



Monitor Quality of Democracy in Pakistan

Second Year of the Federal and Provincial Governments

June 01, 2014-May 31, 2015



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PILdAT
Pakistan Institute of
Legislative Development
And Transparency

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Major Developments affecting the Quality of Democracy in Pakistan Second Year of the Federal and Provincial Governments: June 01, 2014-May 31, 2015

The PILDAT Democracy Monitor attempts to delineate the various developments, both negative and positive, that have affected the quality of democracy in Pakistan during the second year of the Federal and Provincial Governments in office from June 01, 2014 to May 31, 2015.

Positive Developments affecting the Quality of Democracy in Pakistan: June 01, 2014-May 31, 2015

Political Maturity saves Democracy

One of the greatest achievements of the political process in Pakistan has been the coming together of the elected political parties in the Parliament behind the Federal Government to save democracy from an onslaught by PTI and PAT.

The maturity and support was manifested by the condemnation issued against the sit-ins by almost all the major political parties such as the PPP, JUI-F, ANP, PMAP, NP, etc., during the Joint Session of the Parliament convened on September 02, 2014.² In a development considered unprecedented in the history of Pakistan's democracy, the Session saw the Parliament stand united behind the elected Prime Minister and reaffirm its commitment to democracy. An Opposition



Members of the *Jirga*, comprising representatives of parties such as the PPP, NP, JI, etc., played an active role to resolve the crisis between the protesting parties and the PML-N Government¹

Jirga was also formed, consisting of members belonging to the PPP, NP, PML and JI to act as mediators and resolve the differences between the PTI, PAT and the Government on the issue of electoral rigging.

Although the same period saw considerable turn-out at the sit-in organized at D-Chowk, and the protest rallies organized by PTI across Pakistan, Mr. Imran Khan's call for Civil Disobedience was not well heeded by the general public. The disturbances were largely a localized phenomenon, and did not transpire into a nation-wide movement. Therefore, the larger public, *prima facie*, made a decision to stay away from attempts to topple the Government through means considered unconstitutional by many.

1. Picture courtesy Daily Jang

2. For details, please see Joint Parliamentary session today to display unity, Daily Times, September 02, 2014, as accessed on May 10, 2015 at: <http://www.dailytimes.com.pk/national/02-Sep-2014/joint-parliamentary-session-today-to-display-unity>

Greater Transparency: Provincial Assembly of the Punjab releases Members' Attendance Online

In a welcome development, the Provincial Assembly of the Punjab became Pakistan's first Legislature to release the attendance of its members online. The initiative covers the attendance of all the legislators from the 12th session onward, of the current 16th Assembly.³

PILDAT lauds the decision by the elected leadership of the Assembly for taking the much-needed initiative. Citizens need to know the attendance and performance of their elected representatives, and withholding of this key information by other Legislatures violates every basic requirement of representation and of transparency, a cornerstone of a democratic polity.⁴

It is therefore recommended that the leadership of the other Legislatures, especially that of the National Assembly of Pakistan, follow the commendable precedent set by the Provincial Assembly of the Punjab. Relevantly, developed Legislatures, such as the Indian Parliament, also post attendance of the members of both the Lok Sabha and the Rajya Sabha on their official website regularly.

Session No.	Attendance
14	25-05-2015, 22-05-2015, 21-05-2015, 20-05-2015, 18-05-2015, 15-05-2015
13	06-04-2015, 03-04-2015, 02-04-2015, 31-03-2015, 27-03-2015

The Provincial Assembly of the Punjab has made attendance available online on its website now

Positive Developments on Local Government Elections in Pakistan



Local Government elections in the Cantonments, Khyber Pakhtunkhwa, and Balochistan during the second year of the current Federal and Provincial Governments were one of the positive developments for Pakistan's democracy⁵

The period under consideration finally saw some positive movement on Local Government elections primarily because of the country's superior judiciary exerting pressure on the Federal and Provincial Governments on an issue on which the latter had been dragging their feet.

Balochistan achieved the distinction on January 28, 2015 of being the first province with fully functional Local Governments.⁶ It was a measure of the Balochistan Government's commitment to the principal of devolution of power that despite political maneuverings, security threats, and legal challenges, it managed to hold elections to the third-tier of the Government.

Additionally, the country also witnessed

- The attendance record can be accessed at the Provincial Assembly of the Punjab website at: <http://www.pap.gov.pk/ext/attendance.php>
- PILDAT, which has been advocating for greater transparency in the Parliament for years, has repeatedly asked the National Assembly of Pakistan to provide the attendance records of individual members publicly, finally invoking the Freedom of Information Ordinance, 2002, upon the Secretariat's refusal to provide attendance records. PILDAT appealed to the Wafaqi Mohtasib (Federal Ombudsman), which upheld PILDAT's point of view to provide the requested attendance records. The National Assembly chose to file an appeal against the verdict and the case is pending with the President of Pakistan for the past many months. PILDAT hopes that the Honourable President would decide in favour of greater transparency, especially in light of the Provincial Assembly of the Punjab's decision to publicly provide attendance record of its members. For details, please see a public statement issued by PILDAT in this regard, which can be accessed at: <http://www.pildat.org/eventsdel.asp?detid=748>
- Picture courtesy daily Dawn
- For details, please see Balochistan completes the final phase of Local Government elections, Daily Times, January 29, 2015, as accessed on May 10, 2015 at: <http://www.dailytimes.com.pk/national/29-Jan-2015/balochistan-completes-final-phase-of-local-govt-elections>

elections to the 42 Cantonment Boards on April 25, 2015 after a disappointing span of 17 years.⁷ The results saw the PML-N emerge victorious followed by Independent candidates, and the PTI. As per the Local Government Ordinance, 2002, each Board comprises equal number of elected and appointed members, with the latter being appointed by the Military's Station Commander for the Cantonment. The Chair of the Board also possesses veto powers. Many believed that this provision is contrary to the emerging dynamics of Cantonments, which are no longer out-of-city and exclusively Army centres with a sprawling urban, civilian population. However, considering that Cantonments are still primarily the conserve of Military installations, PILDAT believes there is a strong justification for this arrangement.

Local Government polls were also held in Khyber Pakhtunkhwa on May 30, 2015. Although significant irregularities and acts of mismanagement were observed in the elections, the blame of which party lies with the Provincial Government and mostly with the ECP, the bottom-line remains that Khyber Pakhtunkhwa now has an elected Local Government setup, whereas elections are still to be held in Sindh and Punjab on September 20, 2015. Although the Local Governments' institution is laudable, PILDAT believes that the laws governing them need to be improved as the current ones limit the scope of the Local Governments, are deferential to the Provincial Governments, and do not devolve comprehensive financial, political and administrative powers to them. Specifically, arbitrary powers granted to the Provincial Governments such as that of discretionary removal of elected Local Government representatives, and arbitrary powers of inspection, are of concern.⁸

Moves for Greater Oversight: Pakistan Senate amends its Rules of Procedure and Conduct of Business

In a welcome development, the Pakistan Senate made certain amendments and additions to its Rules of Procedure on April 15, 2015, that underscored the Parliament rightfully asserting itself and taking more seriously its duties of oversight.

Apart from the much needed additions to augment the Senate's Question Hour, and the constitution of the House by itself as a Committee of the whole, perhaps the most significant addition was one requiring the Ministers to appear before the House and making reports on '*all matters referred by the House and recommendations made by [the Senate's] Committees.*'¹⁰

PILDAT believes that this requirement of regular answers from the Executive on the recommendations and reports made by Senate and its Committees was much needed. However, in addition, the leadership of the House might also consider further amending the Rules of Procedure to include the presentation of an '*Action Taken Report*' to the Senate by the concerned Ministry, after every month, or whatever time is considered suitable, containing the Ministry's compliance, or an explanation for any delay faced in it, by any matter referred to it by the House. The proposed Report should address the concerns of the members on a point-by-point basis, and its status may also be included in the monthly consolidated list of matters issued by the House and recommendations made by the Committees under the recently added Rule 265A (3).



As of May 06, 2015, the emblem of the Pakistan Senate has been changed to include the words 'House of the Federation'. PILDAT believes that all Legislatures, including the Provincial ones, are 'Houses of the Federation', and it is somewhat strange for the Pakistan Senate to reserve the title for itself.⁹ The addition was unnecessary but if at all something was to be added, it would have been more apt to call it 'House of the Federating Units'

In addition, PILDAT also commends the Public Petition Portal recently launched by the Pakistan Senate.¹¹ In the past, the

7. For details, please see PML-N leads Cantonment Board elections: unofficial results, The Express Tribune, April 25, 2015, as accessed on May 10, 2015 at: <http://tribune.com.pk/story/875798/pml-n-takes-lead-in-cantonment-board-elections-unofficial-results>

8. The publication can be accessed at:

9. For details, please see Senate to be called the 'House of the Federation', Dawn, May 07, 2015, as accessed on June 08, 2015 at: <http://www.dawn.com/news/1180418>

10. For exact text of the changes made, please refer to the Orders of the Day for April 16, 2015, issued by the Senate Secretariat, which can be accessed at: http://senate.gov.pk/uploads/documents/1429159110_528.htm

11. The Public Petition Portal may be accessed at: <http://www.asianparliament.org.pk/Petitions/index.php>

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Human Rights Cell of the Supreme Court had started the initiative, which is a somewhat unconventional role for the Judiciary. It is much more appropriate for the Parliament to examine public petitions, in line with its duty of representing the people and their concerns. PILDAT hopes that the infrastructure surrounding the public petition system, including the human resource, equipment, and a budget, is adequately provided for in order for it to be efficient and effective. In case the petitions are not responded to within a specific time, or are not given the adequate attention, it will lead to further disillusionment of the people with the Parliament.



Work is yet to start again on Lahore's Signal Free Corridor by the LDA following the Supreme Court's suspension of the Lahore High Court's verdict¹²

Stay Order on Lahore's Signal Free Corridor: A Significant Judgment for Local Governments?

On May 14, 2015, a three-member bench of the Supreme Court suspended the Lahore High Court's decision of stopping the Lahore Development Authority (LDA) from carrying out any projects till the Local Government elections in Punjab. PILDAT believes that the detailed judgment of the Lahore High Court (LHC) is worthy of a nuanced consideration.

Although the LHC's criticism of the Environmental Protection Agency's (EPA) inability to discharge its duties as an independent agency, and the appointment of a civil-servant as its head at the discretion of the Provincial Government is valuable, it is

the Court's expansion on the concept of Local Government that is critically relevant. Taking root from a comparative analysis of the Local Government systems of South Africa, India and Pakistan, the LHC asserted that the Local Government System, while drawing its design and recognition from the Constitution, draws its powers from the Provincial Assembly. *"However, the executive authority of the Provincial Government in the absence of any legislation could not extend to the affairs of the Local Government which operated under a legislative structure"*.¹³ On this point, it seems that the Court has departed from its designated duties, choosing to perhaps prescribe *legislation* on the concept of Local Government.

Regardless, the LHC's judgment must be commended for asserting the elected Local Governments' authority vis-à-vis institutions such as the Lahore Development Authority (LDA). The Provincial Government of Punjab should ensure that effective powers are devolved to the Local Government setup, which should not in anyway be usurped by authorities such as the LDA.

12. Picture courtesy daily Dawn

13. For details, please see Lahore High Court releases detailed judgment of Signal Free Corridor, Pakistan Today, May 21, 2015, as accessed on June 08, 2015 at: <http://www.pakistantoday.com.pk/2015/05/21/city/lahore/lhc-releases-detailed-judgement-of-signal-free-corridor>

Negative Developments Affecting the Quality of Democracy in Pakistan: June 01, 2014-May 31, 2015

Sit-ins by the PTI and the PAT

Protests by the Pakistan Tehreek-e-Insaf (PTI) and the Pakistan Awami Tehreek (PAT) against the incumbent Government of the Pakistan Muslim League-Nawaz (PML-N)¹⁵ amounted to a major challenge and a milestone in the democratic journey through 2014-2015. Although the protests by the PAT revolved around a much larger objective of bringing about a *revolution* in the country, both it and the PTI converged on the demand for resignation of the Prime Minister against the allegations of what both parties termed as “*massive and systematic rigging in General Election 2013*”.¹⁶

Even though protests in themselves are part of democratic process and do not constitute as a negative development, the manner in which these were conducted, especially in the backdrop of allegations of these being 'orchestrated' by sections of the traditional establishment in Pakistan raised questions about the real motives of the campaign. Considering that before the start of these protests, Prime Minister Sharif addressed the nation on August 12, 2014 offering to establish a Judicial Commission probing allegations of '*massive and systematic rigging in General Election 2013*' an offer that was ultimately accepted 8 months later by Mr. Imran Khan, also weakened the rationale behind holding these protests.¹⁷



Dark clouds can be seen hovering as the PTI and the PAT protestors remain encamped outside the Parliament¹⁴

Even though the protests were pronounced to remain 'peaceful' at the outset, things quickly turned ugly after the two parties reneged on the initial undertaking to the Federal Government and not only entered the red zone on August 19, 2014 but also broke the perimeter fence of the Parliament, forcibly entered the parliamentary precinct and attacked the State owned Pakistan Television building on August 31, 2014. The sit-ins remained in place for 126 days holding the capital hostage and ended rather anti-climatically on December 17, 2014.

In the bigger picture, the sit-ins showed that politics in Pakistan was still in fact polarized, with political conflicts unraveling in the streets rather than being resolved in the Parliament and through Constitutionally prescribed means. Retrospectively, the development can be considered the absolute trough for Pakistan's democracy during the period under consideration. Although the PTI must be commended for highlighting flaws in the country's electoral system, the calls for civil disobedience, and encampments around the Parliament, the Supreme Court etc., gave the impression as if the State was under siege. The extent of chaos was such that some important visits by foreign heads of the State and Government including the Chinese President had to be called off.

The historic transfer of power following General Election 2013, a landmark for Pakistan's democracy, was deplorably made controversial, along with the Constitution, through calls by Dr. Qadri for a revolution and a new social contract. A huge section of Pakistan's population remained disenfranchised as the PTI legislators tendered resignation from the National and Provincial Assemblies and stopped attending their sessions, except for the Provincial Assembly of Khyber Pakhtunkhwa. The protests culminated into such a state of national frenzy that not only was the Government unable to govern effectively, but the attention of the national media remained exclusively focused on the sit-ins, glossing over any other developments of

14. Picture courtesy the daily Dawn

15. For details, please see PTI, PAT protests: Will there be a people's Parliament? Dawn, August 19, 2014, as accessed on May 10, 2015 at:

16. For details, please see Rigging in polls: Ex-ECP officials hand 'evidence' to Imran, the Express Tribune, August 10, 2014, as accessed on June 04, 2015 at: <http://tribune.com.pk/story/746696/rigging-in-polls-ex-ecp-official-hands-evidence-to-imran>

17. For details, please see PTI, PML-N sign agreement to form poll inquiry commission, Dawn, April 02, 2015, as accessed on June 03, 2015 at: <http://www.dawn.com/news/1173262>

importance.

The sit-ins and the way these paralyzed the business of the State in its capital for four months and more importantly the way this extra-ordinary agitation and its extensive media coverage humiliated top State functionaries and institutions, has led to a visible humbling of the democratically elected political leadership and an equally visible ascendancy of Military influence in major policy formulation and even day-to-day decision making. A new arrangement seems to have evolved after the elected political leadership was made to realize of its vulnerability to power play. Subservience of the political leadership to Military and looking up to them for important decisions whether in the domestic or international arena has not escaped the foreign powers who now pay much greater attention to the Military leadership in their dealings with Pakistan than they ever did under a civilian rule. After open and declared Military rule four times in the past and varying degree of behind the scene influence of the Military under various civilian governments, what we are seeing post-*dharna* is a new kind of co-habitation between civil and the military with Military quite obviously becoming the de-facto senior partner. Political leadership has its own weaknesses, flaws and incompetence and Military has its obvious advantages. Will the current arrangement lead to stabilization of democracy and a better quality of democracy in the long run? This is a question that remains to be answered but in the short-term, democracy has certainly suffered a significant setback.

Army as a Mediator in the Political Crisis



Picture showing (Left to Right) COAS, Gen. Raheel Sharif, Mr. Imran Khan, MNA, Prime Minister Nawaz Sharif, MNA and Dr. Tahir-ul-Qadri¹⁸

Although there was no concrete evidence to suggest that the Military or its intelligence apparatus was involved in planning or aiding the protest marches by the PTI and the PAT in anyway, the accusations rang so loud¹⁹ that the Military, through the Inter-Services Public Relations (ISPR), had to formally deny any association with the two parties and the protests.

18. Picture courtesy of the daily Dawn

19. Perhaps the most significant accusation in this regard was when Mr. Javed Hashmi left the PTI at the height of the protests, citing that the protestors were following a '*scripted plan*', hinting at a covert form of a Military takeover. For details, please see Collusion claim: Hashmi sees current tussle as a scripted affair, the Express Tribune, September 02, 2014, as accessed on May 10, 2015 at: <http://tribune.com.pk/story/756812/collusion-claim-hashmi-sees-current-tussle-as-a-scripted-affair>

Regardless, by invoking Article 245 of the Constitution on July 25, 2014, and requisitioning the Pakistan Army in the Islamabad Capital Territory (ICT) for the security of important State institutions, the Military leadership had become a stakeholder in the crisis that was essentially political in nature. In fact, the statements emanating from the ISPR, urging 'all stakeholders to resolve prevailing impasse through meaningful dialogue in larger national and public interest',²⁰ showed as if the Military leadership was treating both the protestors and the Government at par, and sitting in judgment about their conduct.

As PILDAT had noted in its Monitor on Civil-Military Relations in Pakistan for September 2014,²¹ Pakistan's Military is an organ of the State of Pakistan and subservient to the rule of law as defined by the Constitution of Pakistan. The Constitution defines that the State "shall exercise its powers and authority through the chosen representatives of the people," in other words, democratically-elected Governments. Hence the principle of democratic control of the defence apparatus is exercised by all developed democracies of the world. Military should not, therefore, assume the role of a neutral referee, as it did in this case, when it is to follow the rule of law as defined by the Constitution.

Perhaps, it was because of this apparently equidistant position that Gen. Raheel Sharif was asked by the Prime Minister to mediate in the crisis. Prime Minister Nawaz Sharif, during the Joint Session of the Parliament, had stated that the PTI and PAT chiefs had made the request, with Dr. Tahir-ul-Qadri and Mr. Imran Khan claiming the opposite.²² The situation became particularly embarrassing for the Government as a Press Release issued by the ISPR on August 29, 2014 stated that the COAS 'was asked by the Government to play the facilitative role'.²³ The result was multiple petitions filed in the Supreme Court seeking the Prime Minister's dismissal for lying on the floor of the Parliament, which were eventually dismissed. However, the Government's request to the COAS, Gen. Raheel Sharif's consent, and the PAT and the PTI leadership's agreement to the mediation were all regrettable, showing not only the Military's involvement in matters beyond its professional remit, but also the inability of the political class to resolve matters amongst itself. Prime Minister's unconvincing effort to explain his position regarding the request for 'facilitation' on the floor of the Parliament marked another low water mark in the performance of the top political leadership of Pakistan.

Effective Resolution of Electoral Disputes: Inordinate delay by the Election Tribunals

The formation of the Inquiry Commission in April 2015 to investigate claims of systematic rigging vis-à-vis General Election 2013 marked a positive development for Pakistan's democracy. The Government and the PTI finally agreed on a mechanism to resolve the outstanding electoral disputes, a contention that had threatened the continuity of the current democratic setup. Although the Commission has already gone past the 45-day deadline for its working on May 23, 2015, one hopes that the Commission would speedily carry out its proceedings and soon give a verdict on the controversy so that it can be laid to rest.



A political worker showing 'fake' ballot paper used during a protest in Peshawar²⁴

While the terms of reference of the Commission focus on global issues of election malpractices especially systematic rigging across the country or a province, the constituency-specific complaints of malpractices and rigging continue to be addressed by the Election Tribunals constituted under Article 225 of the Constitution.

Unfortunately, despite the appointment of dedicated and full time judges in the Election Tribunals for the first time after 2013 election to avoid delays in deciding the election petitions, most of the Tribunals could not decide the petitions within the legally prescribed time of four months. Election Tribunals have, therefore, to a great extent failed to dispense

20. For details, please see the Press Release issued by the ISPR on August 19, 2014, as accessed on May 10, 2015 at: https://www.ispr.gov.pk/front/main.asp?o=t-press_release&id=2634

21. The publication can be accessed at: http://www.pildat.org/publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Sep012014_Sep302014.pdf

22. For details, please see SC dismisses all petitions seeking PM Nawaz's disqualification, Dawn, December 09, 2014, as accessed on May 10, 2015 at: <http://www.dawn.com/news/1149778>

23. The Press Release can be accessed at: https://www.ispr.gov.pk/front/main.asp?o=t-press_release&id=2634

24. Picture courtesy Pakistan Today

timely justice.

Up until the end of May 2015, two years after the General Election 2013, the Election Tribunals have received three extensions from the ECP to work beyond the legally stipulated four-month deadline, with 26 petitions still pending with the Election Tribunals as of June 20, 2015.^{25, 26} Regrettably, apart from the inordinate delay, crippling inefficiencies beset the process. For example, even though the Tribunals had a deadline of four months, there was not any deadline for the ECP to forward the disputes to the Tribunals, with cases being referred even as late as January 29, 2014.²⁷ Although 355 of the 387 or 92 % petitions were decided by January 2015,²⁸ this number remained critically low at 45% by August 2014, 15 months after the General Election 2013.²⁹

Although the Tribunals have been made more efficient by replacing the currently serving High Court judges as their part-time heads with former members of the Judiciary as full-time tribunals, their inability to complete their work at the legal deadline is both inexplicable and counter-productive for the evolving democratic system of the country. Pakistan needs to improve its electoral dispute mechanism immediately, as part of the larger electoral reforms agenda. These include the minimum completion of hearings within the stipulated four-month period and fixing a time limit for hearing appeals.

Increasing Influence of the Military Leadership

Given Pakistan's peculiar history of military interventions, and the unique nature of the civil-military equation, it is nothing



From left to right: Senior Provincial Minister Balochistan, Mr. Sanaullah Zehri, MPA; Chief Minister Balochistan, Dr. Abdul Malik Baloch, MPA; the COAS, Gen. Raheel Sharif; Prime Minister Nawaz Sharif, MNA; Governor Balochistan, Mr. Mohammad Khan Achakzai inspecting a Guard of Honour in Quetta³⁰

25. For details, please see 26 cases pending with Election Tribunals, Dawn, June 21, 2015, as accessed on June 24, 2015 at: <http://www.dawn.com/news/1189461>
26. For details, please see Election tribunals to get another extension for pending cases, Dunya News, May 07, 2015, as accessed on May 10, 2015 at: <http://www.breakingnewspak.com/ecp-extends-election-tribunals-tenure-till-june-30>
27. For details, please see Election Tribunals disposed off 198 petitions in 120 days, Associated Press of Pakistan, February 27, 2015, as accessed on May 10, 2015 at: http://www.app.com.pk/en/index.php?option=com_content&task=view&id=268681&Itemid=2
28. For details, please see Analysis: Justice delayed for PTI, Dawn, May 05, 2015, as accessed on May 10, 2015 at: <http://www.dawn.com/news/1180016>
29. For details, please see Election Tribunals disposed off 198 petitions in 120 days, Associated Press of Pakistan, February 27, 2015, as accessed on May 10, 2015 at:
30. Picture courtesy the Daily Times

short of axiomatic that the quality of its democracy remains significantly contingent upon the civil-military relations. Following the turbulence towards the close of the first year of the Government,³¹ relatively smoother civil-military relations were observed, with the narrative of both '*being on the same page*' taking root. However, this cohabitation came at the cost of a growing influence of the Military in both security and foreign policy formulations, accompanied by an apparent civilian abdication of its responsibilities in this regard.

The second year of the current Government saw an increased international profile of the COAS, with an established trend of his exclusive interactions with civilian foreign dignitaries,³² along with receiving them at the GHQ in the absence of both the Federal Minister for Defence, or the Prime Minister's Advisor on National Security or Foreign Affairs.

Additionally, the implementation of the National Action Plan (NAP) following the Peshawar Tragedy of December 16, 2014 saw not only the formation of Military Courts, but also of Provincial Apex Committees. The latter, containing both the civil and military leadership from the provinces, have emerged as the principle decision-making forums in the context of national security. This is at the perceived cost of side-lining not only the National Security Committee, but also the Constitutionally-mandated Provincial Cabinets. Nothing could be more symptomatic of the Military's growing assertion, and the accompanying abdication by the civilian Government than the fact that the Press Releases for formation of the Military Courts, and the Provincial Apex Committees, came from the ISPR rather than the Prime Minister's Office, the Federal Ministry of Defence, the Federal Ministry for Interior, or the Federal Ministry for Law, Justice and Human Rights.

For many observers, the watershed moment in this trajectory of civil-military imbalance was the sit-ins by the PTI and the PAT that weakened not only the PML-N Government, but also the current democratic setup. The political crisis greatly bolstered the mediatory role of the Military, as it became the proverbial eye of the political storm that brewed in Islamabad.

The National Security Committee: A Dormant Institution?

Although the formation of the Cabinet Committee on National Security (CCNS) on April 22, 2013 (later to be named as the



Prime Minister chairing a meeting of the National Security Committee (NSC) on April 17, 2014³³

31. This friction revolved around:
 - i. The Treason Trial against Gen. (Retd.) Pervez Musharraf
 - ii. The Prime Minister's decision to promote bilateral trade with India
 - iii. FIR registered against Army officials at the behest of Federal Minister for Defence, Khawaja Muhammad Asif, MNA, in relation to the Missing Persons case.
 - iv. The assassination attempt on Mr. Hamid Mir and the divergent responses by the civil-military leadership to it
 - v. The Government's and major political parties' initial decision to pursue talks with the Taliban
 - vi. Allegations leveled against the Military leadership for allegedly supporting the agitating PTI and the PAT against the Government
 - vii. Irresponsible statements by some of the Federal Ministers which were perceived to be critical of the Military
32. For example, during November 2014, the COAS exclusively meeting with the Secretary of State Mr. John Kerry, along with his regular and exclusive interactions with the Afghan President, Dr. Ashraf Ghani. Crucially, neither the Prime Minister's Advisor on National Security and Foreign Affairs, Mr. Sartaj Aziz, nor the Federal Minister for Defence, Khawaja Muhammad Asif, MNA, were present during these visits or interactions.
33. Picture courtesy Pakistan Today

National Security Committee) was hailed positively by PILDAT, by the end of the second year of the Government, the institution remains largely dormant. The NSC, which was created to institutionalize '*key national security related decisions ... through collective thinking to protect and promote the short, medium, and long term strategic interests of the country*' has only met four times since its formation 20 months ago, with the last meeting held on October 15, 2014.³⁴

While supporting the need for a body of consultation on national security decision-making, and acknowledging the need for consulting Military in Pakistan's national security decisions, PILDAT has maintained that a review of the decision-making role of the NSC is required. Similar institutions in other countries as the National Security Committee of Pakistan are primarily consultative forums that facilitate decision-making but are not the decision-making institutions. Decision-making is the privilege of Constitutionally-mandated forums such as the Cabinet. Generally only the senior-most military commander such as Chairman Joint Chiefs of Staff represents the Armed Forces at the security body and uniformed personnel attend in an advisory role rather than as full members Whereas the formation of a National Security Committee with a permanent secretariat is a welcome step, its composition, its decision-making role and lack of any fixed periodicity of meeting need to be revisited and reformed.



Lack of use of the 'magnetic' ink has posed serious problems in carrying out voter verification, becoming yet another controversy surrounding General Election 2013³⁵

The Curious Case of the 'Magnetic' Ink

Amidst the alleged controversies that have now come to surround General Election 2013, none is more significant than the mysterious non-use of a suitable ink and paper to record voter's thumb impression for later verification with the help of database of thumb impressions maintained by National Database and Registration Authority (NADRA). NADRA had recommended to the Election Commission a special preparation of the ink for this purpose which came to be known as the 'magnetic' ink. In October 2013, the National Database and Registration Authority (NADRA) apprised the ECP that instead of the specified magnetic ink, regular ink was used during polling for General Election 2013.³⁶

Biometric verification of the votes cast has therefore surfaced as a critical problem since then. Perhaps it was because of this that the Federal Minister for Interior, Chaudhary Nisar Ali Khan, MNA, stated on the floor of the Parliament that '*60,000-70,000 votes in all the constituencies would remain unverifiable*'.³⁷

As subsequent developments have shown, the absence of the ink has resulted in institutional squabbling with the blame being shifted from the Pakistan Council of Scientific and Industrial Research (PCSIR), to NADRA, to the ECP, and back again. What is intriguing is that despite the fact that it was established that a sub-standard ink was used which rendered the entire exercise of recording thumb impression of voters useless, no proper enquiry or investigation is known to have been ordered, culprits identified and punished.

34. For details, please see PILDAT Monitor on Civil-Military Relations in Pakistan, April 2015, which can be accessed at: http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Apr012015_Apr302015.pdf

35. Picture courtesy Pakistan Today

36. For details, please see Election fraud: The curious case of the magnetized ink, the Express Tribune, October 10, 2013, as accessed on June 03, 2015 at: <http://tribune.com.pk/story/616058/election-fraud-the-curious-case-of-magnetic-ink>

37. For details, please see Imran threatens street protests against 'vote rigging', Dawn, December 11, 2013, as accessed on June 03, 2015 at: <http://www.dawn.com/news/1061776>

Formation of the Military Courts: Undermining the Civilian Judicial System

Considered to be the creation of a parallel system of justice, the establishment of Military Courts signified a negative development not only for Pakistan's civilian judicial system, but also its nascent democracy. Although their legality is *sub-judice*, PILDAT believes their formation blurs the line between the Judiciary and the Executive, distorting the trichotomy of powers enshrined in Constitution. It also signifies the limited level of trust the Government reposes in the civilian judicial system, even if only vis-à-vis terror-related cases. If this is indeed the case, it means that provision of accessible justice, a cornerstone of a functioning democracy, remains largely problematic in Pakistan.



Picture showing the Army Public School, Peshawar in the aftermath of the attack by the militants on December 16, 2014; The development catalyzed the formation of the Military Courts, with both the Military and certain sections of the civilian political leadership lending support to it³⁸

In this context, the remarks made by Prime Minister Nawaz Sharif, and two Supreme Court judges during January 2015 are of relevance. Regarding the formation of Military Courts, the Prime Minister stated that '*the independence of the Judiciary was essential but equally important is the performance of the Judiciary. The pendency of numerous cases has contributed towards law and order issues*'.

Justice Jawwad S. Khawaja and Justice Asif Saeed Khosa, however, in an apparent rejoinder, listed inefficient investigations and weak prosecutions as the primary reasons for delays and rising backlog of cases pending in courts.³⁹

This debate lies at the heart of the Military Courts' formation. Although there has been persistent criticism of the country's judiciary for low number of convictions in terrorism related cases, the investigation and prosecution branches of the Government must be held responsible as well, as no person can be punished without evidence, no matter what the public perception is.

Therefore, the question that needs to be answered is: How is the Government planning to improve the civilian justice system in two years' time when the 21st Constitutional Amendment will terminate? In light of the fact that little or no recommendations have been floated in this regard, it is feared that we may see the Government reverting back to the Parliament in two years' time, seeking an extension of Military Courts.

Lastly, in the context of democracy, significant apprehensions regarding a lack of transparency and doubts about the Military Courts' ability to safeguard provision of basic rights, such as following the due process of law, remain. These fears were further compounded by the promulgation of the Pakistan Army (Amendment) Ordinance, 2015 which PILDAT duly noted in its Civil-Military Relations Monitor for April 2015.⁴⁰ Perhaps for the same reason, a 17-member bench of the Supreme Court issued a stay order on the first batch of executions ordered by the Military Courts on April 16, 2015.

38. Picture courtesy The Independent (United Kingdom)

39. For details, please see the heading Formation of Military Courts: 21st Constitutional Amendment and its Aftermath, on pg. 02 of PILDAT's Monitor on Civil-Military Relations in Pakistan, for the month of January 2015, which can be accessed at: http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Jan012015_Jan312015.pdf

40. The publication can be accessed at: http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Apr012015_Apr302015.pdf

Senate Elections: An Indictment of Pakistan's Political Parties?



An All Parties Conference (APC) was held on March 10, 2015, during which the decisions for the appointment of the Senate leadership were made⁴¹

With the election of four Senators from FATA on March 20, 2015,⁴² Pakistan wrapped up its Senate elections for 2015. Ill-timed and ill-advised politicking made the process somewhat controversial for many observers. What was supposed to be a regular ritual for the country's democracy, instead exhibited insecurity of the political parties vis-à-vis their political capital, weak internal democracy and nation-wide organization.

As the May 05, 2015 deadline to hold election of half the Senators drew close, allegations of horse-trading, a regular feature of the Senate elections, reached a deafening pitch. The final result, however, was more or less in consonance with the party positions in each Legislature. The few instances of aberrations, not necessarily the result of horse-trading but of genuine liking for a candidate not from the voter's party, therefore did not necessitate the charged political discussion regarding amending the Constitution. This was aimed at changing Article 59 (1), 63 A, and 226 to introduce open balloting in Senate elections, along with the disqualification of the legislator in case he or she did not abide by the party guidelines on voting. PILDAT believes that the problem was not so widespread as to introduce a Constitutional Amendment, especially one drafted in such haste without any referral to the Parliamentary Committee on Electoral Reforms. If passed, it would have added to the suffocation observed amidst strict centralization within political parties, curtailing a democratic right of dissent.

The second disappointment was the Ordinance issued by the President of Pakistan just a few hours before the election on March 05, 2015, which gave each Fata MNA only one vote for the Senate election, compared to as many votes as the number of vacant seats previously.⁴³ Although Article 59 (1)(b) of the Constitution leaves the manner of election of FATA Senators to the President who may prescribe it through an order, the ill-timed decree was a cause of confusion for the ECP, and was rightfully withdrawn amidst protests by the FATA legislators. The justification given again was the fears of vote selling not only because the FATA MNAs constitute the smallest Electoral College but also because most of them are independent and therefore do not subscribe to party discipline.⁴⁴

41. Picture courtesy Pakistan Today

42. For details, please see Four FATA Senators elected, Dawn, March 21, 2015, as accessed on May 10, 2015 at: <http://www.dawn.com/news/1170996/four-fata-senators-elected>

43. For details, please see Two Ordinances promulgated, March 05, 2015, as accessed on May 10, 2015 at: <http://www.dawn.com/news/1167490/two-ordinances-promulgated>

44. For details, please see Senate questions, Dawn, March 15, 2015, as accessed on May 10, 2015 at: <http://www.dawn.com/news/1169601>

June 01, 2014-May 31, 2015

PILDAT believes that instead of introducing such ill-timed amendments to the election procedure, strengthening political parties in the tribal areas will improve the quality of Senate elections. Experience has shown that organised and democratic political parties are a much better guarantee against malpractices. Considering that 6 of the total 11 (55%) FATA MNAs are independent (i.e. not affiliated to any political party), political parties have not been able to make any significant inroads in the region, perhaps contributing to its ostensible political alienation from the rest of the federating units.

Sidelining the Parliament: Increasing Trend of the All Parties Conferences (APCs)



Picture showing an All Parties Conference held on National Security, chaired by the Prime Minister; the COAS, Gen. Raheel Sharif, is also in attendance along with leaders of various political parties on December 24, 2014⁴⁵

All Parties Conferences to evolve consensus on issues of national interest became a recurrent feature for the current Government's second year in power. From June 01, 2014-May 31, 2015, the following APCs were held:

It is inexplicable and to the detriment of the institution of the Parliament that in the presence of Parliament, All Parties Conferences are organized to achieve so-called political consensus on issues. Parliament represents public's elected representatives belonging to all key parties who have been empowered to take policy decisions, develop policy guidelines and develop consensus on behalf of the citizens.

Table1: APCs held during the 2nd Year of the current Government

No.	Date	Issue Discussed
1.	December 17, 2014	To draft an action plan to counter the increasing tide of terrorism in Pakistan, especially after the Peshawar Tragedy on December 16, 2014
2.	December 24, 2014	To forge consensus on the National Action Plan (NAP) formed to counter terrorism in Pakistan
3.	January 02, 2015	Approval of the National Action Plan (NAP) including the formation of Military Courts to counter the growing tide of terrorism
4.	May 13, 2015	To evolve consensus on the multi-billion dollar Pakistan-China Economic Corridor
5.	May 28, 2015	To allay the concerns of various political parties regarding Pakistan-China Economic Corridor

45. Picture courtesy Pakistan Today

PILDAT has always commended the Government's utilization of the Parliament to announce decisions such as the Treason Trial against Gen. (Retd.) Pervez Musharraf, the start of Operation Zarb-e-Azb, etc. However, in the same vein, it is regrettable that majority of the Parliamentarians were unable to give input on the National Action Plan, and the Pakistan-China Economic Corridor, because of the APCs convened. This not only contravenes an effective and thorough debate that is usually to take place in the Parliament, but also sidelines a sovereign institution that is Constitutionally designated for such matters.

Additionally, following the recently-concluded Khyber Pakhtunkhwa Local Government elections, the Jamaat-e-Islami (JI) has called for an APC over alleged rigging in the polls.⁴⁶ This shows that not only are the Legislatures being sidelined by this new phenomenon, but also the Constitutionally prescribed mechanisms for electoral dispute resolution, i.e. the Election Tribunals.

Inordinate Delay in Appointment of a full-time Chief Election Commissioner (CEC)



Picture showing the Chief Justice Nasir-ul-Mulk administering oath to the Chief Election Commissioner Justice (Retd.) Sardar Raza Khan⁴⁷

On December 04, 2014, after an inordinate delay of 16 months, with members of the Supreme Court filling in, the country finally saw the appointment of Justice (Retd.) Sardar Raza Khan as the new Chief Election Commissioner (CEC). The previous full-time CEC, Justice (Retd.) Fakhruddin G. Ebrahim had resigned on July 31, 2013.

Apart from the Local Government elections, this development signifies another instance of the superior Judiciary exerting pressure on the Government (in this case for a timely appointment of the head of a Constitutionally mandated body), with the latter dragging its feet. Disappointingly, the Apex Court gave the Government a total of four deadlines in 2014 (October 28, November 13, November 25 and December 05) for the appointment. Considering the controversy surrounding the Election

Commission of Pakistan vis-à-vis General Election 2013, due and lengthy consideration given to the appointment is understandable. However, a drawn-out lapse of 16-months is not excusable.

It is hoped that the new CEC dedicatedly revamps the somewhat negative and controversial image that the institution has attained. The public confidence in the effectiveness of the ECP is at a record low, as an overwhelming majority of Pakistanis (85%)⁴⁹ believe that it is critical that the Election Commission of Pakistan's functions need to be reformed and reconfigured. If the ECP, under its new leadership, does not display an effective control and conduct of subsequent by-elections, it will become very difficult to win public confidence in its ability to ensure a free, fair and credible General Election in 2018.

In this regard, the performance of the ECP vis-à-vis the NA-246 (Karachi VII) by-election was somewhat disappointing, as it failed to provide biometric verification of the voters, which has been a longstanding demand of various political parties. Apart from improving the various administrative flaws observed in General Election 2013 the ECP's leadership also needs to vigorously push for the relevant electoral reforms.⁵⁰

46. For details, please see JI calls for APC over LG polls in KP, Geo News, June 03, 2015, which can be accessed at: <http://www.geo.tv/article-187010-JI-calls-for-APC-over-LG-polls-in-KP>

47. Picture courtesy the Daily Patriot

48. For details, please see Justice Sardar Raza Khan appointed CEC, Dawn, December 04, 2014, as accessed on May 10, 2015 at: <http://www.dawn.com/news/1148760>

49. For details, please see For details please see PILDAT Report on Public Opinion Poll on Quality of Democracy in Pakistan: August 2014

50. For details, please see PILDAT publication titled Agenda for Electoral Reforms in Pakistan after General Election 2013, which can be accessed at: http://www.pildat.org/publications/publication/elections/AgendaforElectoralReformsinPakistan_After2013GeneralElectionJuly2013.pdf

Hasty Legislation: A Developing Feature of Pakistan's democracy



Picture showing the Prime Minister speaking on the floor of the House in the Senate on January 06, 2015, during the passage of the 21st Constitutional Amendment⁵¹

A disappointing trend of hasty passage of legislation, without thorough deliberation, emerged for the second year of the current Government. Consider the passage of the Pakistan Army (Amendment) Bill, 2015 and the 21st Constitutional Amendment Bill, 2015: Both legislations, with possibly far-reaching consequences for Pakistan's democracy, were introduced in the Parliament on January 03, 2015 and passed by January 06, 2015, within a short period of 3 days. The haste observed came at the cost of genuine concerns by the JUI-F and the JI regarding the Amendment only targeting religious terrorism while overlooking others, being woefully ignored. The fact that the Pakistan Army (Amendment) Ordinance, 2015 was promulgated on February 25, 2015 to further amend the Pakistan Army (Amendment) Act, 2015 that was passed just over a month ago, shows the lack of detailed consideration and debate surrounding it.

Consider also the plans of the Government for the 22nd Constitutional Amendment to introduce open balloting in Senate election only a few days before it was scheduled to take place. Relevantly, Barrister Zafar Ullah Khan's (Special Assistant to the Prime Minister on Parliamentary Affairs) statement that the '*desired Amendments were doable and could be passed in a day*'⁵² were symptomatic of two things: how the actual political consultations were taking place outside of the Parliament in the APCs; the apparent lack of patience that the Government possessed for Parliamentary deliberations and machinations. The Presidential Order on May 05, 2015, altering the method for electing the FATA Senators, only hours before the election, and its eventual withdrawal, was yet another example of this detrimental haste.

51. Picture courtesy the Daily Patriot

52. For details, please see Govt. drafts anti-horse trading amendment, Dawn, February 27, 2015, as accessed on May 10, 2015 at: <http://www.dawn.com/news/1165988/govt-drafts-anti-horse-trading-amendment>

Slow-Moving Treason Trial

The decision taken by the Federal Government to pursue a Treason Trial against Gen. (Retd.) Pervez Musharraf for his imposition of Emergency (de facto Martial Law) in November 2007, and the latter's indictment, were celebrated as watershed developments for Pakistan's democracy. These developments signified not only an effort to establish the rule of law, vis-à-vis Constitutional supremacy, but were also considered cathartic for Pakistan's democracy, as a psychological barrier would have been crossed once the due proceedings had taken place against a Military dictator.



Gen. (Retd.) Pervez Musharraf amidst his supporters and members of the media after a hearing in the Islamabad High Court⁵³

However, as subsequent developments have shown, the trial seems to have been placed on the proverbial back burner. Progress has been delayed

following the Special Court's order to indict former Prime Minister Shaukat Aziz, former Chief Justice Abdul Hameed Dogar and former Federal Minister, Mr. Zahid Hamid, as Gen. (Retd.) Musharraf's co-accused in the trial.⁵⁴ The Islamabad High Court resultantly issued a stay-order based on three identical petitions filed by former Prime Minister, Mr. Shaukat Aziz, Supreme Court's former Chief Justice, Justice (Retd.) Abdul Hameed Dogar and former Federal Minister for Science and Technology, Mr. Zahid Hamid for regular hearing against the Special Court's order to indict them on November 21, 2014. Since then, the Special Court has been convened six times, but could not proceed further due to Islamabad High Court's Order.⁵⁵ The Government, which has always maintained the stance that Gen. (Retd.) Pervez Musharraf was the sole accused in the imposition of Emergency in November 2007, has decided to investigate the role of the three alleged co-accused.⁵⁶

The matter till now has been held up not only because of the judicial proceedings, but also because of the flagrant disregard shown by Gen. (Retd.) Pervez Musharraf for Court proceedings. He has missed multiple appearances in front of the Special Court. In fact, this habit of not appearing before a court of law due to 'medical reasons', even though he has not shied away from frequent media appearances, has been perpetuated in other criminal proceedings he is facing as well. The Military, it appeared, sheltered Gen. (Retd.) Musharraf during his long sojourn at the AFIC. It is also a well-known fact that the Treason Trial was a major irritant for civil-military relations. However, one hopes that the recent improvement of civil-military ties has not come at the cost of placing the trial on the backburner, and compromising the rule of law.

53. Picture courtesy the Washington Post

54. For details, please see Deadline to challenge special court orders expires, Dawn, February 22, 2015, as accessed on May 01, 2015 at: <http://www.dawn.com/news/1165168/deadline-to-challenge-special-court-order-expires>

55. For details, please see Govt. ready to expand Treason case to investigate three 'abettors', Dawn, June 04, 2015, as accessed on June 24, 2015 at: <http://www.dawn.com/news/1186028>

56. For details, please see Musharraf treason case: Government willing to investigate abettors, The Express Tribune, May 20, 2015, can be accessed at: <http://tribune.com.pk/story/889179/musharraf-treason-case-government-willing-to-investigate-abettors>

57. For details, please see Local body polls: SC approves new deadlines for Sindh, Punjab, KP, The Express Tribune, November 13, 2013, as accessed on June 25, 2015 at: <http://tribune.com.pk/story/631427/local-body-polls-sc-approves-new-dates-for-sindh-punjab-k-p>



Voting can be seen taking place in the presence of Army Officers for the Cantonment Board elections⁵⁸

Delayed Local Government Elections

Although it is a welcome development for Pakistan's democracy that Local Government elections have been held for the Cantonment Boards, in Khyber Pakhtunkhwa and Balochistan, a prolonged delay was seen in holding these, with elections still not held in Punjab and Sindh, Islamabad Capital Territory (ICT) and Federally Administered Tribal Areas (FATA). Pakistan's superior judiciary has exerted significant pressure on the Federal and Provincial Governments to hold Local Government elections with multiple deadlines being set, and embarrassingly missed by the Provincial Governments.⁵⁷ The latest deadline for Sindh and Punjab to hold Local Government elections is September 20, 2015.

In another welcome development, the Election Commission of Pakistan (ECP) has announced Local Government elections in ICT for July 25, 2015. However, the Federal Government's delay in instituting Local Government setup can be judged by the fact that even though the election schedule has been announced, the Islamabad Local Government Bill, 2015 has not been passed till yet.⁵⁹ Additionally, even though there is some movement on the Local Government elections in ICT, none can be seen for FATA, as its people remain deprived of basic Constitutional rights.

58. Picture courtesy The Independent

59. For details, please see ECP announces schedule for Islamabad LG polls, Dawn, June 23, 2015, as accessed on June 26, 2015 at: <http://www.dawn.com/news/1189974>

International Developments in Focus

United Kingdom's General Election 2015: A Culture of Accountability to Learn From



Mr. Nigel Farage, Leader of the United Kingdom Independence Party, Mr. Edward Miliband, Leader of the Labour Party, and Mr. Nick Clegg, Leader of the Liberal Democrats announced their resignation as party leaders after suffering defeat in the General Election 2015⁶⁰

General Election to the United Kingdom's 56th Parliament took place on May 07, 2015 with voting taking place on all 650 Parliamentary Constituencies. Contrary to the potential results posited by various public opinion polls, (which predicted that the Labour Party and the Tories would be neck to neck) the Conservative Party was able to wrack up a commanding majority by winning 331 seats.⁶¹ It was followed by the Labour Party that bagged 232 seats (suffering its worst defeat since 1987) and the Scottish National Party that won 56 seats.

In lessons that Pakistan's democracy and political system can garner from the UK General Election 2015, perhaps the greatest one was related to the resignation by Mr. Ed Miliband, elected Leader of the Labour Party, Mr. Nick Clegg, elected Leader of the Liberal Democrats and Mr. Nigel Farage, elected Leader of the United Kingdom Independence Party following their parties' defeat in the Election. Although Mr. Nigel Farage withdrew his resignation amidst '*pressure from the party and its supporters*',⁶² the larger trend points to not only the political maturity of whole-heartedly accepting the election result, but also

60. Picture courtesy the Telegraph

61. For details, please see UK election results: David Cameron to stay as Prime Minister after Conservatives win overall majority, The Independent, May 08, 2015, as accessed on May 10, 2015 at: <http://www.independent.co.uk/news/uk/politics/generalelection/uk-general-election-2015-results-in-full-who-has-won-10231614.html>

62. For details, please see Nigel Farage withdraws resignation as Ukip leader, The Guardian, May 11, 2015, which can be accessed at: <http://www.theguardian.com/politics/2015/may/11/nigel-farage-withdraws-resignation-as-ukip-leader>

the party leaders taking '*absolute responsibility*' for the poor performance in the elections. This shows cognizance on their part that not only has the public rejected their vision, but also that the party might fare well in the hands of new leadership. The result is dynamic change of leadership, greatly contributing to the parties' internal democracy.

According to a study conducted by PILDAT, internal democracy within political parties in Pakistan remains largely problematic.⁶³ Therefore, two of Pakistan's largest political parties, i.e. the PML-N and the PPP, have scored the lowest on internal democracy. With regards to the response to electoral defeat also, the situation in Pakistan regrettably is completely the opposite. Not only do the political parties fail to whole-heartedly accept their defeat following a General Election, but one also hardly sees the party leadership change hands, with a few exceptions. The result is centralized political parties, with negligible internal democracy, largely personality-based politics, and hereditary transfer of powers within the party leadership.

Egypt Slides Further Away from Democracy

On May 14, 2015 Mr. Mohammad Morsi, Egypt's democratically elected President after extended Military rule, was sentenced to death along with more than a 100 other people sentenced to death for the alleged role in a mass jailbreak during the 2011 uprising.⁶⁴ The development has further quashed the hopes for a democratic system taking root in Egypt, following Mr. Abdul Fatah al-Sissi overthrowing Mr. Morsi's democratically elected Government on July 03, 2013. Since then, Egypt has slid once again into dictatorial rule, with mass executions taking place of members of the Muslim Brotherhood and its supporters.



Many have wondered why Egypt's stint with democracy was short lived, although there was much optimism surrounding the advent of the Mr. Morsi's Government. For many observers, during his 12 months in power, Mr. Morsi was seen as being preoccupied with establishing political control rather than tackling economic and social problems. This included unilaterally decreeing greater authorities for himself and effectively neutralizing a judicial system by declaring that the courts are barred from challenging his decisions. Various sections of the population immediately criticized this as dictatorial. The result was rampant protests against the Morsi regime, with the Egyptian Army, the most organized institution of the country, taking control in face of turmoil.⁶⁵ It needs to be noted that even in the face of protests against the measures adopted by Mr. Morsi, the Constitutional recourse would have been to revert back to the ballot box, and the let people sit in judgment of the regime. All too often it has been seen in developing democracies that the Military sits in judgment of an elected Government, numerous examples of which are found in Pakistan as well. This impulse on part of the Military leadership needs to be discouraged, in favor of popular and democratic consolidation.

Contrary to the inherently flawed argument only used by power-hungry Militaries that they can usurp power if the elected Governments do not "perform" it is the electors and the citizens who can legitimately vote out non-performing Governments. This does not mean that good performance should not be the key objective of elected Governments. The rise and success of the AKP in Turkey and its 3 successive unparalleled electoral victories over a decade helped Turkey emerge as a consolidated democracy away from its deeply dictatorial past. Ironically, however, it is the very autocratic and hegemonic tendencies that

63. The PILDAT publication can be accessed at: <http://www.pildat.org/Publications/publication/Democracy&LegStr/AssessingInternalDemocracyofMajorPoliticalPartiesofPakistan.pdf>

64. For details, please see Morsi, 100 others sentenced to death, Dawn, May 17, 2015, which can be accessed at: <http://www.dawn.com/news/1182491>

65. For details, please see Morsi's Constitutional Declarations Grant Egypt's President Far-Reaching Powers, The Huffington Post, November 22, 2012, as accessed on May 10, 2015 at: http://www.huffingtonpost.com/2012/11/22/morsi-constitutional-declaration_n_2175651.html

have resulted in the AKP losing majority in the June 2015 Election.

Perhaps the greatest lesson that can be learnt from the Egyptian case is the fact that consolidation of democracy is a slow, and drawn-out process. Years of dictatorial rule perpetuate institutional imbalances that are counter-productive to democratic impulses. Therefore, in periods of transition, it is important for elected leaders to not only tread carefully in consolidating power, but also ensuring good governance so that the legitimacy of democracy as a system is established.



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