

## Polity IV Country Report 2010: Pakistan

Score:	2009	2010	Change	
<b>Polity:</b>	5	6	+1	
<b>Democ:</b>	5	6	+1	
<b>Autoc:</b>	0	0	0	
<b>Durable:</b>		0		
<b>Tentative:</b>		Yes		

SCODE	PAK	CCODE	770	Date of Report	1 June 2011
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### Polity IV Component Variables

XRREG	XRCOMP	XROPEN	XCONST	PARREG	PARCOMP
2	2	4	5	2	3

### Date of Most Recent Polity Transition (3 or more point change)

End Date	9 March 2007	Begin Date	19 August 2008
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### Polity Fragmentation: Yes <10% (Federally Administered Tribal Areas)

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<b>Constitution</b>	1973
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<b>Executive(s)</b>	<p>President Asif Ali Zardari; elected by secret ballot through an Electoral College comprising the federal legislature and provincial assemblies, 8 September 2008</p> <p>Prime Minister Yousaf Raza Gillani (PPP); selected as leader of the majority coalition in the National Assembly, 25 March 2008</p>
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<b>Legislature</b>	<p>Bicameral:</p> <p>National Assembly (342 seats: 272 directly elected, 10 elected from non-Muslim minorities, 60 reserved for women; most recent elections, 18 February 2008)</p> <ul style="list-style-type: none"> <li>Pakistan People's Party Parliamentarians (PPPP): 123</li> <li>Pakistan Muslim League (Nawaz) (PML-N): 94</li> <li>Pakistan Muslim League (Quaid-e-Azam) (PML-Q): 54</li> <li>Muttahhida Quami Movement (MQM): 25</li> <li>Awami National Party (ANP): 13</li> <li>Other parties: 14</li> <li>Non-partisans: 18</li> </ul> <p>Senate (100 seats, indirectly elected by provincial assemblies; 3 March 2009)</p> <ul style="list-style-type: none"> <li>PPPP: 27</li> <li>PML-Q: 21</li> <li>Muttahhida Majlis-e-Amal Pakistan (MMA): 9</li> <li>PML-N: 7</li> <li>MQM: 6</li> <li>ANP: 6</li> <li>Other parties: 11</li> <li>Non-partisans: 13</li> </ul>
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<b>Judiciary</b>	Supreme Court of Pakistan
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## **Narrative Description:<sup>1</sup>**

### **Executive Recruitment: Transitional or Restricted Election (7)**

The military has ruled Pakistan for over one-half of the country's existence and, even when not in direct power, the generals have played a strong role in all civilian governments. On 12 October 1999, the elected civilian government of Prime Minister Mian Nawaz Sharif was overthrown in a bloodless coup led by Army Chief of Staff General Pervez Musharraf. In the wake of the coup, senior military commanders designated General Musharraf as head of the ruling National Security Council. While General Musharraf suspended the Constitution and dissolved all national and provincial assemblies, he initially retained civilian leadership in the largely ceremonial office of the presidency. However, in July 2001, in preparation for his official visit to India, Musharraf dismissed the civilian head of state and assumed the office of president for himself. While under intense international pressure to restore democracy to Pakistan since the October 1999 coup, President Musharraf's decision to support the US anti-terrorism campaign in Afghanistan has weakened international pressure for an immediate return to civilian rule.

Despite the autocratic impulses of the Musharraf regime, there are signs that this military government, unlike its civilian and military predecessors, is making a real effort to reform the political system and it seems to understand that a return to civilian rule – sometime in the distant future – is both inevitable and desirable. Under domestic pressure from the Supreme Court and civil society to reestablish electoral politics in Pakistan, in January 2002 President Musharraf outlined a road map for the gradual return of democracy. Included in this plan was the holding of parliamentary elections in October 2002. Despite this promising sign, it is clear that President Musharraf intends to limit the role of civilian rule in Pakistan for the immediate future. In an effort to maintain the military's ultimate control over the political process, in April 2002 President Musharraf won a controversial referendum that allowed him to serve as head of state for five more years. The opposition has claimed that the government rigged the referendum.

On 1 January 2004, Musharraf held another referendum on his rule by accepting a "vote of confidence" within parliament. Following weeks of hectic negotiations with the six-party religious alliance known as the Muttahida Majlis-e-Amal (MMA), Musharraf agreed to relinquish his post of army chief by the end of 2004 (a key demand of the MMA that had paralyzed parliament for more than a year) in exchange for a constitutional amendment that would officially allow him to remain head of state until the end of 2007. The deal specified that Musharraf would be made "elected head of state" if he was able to garner fifty percent of the vote for this amendment within the national legislature. Both the parliament and the Senate overwhelmingly accepted this deal, although opposition legislators from the Pakistan People's Party (PPP) and the Pakistan Muslim League-Nawaz (PML-N) boycotted the proceedings, arguing that the constitutional arrangement gave too much power to the president and legitimized the illegal rule of Musharraf. Despite this agreement, in November 2004 the Senate passed a bill, which allowed the Musharraf to remain both president and army chief until 2007. Despite these previous agreements and ongoing significant opposition, Musharraf gained reelection as president in October 2007 elections. On 28 November 2007, he resigned his command of the military prior to his inauguration on November 29 as civilian president. Musharraf's party was soundly defeated in February 2008 legislative elections, however, and a coalition of the main opposition parties (PPP and PML-N) elected Yusuf Raza Gillani (PPP) as prime minister on 24 March 2008. Increasingly sidelined by the resurgent parliament, President Musharraf resigned on 18 August 2008 and, on 8 September 2008, Asif Ali Zardari (PPP, Benazir Bhutto's widower) was elected president by the bicameral federal legislature and the provincial assemblies. President Musharraf's resignation on 18 August 2008 marks the end of his military-backed regime and the reinstatement of elected, civilian authority. The leader of the PPP following Bhutto's assassination, Yousaf Raza Gillani, was able to form a coalition government with the Pakistan Muslim League, Awami National Party, Jamiat Ulema-e-Islam, Muttahida Qaumi, and PPP; he was named prime minister and took office on 25 March 2008.

### **Executive Constraints: Substantial Limitations (5)**

Many years of military rule have undermined the strength of democratic institutions and values in Pakistan. While the 1973 constitution formally outlines government responsibilities and limits, the actions of both

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military and civilian leaders in the past twenty-five years has weakened its democratic character. Even though the constitution formally separates the powers of government, the autocratic impulses of both military and civilian leaders works to limit the consolidation of horizontal accountability in this country. Even after the return of civilian rule in 1988, the military's role in government was maintained by Article 52 of the constitution, which gave the indirectly elected president the power to dismiss the prime minister and both national and provincial assemblies. With the help of willing civilian political partners, the military repeatedly used this article to remove elected governments that it deemed a threat to the "nation's interests." In 1997 Prime Minister Sharif used his overwhelming majority in parliament to push through the thirteenth amendment to the constitution that deprived the president of his powers to dismiss assemblies and sack governments. This act was part of a larger effort by Sharif to consolidate his personal authority and weaken both the power of elected officials and the military establishment. Sharif's autocratic impulses, along with his government's gross economic mismanagement and corruption, provided the military with widespread public support for its 1999 coup against Sharif. For its part, the military was motivated to take action against Sharif's after his decision to bring the military under civilian control and to de-escalate the conflict in Kashmir. In an attempt to control the military, in 1998 Sharif replaced the head of the armed forces with General Musharraf. Sharif selected Musharraf because he believed that he would be unable to build a military coalition against him because he did not belong to the dominant Punjabi-officer class that has long dominated the Pakistani armed forces. Much to his surprise, less than one year later Musharraf would turn against Sharif and depose him in a bloodless coup.

In the wake of the 1999 coup, all institutions with the capacity to limit executive power were suspended. While the Supreme Court continues to function and, at times, is highly critical of the government, lacking power to enforce its decrees it has little real power in Pakistan. While Musharraf's power is significant, like all former military and civilian rulers in Pakistan, he still has to deal with the independent power of the Inter-Services Intelligence (ISI) bureaucracy. This body, which consists of over 10,000 officers and staff, functions as a shadow government. While the ISI was the primary architect behind Pakistan's support for the war in Kashmir and a key ally of the Taliban in Afghanistan, President Musharraf has actively sought to purge religious extremists from its highest ranks and has attempted to limit the autonomy of this body.

In an attempt to gradually restore democratic order in Pakistan, legislative elections were held in October 2002. These elections, in which the Islamist-based United Council of Action (UCA) unexpectedly won 52 out of 272 seats, nevertheless, lacked both transparency and fairness. Described by both domestic and international observers as flawed, the elections produced a hung parliament with no single party winning a decisive victory. While the Pakistan Muslim League Quaid-e-Azam (PML-QA), which backs Musharraf, won the largest number of seats in the National Assembly, it failed to secure a majority. While the reconvening of the National Assembly marks a slight improvement in executive constraints in Pakistan after three years of absolute rule, nevertheless, the enactment of the controversial Legal Framework Order has weakened the powers traditionally held by the legislature and consolidated them in the hands of the president and the military.

In July 2002 President Musharraf announced that he would retain the right to sack the prime minister and dissolve the parliament as he saw fit. This power was officially accepted by parliament in early January 2004. From the military's perspective, this consolidation of power in the hands of a strong president will allow them to continue to exert their influence over present and future elected politicians in the legislature without having to resort to changing government leadership through direct military intervention. Moreover, in April 2004 the legislature adopted a bill that set up a thirteen-man National Security Council that would control all strategic planning in the country. In many ways, the political reforms adopted by the national legislature during the first half of 2004 have institutionalized a dominant and permanent role for the army in the political structure of the state.

In 2007 Musharraf announced that he would seek to remain in office beyond the 2007 limit established by previous agreements with the legislature. Opposition to this intention has increased continuously through 2007, culminating most recently in a walkout of Parliament by eighty-five opposition legislators on October 2. The military continues to be the key institution underwriting and securing Musharraf's authority over all facets of the political system. The Supreme Court appeared to be the sole governmental institution willing to show a degree of independence from executive authority under the Musharraf military regime. However, on March 9 Musharraf suspended Chief Justice Chaudhry and ordered an inquiry into charges of misconduct and abuse of authority; Chaudhry had consistently passed judgments that were inconvenient to the government. Chaudhry's suspension provoked an immediate wave

of protests among lawyers that continued to escalate until the Supreme Court ruled to reinstate Chaudhry as Chief Justice on 10 September 2007. On August 23 the Court had ruled that former-Prime Minister Sharif had a right to return from exile but his return was thwarted by Musharraf when Sharif was arrested at the airport and re-deported. Musharraf declared a State of Emergency on 3 November 2007 and suspended the constitution. Police surrounded the Supreme Court and the justices were forced to sign a “provisional constitutional order” enabling the emergency decree. Dissident justices were summarily dismissed and replaced with loyalists.

The August 2008 resignation of Musharraf and the return to civilian government has been overshadowed by the increasing tempo of military action against Islamist militants in the Federally Administered Tribal Areas (FATA) along the western borders with Afghanistan and Iran. President Zardari draws his main support from foreign powers and finds himself increasingly isolated and constrained within the government. Zardari faces a parliament that is controlled by a fractious opposition. The resulting paralysis of the government and the deteriorating security environment necessarily has elevated a reluctant military to assume an increasingly politicized and prominent position, led by chief of army staff Gen. Ashfaq Pervez Kiyani. The professional judiciary has proven itself to be independent of executive control but not from politics; it has been mobilized to protect its own interests and serves as a fourth seat of authority. On 16 December 2009, the Supreme Court ruled that the National Reconciliation Ordinance promulgated in October 2007 to end Musharraf’s rule was unconstitutional; this decision places many high officials under jeopardy of prosecution and further constrains both executive and opposition initiatives.

The 18<sup>th</sup> amendment to Pakistan’s constitution, which significantly alters the nature of executive power in the country, was overwhelmingly approved by both chambers of parliament and subsequently signed into law by President Zardari on 19 April 2010. Under the terms of the new law, the role of the chief executive was transferred from the president to the prime minister, thereby making the office of the presidency (at least on paper) a largely ceremonial position. While the president retains the right to be informed on all matters pertaining to domestic and external policies, he cannot now require reports on any administrative or legislative matters to be submitted to him. In the past, these reports were frequently used by the president, often under the guidance of the military, to dismiss the country’s prime ministers from office on such vague charges as incompetence or poor governance. This presidential power was originally inserted in the constitution by Ziaul Haq in 1985 under the 8th amendment. It was removed in 1997 by the 13th amendment forwarded by Prime Minister Nawaz Sharif who wanted to become the chief executive of the state by diluting the powers of the president. It was reinserted by Pervez Musharraf in 2002 when the National Assembly, at his urging, passed the 17th amendment. The 18th amendment has removed the clause once again.

In addition to effectively stripping the power of the president to unilaterally dissolve the General Assembly and declare emergency rule throughout the country, the 18<sup>th</sup> amendment also removes his power to appoint both heads of the military and members of the judiciary. Moreover, it also transfers considerable powers to the provincial assemblies and removes the two-term limit on the office of prime minister (thus allowing former-Prime Minister Nawaz Sharif the opportunity to run again). The new law not only enhances the power of the legislature in the country but also places a considerable check on the political influence of the military. Pakistan’s armed forces have historically exerted significant control over the presidency. Through constitutional amendments or simply by practice, the president became the chief executive of the Pakistani state. The 18th amendment seeks to correct the concentration of presidential power and military influence by restoring the powers given to parliament under the 1973 constitution. With the diminution of presidential power within the new political order, the ability of the military to have an institutionally defined voice in the political system has also declined. However, the military will continue to exert its autonomy over its own budget and will continue to set the foreign and security policies of the country.

#### **Political Participation: Factional Competition (7)**

Deep economic inequities, intense personalist political feuds and bloody sectarian violence have long shaped the unstable political history of modern Pakistan. Politics in Pakistan has traditionally been the exclusive domain of the country’s wealthy feudal landowners (known as zamindars, jagirdars or waderas). A few thousand elite families have long dominated the political institutions of the state and have deftly used their control of the country’s patronage-based political parties to stave off efforts to redistribute land and income by one of Asia’s poorest and most illiterate population. While the increasing urban demographic in Pakistan has begun to weaken the power of the country’s feudal landowners, nevertheless,

all politicians, both civilian and military in origin, need their support if they want to stay in power. The stranglehold of the rural elite over the political process has led to the steady decay of the political institutions of the state, the stagnation of the economy and the rise of religious and ethnoregional radicalism in this society.

The deep class and ethnic divisions found in Pakistan have worked to create an environment of chronic political instability in which military and civilian rulers rotate power on a regular basis. Unfortunately, both military and civilian leaders have proven incapable of addressing the country's core problems. After a decade of pseudo-parliamentary rule, during which there were no elected parliaments and the country's chief executives were selected by the civil bureaucracy with the support of the military, President Mirza abrogated the constitution in 1958 and transferred presidential power to General Muhammad Ayub Khan. Ruling by decree for over a decade, President Ayub Khan was forced to resign in 1969 and was replaced by General Agha Muhammad Yahya Khan, who held the country's first general elections in 1970. These elections, which were won by the Awami League, an East Pakistani opposition party, were rejected by the West Pakistani-based Punjabi-Pakhtun dominated military and were followed by a bloody civil war. Following the secession of Bangladesh (formerly East Pakistan) from Pakistan in 1971, the discredited military was replaced by the democratically elected regime of Zulifkar Ali Bhutto (head of one of the best-known feudal families in Sind province whose PPP party had won a majority of seats in West Pakistan in the 1970 election).

While Prime Minister Bhutto introduced a new democratic constitution in 1973, the constitutional order in Pakistan collapsed in the wake of the violent elections of 1977 when General Mohammed Zia ul-Haq deposed Prime Minister Bhutto and declared martial law. Martial law was rescinded in 1985 and democratic elections, won by Benazir Bhutto (daughter of the deposed prime minister), were held in 1988 after Zia died in a plane crash. For the next decade power in Pakistan was divided among the prime minister, the president and the military. Subsequent power struggles between these three actors produced chronic political instability in which no elected head of government completed a full-term in office. The military, while largely staying out of the day-to-day machinations of domestic politics, continued to play an influential role in international affairs and was able to force the resignations of both elected prime ministers (Bhutto in 1990 and 1996 and Nawaz Sharif in 1993 and, most recently, in 1999). After the October 1999 coup, the Musharraf regime did not ban political parties. While political parties continue to operate in Pakistan, their political influence has been severely curtailed by intense party factionalism, a lack of national leadership and the imposition of significant government control. Pakistan's two most prominent politicians, Benazir Bhutto and Nawaz Sharif, face corruption charges and remain in exile. Despite tight government regulation and widespread public cynicism, more than 12,000 candidates affiliated with over eighty political parties competed for some 1,200 seats in national and provisional assemblies in the October 2002 elections. Both Bhutto and Sharif were banned from competing in these elections and scores of other politicians were also disqualified either because they were deemed unacceptable by the military regime or simply because they did not have a college degree (in a country where only one percent of the population actually holds such a certificate). Although opposition parties are strident in their criticism of the military, they have been effectively silenced by Musharraf's divide and rule tactics.

Since President Musharraf's decision to back the American anti-terrorism campaign in Afghanistan in the fall of 2001, there has been an unprecedented crackdown on Islamic-based political activities in Pakistan. Pakistan has been a country that has been plagued by sectarian violence since its inception and has seen the rise of radical Islamic parties and groups in recent years. Ironically, the rise of radical Islamic nationalism in Pakistan has been supported by the central government in the past as a way of gaining support for their policy of reclaiming the disputed Indian territory of Kashmir and of deflecting secular opposition to the poor economic performance of the state. In the wake of the US military intervention into Afghanistan in late 2001, President Musharraf, with seemingly large support from most segments of the population, has sought to reduce the power of Islamic militants in Pakistan. Since the terrorist attack on India's parliament building in December 2001, President Musharraf has rounded up thousands of citizens associated with five banned Islamic groups. The two largest of these groups are the Sunni Muslim, Sipaha-e-Sahaba party and the Shi'ite-based, Tehreek-e-Jafria party. Despite the crackdown on radical Islamist groups in Pakistan, the political power of Islamist parties continues to rise. As a result of the 10 October 2002 polls, Muttahida Majlis-e-Amal, or the United Council of Action (UCA), a coalition of six religious parties, gained control of two of Pakistan's strategic provinces along the country's western border with Afghanistan. The UCA owes its victory to an aggressive anti-American election campaign.

In addition to the rise of religious extremism in Pakistan, this country continues to be plagued by intense ethnoregional rivalries that threaten to tear it apart. The majority Punjabi ethnic group has long dominated top military and bureaucratic positions in Pakistan. The political advantages afforded Punjabis have fostered resentment by other ethnic minorities in Pakistan and have often resulted in violence. In particular, the Sindhis and the Baluch minorities have fought for greater political autonomy and control over provincial economic resources. To counter these threats to Punjabi dominance the government has pursued a divide-and-rule strategy that has exacerbated ethnic tensions throughout the country.

In addition to these ethnoregional divisions, Pakistan has been plagued by increasing levels of sectarian violence between its Sunni Muslim majority and Shi'ite Muslim minority. The rise in sectarian violence in recent years stems from General Zia's decision in the 1980s to legitimize his rule through religion. By arming key Sunni groups to counter the threat posed by the regime's political opponents, Zia triggered a Shi'ite backlash that continues to undermine the stability of the country.

Despite these sectarian problems, in January 2002 the government abolished an electoral law that discriminated against non-Muslim religious minorities (e.g., Christians, Hindus, Sikhs and Zoroastrians). Ending more than two decades of political isolationism, the new electoral law permits all non-Muslims, a group which consists of 3-5% of the total population, to vote for and contest elections in all constituencies across the country. Despite these institutional changes, religious minorities, especially Christians, have been subjected to increasing levels of cultural intolerance and harassment. As a result of these attacks, not a single non-Muslim ran for political office in the October 2002 polls.

The attack led by US forces against the Taliban regime in neighboring Afghanistan in October 2001 and the alliance forged between the US and the Musharraf regime against "global terrorism" increasingly undermined central government authority in the Federally Administered Tribal Areas bordering Afghanistan and in the Baluch region in the southwest. Sustained fighting between local tribal militias, supporting and supported by al Qaeda militants, and government forces began in March 2004 and continued to escalate through 2007. In addition, the Musharraf regime suffered a series of political setbacks in 2007, beginning with the attempted dismissal of the Chief Justice of the Supreme Court, who was removed on March 9 and reinstated by court ruling on July 20. The dismissal triggered widespread demonstrations by lawyers and quickly escalated to general public protest and dissent. On July 3, the government moved forcibly against the public defiance of radical Islamic clerics in Islamabad's Red Mosque; the confrontation quickly escalated to armed violence and government troops stormed the mosque on July 10. In an attempt to broaden his support beyond the military, Musharraf began discussions with exiled former-Prime Minister Benazir Bhutto on July 27, leading to her return to Pakistan in mid-October. On August 23, the Supreme Court ruled that former-Prime Minister Nawaz Sharif, who had been deposed by Musharraf in 1999, also had a right to return from exile but he was arrested and re-deported by authorities upon his arrival. Musharraf's reelection in controlled presidential elections on 6 October 2007 only increased the tenor of the opposition to his continuing rule and his dual role as military chief and president. In response to increasing challenges to his authority, Musharraf declared a State of Emergency on 3 November 2007, suspending the constitution, blacking out all independent media, packing the courts with loyalists, and detaining thousands of opposition figures. Benazir Bhutto was assassinated on 27 December 2007 and legislative elections scheduled for January 8 were postponed until February 18. The elections resulted in a heavy defeat for Musharraf's ruling Pakistan Muslim League-Qaid-i-Azam (PML-Q). A new government was formed by a coalition of the main opposition parties: the Pakistan People's Party (now led by Bhutto's widow Asif Ali Zardari) and the Pakistan Muslim League-Nawaz (led by Nawaz Sharif who had been deposed by Musharraf's 1999 coup). However, the anti-Musharraf alliance of the rival PPP and PML-N quickly disintegrated with the PML-N leaving the coalition government on 12 May 2008.