. PML (Q) promised to celebrate a ‘National Teachers Day’ to pay tributes to the teachers as well as to extend the age of retirement to 65 years for teachers. Its proposed formation of a task force to analyze the causes of extremism in society. It also promised to establish a Skill Promotion Trust and the provision of low-cost housing. It proposed to improve the image of Pakistan and end the culture of nepotism and favouritism from the society (PML (Q), 2007).

Prior to elections, the Military Regime was charged by different circles and political parties with planning to rig the upcoming elections. Whereas All Parties Democratic Movement boycotted the elections on similar charges of rigging, Human Rights Watch, a few days before the elections, also claimed that it had intercepted calls of the Attorney General Malik Quyum talking about rigging plan in the upcoming elections. The biased caretaker government, restrictions on media and sacked judiciary were the main reasons that led to this environment of suspicion in the upcoming general election. (Chandran & Chakravarth, 2008)

A total of 7335 candidates from the platforms of different political parties as well as independent candidates contested for the National Assembly and four provincial assemblies. Total seats to be contested in National Assembly were 272, while a total of 577 seats were there for contestation in four provincial assemblies. The candidate to seat ratio for each general seat of the National Assembly was approximately eight candidates for one seat.

The two mainstream political parties Pakistan Muslim League (N) and Pakistan Peoples Party, entered into an electoral alliance in the mid of December 2007. According to a report published in the daily Pakistan

Observer (December 19, 2007), after a series of negotiations between the two parties they were able to make adjustment on twenty five National Assembly seats. It seemed as the two parties did not want to miss this opportunity of transition to democracy by engaging in their mutual competition. They had a common foe before them, and it was pertinent to support each other for the peaceful transition to democracy, even after the assassination of Benazir Bhutto, the understanding between the two parties carried through to the elections.

The general elections for National Assembly and four provincial assemblies were held on the 18th of February 2008, after a delay of one month due to the assassination of Benazir Bhutto. Despite the deteriorating law and order situation in the country, the overall environment on the day of the election remained peaceful and turnout was quite positive too. According to official sources, the turnout was 44.6%, which was 2.7% higher than turnout in the general elections in 2002. The results of the elections were a breakthrough in Pakistan's journey towards the transition to democracy. Pakistan Peoples Party won the highest number of seats while Pakistan Muslim League (N) followed by winning the second-highest number of seats. The election results showed rejection of the Military Regime's policies since it captured power. The anti-regime trend was an outcome of the government's stance on Afghan foreign policy, sacking of judiciary, poor law and order situation and rising disparities in the society. On the polling day, a number of foreign observer missions visited various polling stations and expressed their satisfaction with the electoral process. American senator John Kerry, British High Commissioner Robert Brinkley and observer missions of the European Union visited various polling stations and expressed their satisfaction over the process. European Union Election Observation Mission stated in its preliminary statement that, although, the government remained partisan during the election campaign, favoring PML (Q), yet on the polling day, voting was positive despite a few reports of irregularities (EU Election Observation Mission, 2008).

Pakistan Peoples Party won 120 National Assembly seats, Pakistan Muslim League (N) 90, Pakistan Muslim League (Q) 51, Mutahida Qaumi Movement 25, and Awami National Party won 13 National Assembly seats. In provincial assemblies, Pakistan Muslim League (N) won the highest number of 168 seats in Punjab while Pakistan Peoples Party and Pakistan Muslim League (Q) stood at second and third place with 106 and 86 seats, respectively. In Sind, Pakistan Peoples Party won 88, and Mutahida Qaumi Movement got 51 seats. In North-West Frontier Province, Awami National Party led by winning 46 seats, and Pakistan Peoples Party followed by 39. PML (Q) won 20 seats in Baluchistan, followed by 11 seats of the Pakistan Peoples Party and 7 seats of the Baluchistan National Party (A) (ECP, 2008).

Post Transition Challenges

Election results greatly defined the mode of transition to democracy. Pro-Military Regime forces suffered a bitter defeat. Pakistan Peoples Party and Pakistan Muslim League (N) emerged as largest parties in National Assembly respectively, but none of the two parties got enough majorities to form a government on its own. It was evident that the future government would be a coalition government. Any deadlock in the formation of a ruling coalition might result in deadlier consequences, as it might allow Musharraf to use article 58-2(b) and stop the democratic transition. Although President Musharraf had lost all his cards yet a report published in the New York Times (February 22, 2008) referred to United States' willingness to bring the newly elected political parties and the president close and chart out a power sharing formula. The direction of winds had changed as it would be irrational to lose political gains at home on the behest of United States of America. The political elites were now ready for a complete transition rather than devising a power sharing formula with the president. To achieve that end Pakistan Peoples Party and Pakistan Muslim League (N), who had developed some understanding during the election period, decided to carry on with their alliance for the formation of the government.

Ruling Alliance: Formation and Termination

To negotiate a future ruling alliance, Pakistan Peoples Party started its contacts with Pakistan Muslim League (N) and Awami National Party. After separate meetings with the leaders of the two parties, the Co-Chairman of Pakistan Peoples Party, Asif Ali Zardari, declared that a government of national consensus would be formed. In separate press conferences, PML (N) leader Nawaz Shareef and ANP leader Asfandiyar Wali Khan announced to join Pakistan Peoples Party led coalition in the center. As a result Pakistan Peoples Party would join PML (N) led coalition in Punjab Assembly and ANP led coalition in North West Frontier Province. It was reported a daily (*The News*, February 22, 2008) that Asfandiyar Wali Khan declared that a consensus between ANP and PPP had been reached upon on the following four issues:

- Provincial Autonomy
- Judicial Reforms
- War on Terror
- The sovereignty of the Parliament
- Renaming of N.W.F.P as Pakhtunkhwa

Daily Dawn on the same day reported that Nawaz Shareef and Asif Ali Zardari appeared in a press conference at Zardari's residence in Islamabad and declared that the two parties had also evolved a consensus on the following issue:

- Political future of General Musharraf
- Independence of Judiciary and reinstatement of judges of superior courts
- Implementation of Charter of Democracy

On March 9, 2008, Pakistan Peoples Party and Pakistan Muslim League (N) signed the Murree Declaration. They agreed to form a coalition government in the center and Punjab, reinstatement of judges within thirty days of the formation of the new government through a parliamentary resolution, to support the Pakistan Peoples Party's candidate for the premiership, to support PPP candidates of Speaker and Deputy Speaker for national Assembly and PML (N) candidates for Punjab Assembly. They stressed to summon the sessions of National and Provincial Assemblies immediately (*The News*, 2008).

On March 24, Yousaf Raza Gilani became the twenty-second Prime Minister of Pakistan. The ruling coalition of three major political parties, PPP, PML (N) and ANP formed the government. With this new ruling alliance's rise to power Prime Minister Gilani ordered to release the judges from house arrest and political workers who were imprisoned during the second emergency by the Military Regime. The optimism about the reinstatement of deposed judges soon came to an end when the deadline for the restoration of judiciary to pre-November 2007 status passed without any action. Thus on May 12, 2008, PML (N) declared to leave the coalition and subsequently, its ministers resigned from the federal cabinet, while the coalition in Punjab Assembly continued between the two partners.

The reasons for the termination of the ruling alliance between PML (N) and PPP were numerous. The first might be the position of two parties on the political landscape, later being a center to left party while former center to right. Coalitions of parties with such positions are often short. Secondly, they had different interpretations of Charter of Democracy which proposed that no PCO judges would be allowed to work in the superior judiciary. PPP had a point that as Justice Iftikhar Choudry had once taken oath under PCO, therefore, restoring him would be a violation of the Charter of Democracy. The better option for the consolidation of democracy would be to leave the issue and chart out a plan for broader judicial reforms. For PML (N), Justice Choudry, though once a PCO judge, yet stood in front of the Military Regime and for this heroic action deserved to be reinstated. Thirdly, grave economic challenges and the coalition's failure to address them during the first few months after taking charge of the government alarmed PML (N). They felt that they had to pay the cost of poor performance in the government in the

next polls if they remained a partner in this coalition. Therefore, they preferred to part away. Fourthly, the two parties had a long history of rivalries. Hawkish elements in PML (N) convinced its leadership that PML (N) largely run its politics on anti-PPP sentiments. In case it carried on with this coalition, it would lose its anti-PPP vote, and the subsequent gap might be filled by PML (Q). Thus, a combination of all these factors led PML (N) to part away from the coalition.

Impeachment Move against Musharraf

A series of negotiation again started between the leadership of two parties, PML (N) and PPPP, for bridging differences between the two parties and realign again in the government. As a positive gesture, Prime Minister Yousaf Raza Gilani declared that the vacant slots in the federal cabinet would not be filled until PML (N) would decide to rejoin the government. The intensive talks between the two parties led to some positive outcomes. The two leaders agreed to remove Musharraf from the presidency for the completion of the democratization process and to resolve issues related to the judiciary later. On the 9th of August 2008, the two parties declared to bring an impeachment motion against President Musharraf. The coalition decided to pass resolutions against Musharraf in all the four provincial assemblies leading to presenting an impeachment motion against him in the Federal Parliament. On 11th August Punjab assembly passed such resolution with an overwhelming majority followed by provincial assemblies of NWFP, Sind and Baluchistan in the following days (The News, 2008). Although these resolutions carried no constitutional weight yet, they served as a vote of no confidence against the president. Dejected and isolated President Musharraf appeared on television screens on the 18th of August and announced his resignation. He had lost the support of his primary constituency, the military, his external ally United States of America and his political proxy PML (Q), who was too weak to support him after defeating in general elections. He had no other option than to give a safe exit to the presidency. With his long-running resignation process of democratization completed.

Escalation of Judicial Crisis

Soon after the resignation of President Musharraf, the differences between PPPP and PML (N) again started to widen up. The longstanding point of conflict again came to the forefront as Nawaz Shareef demanded the reinstatement of judges immediately. Amidst this confrontation between the two parties Asif Ali Zardari won the presidential election and became 11th president of Pakistan on 6th September 2008.

After the resignation of Musharraf from the presidency, the government declared to reinstate judges gradually in phases. As a first phase, on the 27th of August 2008, eight out of fifteen sacked judges in Sind High Court took the oath and resumed their job. But this stepwise reinstatement was not acceptable for PML (N) and leaders of the Lawyers Movement. Occasional strikes, protests and rallies demanding the reinstatement of deposed judges continuously levied pressure on the government. On the 3rd of November 2008, the lawyers observed Black Day throughout the country. After the suspension of a few months, the Lawyers movement started again with great intensity. Members of civil society, doctors, students and human rights activists participated in the rallies of 3rd November (Daily Times, 2008). The crises intensified, despite the reinstatement of the majority of judges. Lawyers, members of civil society and PML (N) stressed the reinstatement of Iftkhar Choudry as Chief Justice. A deadlock in negotiations further intensified the situation. Pakistan Muslim League (N) declared a Long March to the federal capital in the mid March if Iftkhar Choudry was not reinstated as Chief Justice. The government's response to protesters was repressive. A number of people were arrested in the urban centers of Punjab in the mid March (Miglani, 2009). The long march started from Lahore under the leadership of Nawaz Shareef but before it reached Islamabad the Prime Minister appeared on television screen in the mid night and announced reinstatement of Iftkhar Choudry as Chief Justice as Justice Dogar's tenure completed on the same day. The argument that came up from the government was that it delayed the reinstatement of

Iftikhar Choudry just to avoid constitutional complexities as any superior court could not have two Chief Justices at a time.

The responses on the reinstatement of Iftikhar Choudry varied to a greater extent. Some believed it to be a mere coincidence that dates of long march and retirement of Abdul Hameed Dogar matched, which resulted in the reinstatement of Iftikhar Choudry. While according to others, it was part of a staged drama. One of the lawyer-activists argued that the real hurdle in the way of reinstatement of Iftikhar Choudry was the military institution, not the PPPP government. He had become a problem due to his stance on the issue of missing persons. The message was conveyed to PML (N), and with mutual understanding, Long March was announced by a party that was still leading a coalition in Punjab with PPPP. The only purpose was to make the military realize that if the deposed Justice was not reinstated, it might lead to the collapse of the state. Thus the timing of Long March, on the one hand, saved the government from indulging in constitutional complexities, while on the other hand, the pressure built compelled the military to surrender on his reinstatement (Iqbal, 2011). Another opinion that remained most dominant, on television debates, about the delay in Iftikhar Choudry's reinstatement was that the fear that he would question the legality of NRO and might declare it as unconstitutional.

Empowering Parliament: 18th Constitutional Amendment

After the removal of Musharraf and reinstatement of the Superior Judiciary, the next challenge ahead was to reverse the constitutional amendments incorporated in the constitution during the Musharraf Regime, which had made the political system over-centralized. For this purpose National Assembly and Senate, in their sessions held on 10th April 2009 and 29th April 2009 respectively, passed motions for the formation of constitutional committee to review the seventeenth constitutional amendment and proposed a new amendment to reverse the tampering of 1973 constitution done during previous Military Regime. On the basis of these resolutions a Special Committee of Parliament was formed under the leadership of Senator Raza Rabbani which had representation of all parliamentary political parties. The total members of committee were twenty six (26). The main objective before the committee was to propose amendments in the constitution in the light of 17th amendment, Charter of Democracy and provincial autonomy. After a series of committee meetings, and overcoming differences among different parliamentary parties, it was able to finalize a proposal for the 18th constitutional amendment. These proposals included the following prominent features (Government of Pakistan):

- LFO and 17th amendments were proposed to be repealed with the exception of few clauses like decrease in voters' age, increase in number of seats of federal and provincial legislatures and reserved seats for minorities and women.
- It was proposed to establish the Council of Common Interest for the management of collective disputes and to supervise the resources of federal government.
- NWFP should be renamed as Khyber Pakhtunkhwa.
- It was proposed to increase the number seats for minorities in Senate by allocating one more seat for each province.
- The president could only use his power of dissolving National Assembly when a vote of no confidence is passed against the government, thus article 58-2(b) should be repealed.
- Attorney General of Pakistan should be restricted to do private practice.
- Appointment of Chief Election Commissioner should be made by a parliamentary committee with fifty percent representation of opposition parties.
- The ban on the number of terms for Prime Minister and Chief Minister should be lifted.
- Chiefs of Armed Forces and Chairman Federal Public Service Commission should be appointed by the president on the advice of the Prime Minister.

- The appointment of Judges of Superior Courts should be made through Judicial Commission consisting of Chief Justice of Pakistan and two senior most judges of Supreme Court.
- A federal High Court should be established and judges should be appointed from the four provinces and federal areas.

Based on the above proposals, 18th Constitutional amendment was passed by National Assembly on April 10, 2010, and was subsequently passed by Senate and finally signed by the president. It was a great landmark in the constitutional history of Pakistan and its movement towards consolidation of democracy. The consensus built in the parliament was a great success for the government as well as it expressed the maturity of the political class. The response to passing of this amendment remained positive except in Hazara Division of Khyber PakhtoonKhwa, where protests started against renaming of NWFP and violence broke out. A weak criticism also emerged from some circles, especially those parties which boycotted the elections, charging the government of diverting the attention of the people from their grave problems of poverty, illiteracy and price hike. However, this criticism 18th constitutional amendment was appreciated by the experts on Pakistani politics, political workers and members of civil society as a great landmark for the consolidation of democracy. Thus, during the first two years, after the transition to democracy, the performance of the political class remained satisfactory, as far as constitutional development was concerned, while its performance on addressing the issues of poverty, controlling inflation and price hike was badly affected due to decrease in foreign assistance, global recession and terrorism.

Conclusion

Pakistan's transition to civilian rule in 2008 was the first-ever peaceful transition in the history of Pakistan. In terms of democratization literature, it could be explained as trans-placement. Despite mutual doubts and frequent deadlocks, the transition finally took place in 2008. The most important document in this transition was the National Reconciliation Order. The agreement reached upon in NRO resulted in the holding of the 2008 election. In the post-transition scenario, the newly installed civilian government faced a number of challenges. Despite, early termination of the ruling alliance with PML (N), an underhand understanding between the two mainstream political parties allowed the government to bring one of the most important amendments in the constitutional history of Pakistan. The federal nature of the constitution was restored, as well as many amendments introduced during military regimes were struck down.

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