

## The Impact of 'Charter of Democracy' on Democratic Stability in Pakistan



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**Abstract:** *This paper attempts to examine the implications of the signing of the Charter of Democracy (COD) between the Pakistan Peoples' Party (PPP) and the Pakistan Muslim League-Nawaz (PML-N) on democratic stability in Pakistan. Signifying a historic shift, these two major political adversaries, for the first time in Pakistan's political history, set aside their conventional rivalry, competition, and opposition to collaborate in establishing a political consensus aimed at enhancing democratic stability. This collaboration involved the agreement on formulating comprehensive policy goals, which were mutually committed to and consensually implemented. This qualitative study has employed the theoretical framework of consociational democracy, with the primary data collected through semi-structured interviews. The findings indicated that the implementation of COD not only stabilized democracy and promoted constructive cooperation among political parties but also brought about structural changes through constitutional amendments in the political system. These changes transformed the system to address longstanding concerns about the previously centralized structure of small provinces to a large extent. Consequently, the country experienced relative political stability, with two elected governments completing their terms and a peaceful transfer of power from one elected government to another.*

**Keywords:** COD, Reforms, Democracy, Political Stability, Pakistan

### Background

The signing of COD marked an unprecedented and unparalleled display of cooperation among political parties on matters of paramount national importance. In a remarkable departure from Pakistan's traditional polarized politics, the two Political parties i.e. Pakistan Peoples' Party (PPP) and Pakistan Muslim League (Nawaz) (PLM-N) joined forces for the first time. Their joint objective extended beyond the restoration of democracy; they collectively developed a comprehensive political reform agenda aimed at strengthening the democracy in the country. It was a socio-political pact that had a far-reaching impact in terms of promoting the politics of mutual respect and lowering the political

temperature, which had often remained high. Had it been properly implemented, the COD could become the most valuable document after the 1973 constitution (Syed, 2023).

The 1973 Constitution was initially framed and passed with a relatively broad consensus among various political parties. However, during the succeeding regimes of General Zia-ul-Haq (1977-1988) and General Pervez Musharraf (1999-2008), many amendments were incorporated that changed the structure of the 1973 constitution, reverting it to a more centralized form. In response to General Musharraf's rule, the PLM-N and PPP formed the ARD (Alliance for Restoration Democracy) in December 3, 2000 (Directorate, 2002). This

alliance later saw the participation of other smaller political parties, united in their struggle to reinstate civilian rule in Pakistan. Their primary demands included the immediate organization of free, fair, and impartial elections conducted by an independent Election Commission, all under a caretaker government formed through national consensus. In this manner, they sought to transfer power to the elected representatives and restore democracy in the country. Additionally, they rejected General Musharraf's government amendments to the 1973 constitution, deeming them unacceptable (Fruman, 2011).

From the ARD platform, these political parties resolved to coordinate, mobilize, organize, and collectively strive for the restoration of democracy in the country, all through peaceful means and at the earliest opportunity. The consensus achieved during the ARD movement set the stage for the subsequent signing of the COD. Five years later, in their shared pursuit of reclaiming the political space for mainstream parties and reinstating the balance of power among state institutions, the leadership of PPP and PLM-N, both in exile in London, signed the COD on May 14, 2006 (Hayat, 2023). Following the signing of this historic document, the major political parties found themselves in alignment, collectively committed to the enhancement and strengthening of democratic principles within Pakistan (Hamida, 2022).

Consisting of 36 points in total, the Charter of Democracy (COD) focused on four main areas that required attention. Firstly, it aimed to strengthen democracy through constitutional amendments, reverting it to its original state before the amendments made during Musharraf's regime. Secondly, it addressed various structural issues, including concerns related to provincial autonomy, judicial independence, local governance, and the sensitive civilian-military relationship, all through constitutional and legal reforms. Thirdly, it included a code of conduct for democratic collaboration among political parties, emphasizing the commitment of the two parties to engage in electoral competition without undermining the democratic process

itself. This consensus on critical issues represented a remarkable achievement for the political parties and held promising prospects for political and democratic stability in Pakistan (Dawn, 2006).

### **PPP Government and Politics of Consensus**

Following the assassination of Benazir Bhutto on December 27, 2007, Asif Ali Zardari and Bilawal Bhutto Zardari, assuming the roles of Co-chairman and chairman of PPP, affirmed their dedication to upholding Benazir Bhutto's legacy (Jones, 2017). They pledged to ensure the strengthening of democratic processes in the country. As a result of general elections held on 18 February 2008, the PPP secured enough seats to form a coalition government at the national level and to participate in or lead coalitions in all four provinces. Meanwhile, the PML-N obtained the majority of seats in Punjab, the most populous province in the country. Despite his initial efforts to cling to the presidency, President Musharraf eventually stepped down from his position on August 18, 2008. Following this, on September 6, 2008, Asif Ali Zardari was elected as the President of Pakistan by the assemblies and the Senate (Mehdi, 2013). He vowed to carry forward the principles of political consensus and the COD, which had been articulated by Benazir Bhutto and were subsequently championed by Zardari and Mian Nawaz Sharif (Chawla, 2018).

Therefore, shortly after the elections, they convened a meeting at PC Bhurban, formally endorsing the Murree Declaration on March 9, 2008. This declaration delineated a cohesive course of action aimed at effectively implementing the COD. It reflected the COD's underlying principle of learning from past experiences and, in accordance with their commitment, choosing a political approach based on consensus rather than confrontation. This marked a significant shift in the political strategies of both parties, emphasizing the pursuit of reconciliation over conflict (Dawn, 2008).

### **Grand Coalition of PPP, PLM-N and Others**

A grand coalition government is a fundamental principle of consociational democracy,

involving prominent political leaders from all significant political parties. This mechanism facilitates the sharing of executive power among different segments of society. Given the diverse nature of Pakistan's society, the formation of a grand coalition in which the cabinet represents ethnic, linguistic, and religious groups can have excellent prospects for democratic growth and stability (Ayaz, 2011).

The PPP, led by Asif Ali Zardari, adeptly implemented a policy focused on promoting consensus after coming into power. This approach was manifest in the PPP's invitation to Nawaz Sharif and the MQM to form a coalition government. The "Murree Declaration" marked the PLMN's participation in the PPP-led government at the national level, which was followed by the formation of coalition governments involving various regional and smaller parties at the provincial level. Later, the ANP, PMLQ and JUI-F were also included into this coalition in the Centre. The government's inclusive political strategy encompassed the inclusion of nearly all significant opposition parties within the government, a measure aimed at ensuring the smooth functioning of the system. This approach was not solely geared toward establishing and sustaining democratic governance but also toward the uninterrupted operation of parliamentary functions. Consequently, on March 25, 2008, Yousaf Reza Gilani, assumed the office of Prime Minister (PM) with unprecedented consensus between the major political parties. Despite the fact that PPP could form provincial government in Sindh without support from any other party but following a consociational approach, a coalition government was formed with MQM in Sindh (Chawla, 2018). Similarly, in KP, a coalition government comprising the ANP and the PPP was formed, whereas in Baluchistan, the PPP secured a majority of seats and subsequently established a coalition government with the JUI and ANP. This show of a consociational politics represented a significant shift and completely transformed Pakistan's politics (Marwat S. K., 2022).

Zardari expressed his appreciation for the PLMN's decision to join the federal

government, and both leaders agreed on establishing a coalition-based administration. Within the guidelines set by the COD, friendly gestures were evident in the formation of the federal cabinet. Notably, eight out of the twenty-three cabinet members were selected from the PLMN, indicating a positive development for democratization efforts in Pakistan. They also reached an agreement to reinstate the 60 judges who had been suspended by Pervez Musharraf, with this restoration taking effect on April 30, 2008. While Zardari and Nawaz Sharif held divergent views on the reinstatement of the removed judges, but they collaborated in their efforts to strengthen democracy, by introducing Amendments to the Constitution. The reluctance of PPP government to timely reinstate the deposed judges led to resignation of PLM-N members from the government (Chawla, 2018). However, the decision of the PML-N to occupy the opposition benches in the Parliament while simultaneously participating in the policy and decision-making processes of the PPP government sustained the essence of the COD (Mullally, 2009). During the tenure of the PPP government, politics in Pakistan experienced an important transformation characterized by democratic interactions among political parties. The COD established the foundation for a cooperative relationship between the ruling party and the opposition, ultimately playing a role in the development of Pakistan's democratic system (Zikria, 2019).

### **Implementation of COD**

Following the formation of the government, the process of implementing the COD commenced through the establishment of a Parliamentary Committee on Constitutional Reforms (PCCR) in 2009. This committee was composed of representatives from both houses of parliament and included members from various political parties. Operating under a set of rules that mandated consensual approval for all amendments, the PCCR was primarily tasked with the restoration of the constitution's original essence. To achieve this goal, the committee decided to solicit input from the general public. Over a span of ten months, the PCCR conducted 77 meetings to deliberate on constitutional

amendments and ultimately succeeded in incorporating the 18th amendment to the constitution. Besides the constitutional amendments, the 7th National Finance Commission (NFC) award and the Election Act of 2017, were also unanimously passed from parliament. These legislative actions brought about significant transformations in the prevailing centralized governance structure, granting greater autonomy to the provinces (Khan I., 2021).

### **Constitutional Amendments**

The 1973 constitution has been amended several times both by the elected and military governments. The most important among these amendments in terms of distorting its parliamentary and federal character were 8<sup>th</sup> and 17<sup>th</sup> amendments introduced by General Zia and General Musharraf respectively (Rana, 2020). In COD a total of 10 provisions were related to constitution which were addressed under the 18<sup>th</sup> constitutional amendment. out of 10, six commitments have been completely achieved, three partially achieved while one so far remains unimplemented. The 18th Amendment, passed with maximum consensus among ruling political parties in April 2010 was historic step that devolve powers to the provinces. With this amendment, the distortion made by military dictators such as empowering president was undone and its parliamentary character was restored. Moreover, the parliament and judiciary relationship were re-defined in the sense that parliament was given role in the appointment of judges of the superior Courts. It also decentralized powers to the provincial governments by amending the federal list and completely abolishing the concurrent legislative list (Mahar N., 2021).

### **Restoration of the Original Character of 1973 Constitution**

The 18<sup>th</sup> amendment restored the federal-parliamentary character of the constitution by repealing in its entirety the changes introduced by General Pervez Musharraf. It also declared the Legal Framework Orders (LFO) 2002 as illegal. By transferring many keys powers to the President, the 17th amendment had empowered

him in relation to Parliament. Before the 18th Amendment, the President held the executive authority of the federation. This authority could be exercised by the President either directly or through subordinate officers. The amendment vested the Federal Government with exercising the executive authority of the federation, with PM serving as its chief executive. Additionally, it stipulated that the Federal Government, shall formulate the Rules of Business instead of President. The President's prerogative to delay the session of Assembly after elections or independently appoint a member of the NA as PM, contingent on the President's assessment of his ability to secure majority confidence, was removed. The Amendment requires the Assembly to meet within 21 days following elections and choose a PM. The President is obligated to extend an invitation to the candidate having majority support in the assemble to assume office of the PM (Hussain, 2012).

Similarly, the modification to Article 232 limited the President's authority to declare an emergency in a province. According to the amended Article, it can only be declared once the respective Provincial Assembly approves a resolution to that effect. If the President is obliged to exercise discretion, the Declaration needs to be laid before Parliament for approval by each House within a period of 10 days. In the event of non-approval, the proclamation becomes ineffective within 2 months of its declaration. Although the Amendment permits the suspension of fundamental rights during emergencies, each such order must be separately presented before both Houses of Parliament. This change empowered the Senate to protect the rights of the provinces against undue interference by the Federal Government (Rana, 2020). Furthermore, the amendment to Article 58 resulted in the removal of Clause 2(B), which previously vested the President with powers to dissolve the National Assembly (NA). The dissolution of the NA is now only permissible under particular conditions. This can occur either upon the recommendation of the PM or when a vote of no confidence has been passed against a PM. During a session convened for this purpose, if no other member of the Assembly

commands the majority, dissolution may take place. The President has the right to receive information on internal and foreign policy matters, but he must follow the advice of the PM and his Cabinet, in important issues. Similarly, President's appointments for Services Chiefs, governors, and chairpersons of the Federal Public Service Commission are specifically reliant on the mandatory advice of the PM. The time for the President to grant assent to a bill passed by Parliament has been shortened to 10 days. Additionally, his discretionary power to send a question to a referendum has also been removed, indicating a reduction in similar powers held by provincial governors (Islam, 2013).

### **Appointments in Superior Judiciary**

Another important change the 18<sup>th</sup> amendment introduced, pertains to Article 175 of the Constitution. Formerly, Clause (1) of this article solely mentioned the Supreme Court of Pakistan, the provincial High Courts, and the federal Shariat Court, but the amendment expanded this provision to include the Islamabad High Court as well. Additionally, the tradition of the President appointing judges to the Supreme Court and High Courts in consultation with the Chief Justice of Pakistan (CJP) was assigned to a newly established Judicial Commission and a Parliamentary Committee. Article 175A was introduced to outline the structure and responsibilities of parliamentary committees. In the appointment of Judges to the Supreme Court, a 7-member commission was established, consisting of the CJP as its chairman, the two most senior judges of the Supreme Court, a former Chief Justice or a former Supreme Court judge, the Federal Law Minister, the Attorney General of Pakistan, and a senior Advocate of the Supreme Court nominated by the Pakistan Bar Council (PBC). Similarly, for appointments to the High Court, the commission is expanded to include four additional members, including the Chief Justice of the respective High Court, the most senior judge of the relevant High Court, the provincial Law Minister, and a senior advocate nominated by the provincial Bar Council (Hussain, 2012).

After selecting a nominee, the Judicial

Commission is mandated to submit the nominee's name for approval to an eight-member parliamentary committee, comprising representatives from both government and the opposition. Following the confirmation of the nominee from Committee, it is subsequently forwarded to the President for appointment. However, much of the authority gained through the 18<sup>th</sup> amendment, which conferred parliamentary oversight over appointments within the superior judiciary, was to a great extent reversed by the subsequent 19<sup>th</sup> amendment (Mahar N., 2021).

### **Empowered Election Commission and Caretaker Cabinet**

The 18<sup>th</sup> Amendment has introduced a novel arrangement aimed at maintaining impartiality within the system. It debars the caretaker PM and his cabinet members from contesting elections during their tenure in power. This restriction extends to their family members, including spouses and children. The provision is designed to enhance the fairness of elections by reducing interference from the caretaker government. Moreover, to enhance transparency, the election of PM and Chief Ministers (CM) of the provinces will no longer be conducted through secret ballots. This change addressed the potential for members' allegiances to be easily influenced in secret elections for the PM, ensuring a more open and transparent process (Mehboob A. B., 2018).

The Amendment brought about important modifications to the provisions pertaining to the appointment of election commissioners, aimed at enhancing the operational autonomy of this office. The Chief Election Commissioner's (CEC) tenure was extended from three to five years. Unlike previously, when the President had discretionary authority to appoint the CEC, the Amendment introduced a transparent procedure. The revised Article 213 requires the PM to put forward three nominees to a parliamentary committee, in consultation with the Leader of the Opposition in the NA. The Parliamentary committee consists of a maximum of twelve members, is evenly divided between the government and the opposition. Members are nominated by different leaders of

parliamentary parties in the Assembly based on strengths of their respective parties in parliament. As a result, the selection of an officer for an important position is inclusively determined by all the concerned stakeholders. The CEC must now be selected through a comprehensive Consensual process within the Parliament (Dawn, 2013).

Furthermore, it shifted power and authority from the CEC to whole the Election Commission. The Election Commission now consists of five commissioners, with the CEC being one among them. The other four commissioners must include a retired judge from the High Court of each province. Similarly, the task of establishing rules for the appointment of officers and staff employed by the Commission is now under the authority of the Commission itself, not just the CEC (Dawn, 2013).

### **Compensation to Provinces and Deprived Classes**

The 18th Amendment can be credited with addressing historical marginalization within Pakistan, particularly in relation to specific segments and regions. It rectified the underrepresentation of certain classes or areas in the country, ensuring that these measures were legally sound and inclusive, thereby avoiding any perception of discrimination against other groups or regions. These constitutional provisions served as a means to redress the grievances of marginalized classes while operating within the constitution (Hussain M., 2012).

Moreover, the 18th Amendment also ensured the protection of provincial shares in federal services by introducing a sub-clause in Article 38, guaranteeing equitable representation for all provinces. This amendment provides a constitutional assurance to rectify historical imbalances within federal services. It not only offers opportunities for growth and safeguards the rights of provinces but also seeks to resolve inter-provincial conflicts. This was accomplished by strengthening the Council of Common Interest (CCI), which is now equipped with a permanent secretariat and a compulsory obligation to meet at least once every thirty days.

Additionally, the PM is empowered to convene CCI meetings in response to urgent conflicts among provinces, enhancing its role as a mediator. CCI also possesses the authority to settle disputes concerning electricity between Centre and provinces. Additionally, the National Economic Council (NEC) has a new responsibility, which is to ensure even development and regional equity. To carry out this role effectively, NEC is required to convene at least twice a year. To maintain transparency and accountability, both CCI and NEC are obligated to submit annual reports to Parliament (Rana, 2020).

Remarkably, a new provision 157(1) mandates that the federal government must conduct consultations with the respective provincial government before making decisions about constructing hydro-electric power stations in any province. Furthermore, it acknowledges the provinces' entitlement to the revenue generated from the duty on oil, as outlined in 160(1)(b). Therefore, the duty collected by the Federal Government will be received by these provinces. This duty, akin to that on gas, will not be included in the Federal Consolidated Fund. In addition, the decisions made under the 8th NFC Award, which allocated more resources to the provinces, especially Balochistan, have been embedded in the constitution. Additionally, the provincial governments are now required to seek approval from the provincial assembly within a 60-day timeframe for the transfer of responsibilities related to any subject to the federal government. Moreover, the Amendment has considerably enhanced provincial autonomy by specifying that the governor of a province must be both a voter and resident of the same province, thereby eliminating appointments from other provinces. Furthermore, declaring an emergency in a province requires a resolution from the respective provincial assembly, restricting federal dominance and reinforcing provincial authority (Zaman A. D., 2018).

Furthermore, the Amendment rectified the spellings of the names of two provinces in accordance with Article 1 of the Constitution of Pakistan. The North West Frontier Province has been renamed as Khyber Pakhtunkhwa (KP). It

also included the corrections in spellings of Balochistan and Sindh, which signifies an endeavor to acknowledge and accommodate the regional political voices by recognizing their identities (Khan I., 2021).

In a similar vein to the compensation offered to provinces and regional groups, the Amendment also provided support to smaller segments of society, especially minority communities. To increase the representation of non-Muslims, in the Senate four extra seats reserved for non-Muslims have been added. As a result, each province now designates one non-Muslim senator to the Senate of Pakistan (Hussain, 2012).

The amendment has done away with the Sixth and Seventh Schedules in the Constitution. The Sixth Schedule, which listed thirty-five laws related to provincial subjects like Local Government, needed the President's prior approval for amendments, imposing substantial constraints on provinces' legislative autonomy even in their own affairs. Similarly, the Seventh Schedule, including eight laws requiring the prescribed process for a constitutional amendment, has been eliminated. As a result, laws formerly included in these schedules are now to be regarded as any other law in the statute book (Rana, 2020).

### **Other changes**

In addition to the aforementioned, the Amendment introduced several other changes. It removed the constitutional obligation for political parties to conduct intra-party elections, as specified in Article 17. Although parties are still required to organize such elections, this duty is now governed by the Political Parties Act of 1962 instead of being constitutionally mandated. Moreover, the restriction on an individual serving as PM for a third term has also been lifted (Rana, 2020).

Another significant modification pertained to fundamental rights, particularly Article 10A, which was revised to establish the right to a fair trial and due process as a fundamental right for every citizen of Pakistan. This change aimed to prevent arbitrary trials and the victimization of political opponents by both military and civilian

governments. Furthermore, Article 19A was introduced to recognize access to information as another fundamental right. Even concerning matters of national security, which may be kept confidential for a certain period, citizens are entitled to access information once that period has elapsed, enabling an objective evaluation of issues and decisions. In line with Article 19A, provincial governments have been enacting their own right to information laws (Fatima, 2020).

Additionally, an important commitment within the COD was the eradication of the military's involvement in politics. In pursuit of this objective, an amendment to Article 6 broadened the scope of treason to encompass the suspension and holding in abeyance of the Constitution. Furthermore, conspiring, aiding, and collaborating to annul, undermine, suspend, or hold in abeyance the Constitution have been designated as equally punishable offenses under this amended article. Moreover, the introduction of a novel provision, clause (2A) was enacted to forbid the Supreme Court and High Courts from validating any acts of treason. The conduct of Pervez Musharraf in 2007, including the imposition of emergency and the detainment of judges, was subjected to scrutiny under this Article (Policy, 2022).

### **20th Amendment (Caretaker Government)**

The 20th Amendment aimed to establish a neutral interim government and an independent Election Commission for overseeing the elections. It streamlined the process of appointing caretaker PM, CMs and cabinets in provinces after the completion of a sitting government's tenure. This involved the formation of eight-member committees at both the federal and provincial levels, responsible for nominating PMs and CMs, along with their respective cabinets (Dawn, 2012).

Furthermore, the amendment included a provision that allowed for the referral of the caretaker setup to the ECP in case the committees failed to reach a consensus within three days. The 20th Amendment also introduced changes to the administration of oaths within the Election Commission. It specified that the CJP would take oath from the

newly appointed CEC, who would then administer oaths from the newly appointed members of the EC. Additionally, it aligned the procedures for tenure extensions and removal of EC members with those established for the CEC, as specified in Article 209 of the Constitution. Moreover, it extended the requirement for members of the EC to submit their resignations to the President, a provision previously applicable only to the CEC (Times, 2012).

One notable achievement of the 20th Amendment was the introduction of Article 224-A. This addition aimed to enhance transparency in the selection of caretaker PM and CMs, with the ultimate goal of ensuring a transparent election process and reducing the likelihood of post-election rigging allegations among political parties (Times, 2012).

### **Merger of FATA in KP (25<sup>th</sup> Amendment)**

The merger of the Federally Administered Tribal Area (FATA) into KP was a major commitment outlined in COD. This commitment was honored during the closing stage of the PLM-N government in 2018. In addition to addressing the distinct legal system in tribal areas that had existed since 1901, the 25th amendment introduced changes to representation in both provincial and national assemblies, as well as the Senate (Mahar N., 2021).

Since Independence, the FATA operated under the Frontier Crimes Regulation (FCR) of 1901. The 1973 Constitution of Pakistan, through articles 1(2)(c), 246, and 247, accorded special status to FATA, wherein laws enacted by Parliament were not automatically applicable. Instead, the President, with necessary adjustments, would extend parliamentary laws to FATA through regulations, considering the unique socio-cultural characteristics and political dynamics of these regions. The governing system in FATA deviated from the principle of the rule of law. Despite many attempts to implement reforms in this historically overlooked areas, no government had successfully done so since 1976 (Awan, 2019).

The resolution of this long-standing dispute was

definitively achieved through the 25th Constitutional Amendment, enacted on May 30, 2018. As a result, FATA became part of KP. The elimination of Article 247, which had previously granted special status to the region, from the constitution demonstrates a firm dedication to maintaining constitutional principles and legal norms (Zubair, 2018). This Amendment ushered in several significant changes. Firstly, all federal and provincial laws automatically extend their jurisdiction to the merged areas. Besides, the laws enacted by the parliament or KP assembly are now directly applicable to these areas without any additional regulatory formalities. Moreover, the amendment abolished the system previously established under the FCR for adjudicating criminal, civil, rent, family, and other matters. Consequently, cases and matters that were previously pending before Tribunal FCR, were automatically shifted to the courts. In regard merged areas, the courts are now required to follow procedural laws such as the Cr.PC, CPC, Family Courts Act, Qanoon-e-Shahadat Order and along with all other substantive laws applicable in Pakistan and KP (Awan, 2019). Nevertheless, the process of integrating the region into the national mainstream demanded substantial financial resources for infrastructure development and the establishment of formal structures for the justice system, law enforcement, and civil administration, among other things. Unfortunately, in the fiscal year 2019-20, the federal government disbursed only 23 billion out of the total 48 billion earmarked for that year. Simultaneously, the provincial government released a mere 0.1 billion from an allocated fund of 11 billion designated for the merged areas. This pattern of inadequate investment persisted in subsequent years, contributing to a growing infrastructure investment deficit in the province (Mahar N., 2021).

### ***Aghaz-e-Haqooq-e-Balochistan package***

The “*Aghaz-e-Huqooq-e-Balochistan Package*” was introduced during a joint session of the Parliament on November 24, 2009. It expanded on earlier reports and positive government actions, which included providing Rs.2.8 billion in gas royalty arrears from 1995 and writing off



the Rs.17.5 billion overdraft of Balochistan. The package recommended the withdrawal of army units from the Sui area in Balochistan and transferring provincial control over the Frontier Corps and Coast Guards. The package reiterated earlier suggestions for Gwadar and local representation in corporate management. Additionally, it proposed a special development package for the province that included disbursing Rs. 120 billion in gas royalty arrears from 1954 to 1991 within a 12-month. It also suggested transferring a significant share in the Saindak project and creating job opportunities for the Baloch (Waseem, 2010).

It marked the first instance in Pakistan's history where priority was given to impoverished and less developed regions within the framework of the NFC award. While not all the commitments outlined in the package have been fulfilled, it has still led to concrete advantages for Balochistan (Hamida, 2022).

#### **Un-implemented Articles of COD**

The consensus formed regarding the reform agenda outlined in the COD between PPP and PMLN endured until the end of the latter's government in 2018. In addition to effectively executing most of the promised reforms, these parties, in collaboration with their coalition partners, actively pursued the promotion of democratic continuity and its institutional strengthening (Kakar, 2017). Nevertheless, it is imperative to recognize that specific domains, identified for reform by both parties in the COD, remained unchanged or encountered impediments during the reform process. These domains encompassed the establishment of a Federal Constitutional Court, a Truth and Reconciliation Commission, and the resolution of the Kashmir issue in accordance with UN Resolutions, along with the promotion of peaceful relations with India and Afghanistan (Tribune, 2018). Additionally, the COD outlined the creation of a National Democracy Commission and the dismantling of all special courts, including the National Accountability Bureau (NAB) (Dawn, 2017). It also advocated for the adoption of an open ballot for all indirect elections in the country, including the Senate (Shehzad, 2022). Lastly, in the pursuit of

maintaining a balance in civil-military relations, partial success was achieved (Shehzad, 2022).

Thus, the areas that remained unchanged not only led to a regression of the progress made between 2008 and 2018 but also inflicted substantial harm on the broader democratic process initiated in the country in COD politics (Hussain, 2023).

#### **Democratic Stability (2008-18)**

The COD contained a clause outlining a code of conduct for political parties, emphasizing the importance of respecting the democratic mandate and vowing not to employ any extra-constitutional means to overthrow a democratically elected government. Prior to this, the two major parties had frequently aligned themselves with the establishment, often undermining each other's positions. However, the COD marked a significant turning point as both parties committed to refraining from seeking assistance from the establishment against one another, instead focusing on eliminating the establishment's involvement in politics. Despite encountering challenges during the implementation of these reforms, they made substantial progress in strengthening the democratic in the country (Jan, 2023).

The post-COD politics witnessed a remarkable display of maturity and the promotion of democratic values on the part of PPP and PMLN, along with their government allies. The PPP government, in particular, embraced inclusivity by forming a coalition government with a wide array of political parties. The opposition, in turn, engaged in constructive criticism of governmental policies without destabilizing it. In times of crisis, the opposition provided crucial support to the government, preventing any attempts to overthrow it. This cooperative spirit was a unique occurrence in Pakistan's political history and also played a pivotal role in facilitating the removal of General Musharraf from power and managing the memo gate scandal (Khan D. S., 2023).

Furthermore, this culture of cooperation between the government and the opposition contributed to the strengthening of democratic institutions and the promotion of democratic

values. It is worth noting that this collaborative approach allowed the PPP government to complete its full five-year term, an unprecedented milestone in Pakistan's history, as civilian governments had typically faced early disruptions and instability (Jan A. , 2023).

### Conclusion

The COD promoted cooperation among major political parties, allowing two consecutive elected governments to serve their full terms. While it largely achieved its goals, criticism arose from non-signatory parties like PTI. The third general election in 2018 indicated democratic stability, with no immediate threat of a military coup. However, the removal of PM through non-parliamentary means and renewed confrontational politics, marked by prolonged protests and a lack of consensus among political parties, posed challenges to democracy consolidation.

The resurgence of polarization revived concerns about interventions and checks by non-elected institutions, perpetuating a system where elected leaders felt vulnerable to dismissal. This, in turn, promoted short-term thinking and self-interest, weakening elected institutions compared to unelected ones. Within the debilitated system, rival political parties' readiness to embrace interventions and advocate for the involvement of unelected institutions further undermined Pakistan's fragile democracy. Additionally, the increasing polarization once again paved the way for reversing the political stability achieved in post-COD politics.

In the Pakistani context, the comprehensive adoption of the consociational model may not be entirely suitable; however, the incorporation of certain fundamental principles, including consensus-building among political parties, an inclusive approach, and the formation of a broad coalition government, holds the potential to significantly contribute to political and democratic stability in the country.

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