



Reflections of Charter of Democracy, 2006 in Zardari Era: A Critical Appraisal

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Abstract: The two leading political parties of Pakistan, the Pakistan Peoples Party and Pakistan Muslim League (N)'s leaders, had passed some bitter political experiences. Both the parties also learnt a lesson from their respective exiles by President Musharraf and agreed to conclude the Charter of Democracy (CoD) in 2006 in London to strengthen the culture of democracy in Pakistan. However, the demise of Benazir Bhutto in 2007 paved the way for the PPP's new leadership, Asif Ali Zardari, to rule the country after the victory in the 2008 General Elections. This paper attempts to highlight the main pledges of CoD and analyse its manifestations in the Zardari era from 2008 to 2013. The paper also points out how Zardari, to a certain extent, competently used the CoD to complete the tenure of PPP. In response, the main party in CoD also honoured the principle of charter and played a constructive role as a major opposition party in the Parliament of Pakistan during the Zardari era.

Introduction

Before the scheduled elections in November 2007 in Pakistan, Benazir Bhutto and Nawaz Sharif, the two former Prime Ministers of Pakistan, signed a 'Charter of Democracy' on May 15, 2006, in London. The charter sketched out the future strategy to be taken up by both leaderships in order to ensure good governance and strengthen democracy in Pakistan (Khan, 2007). However, the assassination of Benazir Bhutto at the tragic incident in 2007 moved the PPP leadership from Bhutto to Zardari. The result of rescheduled General Elections 2008 brought the PPP to the political surface. The party re-moulded as a ruling party under the new leadership of Asif Ali Zardari. As Zardari was the main functionary of the era during 2008-2013, therefore the period is called Zardari Era. The murder of a charismatic leader created a vacuum in PPP politics in Pakistan. But thanks to CoD which left a future plan for the Zardari government to be run, and he tried to implement it during his term as President of

Pakistan (Chawla, 2017). The main focus of this paper is to highlight the implementation of the charter in the Zardari period and how he furnished practical contour to the clauses of the Charter. It was the blessing of the CoD that provided a guideline for the Zardari government, due to which the PPP successfully completed its tenure through coalition building both at the centre and provinces and developed a mature political tradition in Pakistan. It was the CoD due to which opposition was not now just for the sake of opposition but developed a culture of friendly and cooperative opposition for the sake of democracy in Pakistan. PML (N), being part of CoD, respected it and played a constructive role as a major opposition party during the Zardari period. The Zardari era held particular significance for an insightful study about the CoD. This paper attempted to analyse the practicality of the charter. This research paper adopts the historic and descriptive-analytical method, and it is basically qualitative research.

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Charter of Democracy (COD), 2006: Background and Origin

During 1988-99 PPP and PML (N) ruled the country twice as ruling and twice as opposition parties in Pakistan. Both the parties adopted the policy of hide and seek and leg-pulling. Even extra-constitutional powers were involved in political issues. The PPP initially welcomed Musharraf to take over in the hope of being handed over power to an elected representative in a short time (Gohar, 2015). But all the hopes were gone in vain when military rule was prolonged with the help of some political parties. Benazir Bhutto was in self-exile to avoid corruption cases in courts in the 90s, while Nawaz Sharif was exiled to Saudi Arabia by General Musharraf in 2000. General Musharraf desired to exclude the exiled leaders from the politics of Pakistan. Both the leaders probably realised the prevailing circumstances and started the struggle for the restoration of democracy while forming the Alliance for Restoration of Democracy in 2005 (Sarfaraz, 2019). The arch rivals in the past kept their differences aside and continued their struggle against the military dictatorship. The PPP's Chairperson, Benazir Bhutto and president of PML (N), Shehbaz Sharif, along with key party leaders, held a meeting on March 10, 2006, in Dubai. In the meeting, the leaders concluded the Musharraf rule was a "national security risk and reaffirmed their commitment to continue the struggle for supremacy of the parliament and restoration of the continuation to the position of October 12, 1999". The political leaders also demanded the establishment of the Caretaker government and the conduction of free and fair elections under the independent election commission ([Khan & Alam, no date](#)). Similarly, once again, Benazir Bhutto and Nawaz Sharif had realised their past mistake of not respecting each other. They sought forgiveness from each other and pledged not to repeat past politics. They met on May 14, 2006, in London to sign the historic thirty-six points Charter of Democracy. The key party leaders also attended the meeting, including Raza Rabbani, Makhdoom Amin Faheem, Khurshid Shah, Aitezaz Ahsan, Sardar Asif Ahmad Ali, Wajid Shamsul Hassan and Sherry Rehman from PPP and Shehbaz Sharif, Ahsan Iqbal, Khwaja Asif, Tehmina Doltana, Syed Ghous Ali Shah, Iqbal Zafar Jhagra, and Chaudhry Nisar Ali Khan from PML (N) (Dawn, 2006, May

15). Some other parties of ARD also signed the CoD documents on July 2, 2006. These parties included Jamiat-e-Ulema-e- Pakistan (JUP), Pakistan Democratic Party (PDP), Jamhuri Watan Party, Pakistan Christian Party, and Jamiat-e-Ahle Hadith. After signing the historical document of CoD, all leading parties are on the same page for strengthening democracy in Pakistan. The main features of the charter included constitutional amendments, free and fair elections, a code of conduct, and civil-military relations. It was a lengthy document that highlighted all those aspects which obstructed the development of democracy in Pakistan. The charter was considered the most important document in Pakistan after the 1973 constitution ([Khan & Alam, no date](#)).

Bhurban Accord/Murre Declaration: An Emulate of CoD

Before the 2008 General Elections, Zardari had promised Nawaz Sharif to be carried out the CoD in true letter and spirit. Soon after the 2008 general elections, Zardari and Nawaz Sharif gathered at PC Bhurban and signed the Murre Declaration on March 9, 2008, for a cohesive course of action to put into action the CoD. As per the commitment of CoD that they have learnt the lesson from past experiences and decided to do the politics of accommodation rather than confrontation. That was the time when both the parties extended the politics of reconciliation rather than conflict ([Chawla, 2017](#)). Both the parties decided to set up a government with mutual consensus. The PML (N) agreed to join the coalition government at the centre in order to work for the judges' restoration. At the same time, PPP agreed to join the provincial ministry in Punjab. It was perhaps an imperative measure towards the restoration of the democratic set-up in the country. In Bhurban Accord, they also agreed to support the nominee of PPP for the slot of prime minister. The political forces also made a compromise for the Speaker and Deputy Speaker in the Centre and Punjab provincial assembly would be from PPP and PML (N), respectively ([Kanwal, 2017](#)). Syed Yousaf Raza Gilani, Fahmida Mirza and Faisal Karim Kundi were elected Prime Minister, Speaker, and Deputy Speaker, respectively. A similar political consensus was shown in the establishment of the provincial government in April 2008. Sardar Dost Muhammad Khosa was elected Chief Minister for

Punjab, later on, replaced by Shehbaz Sharif in June 2008. Syed Qaim Ali Shah, Amir Haidar Khan Hoti, and Nawab Aslam Raisani were elected as Chief Ministers for Sindh, K.P., and Balochistan, respectively ([Shafiq, Khan, & Shah, 2020](#)). In CoD guidelines, friendly gestures were also witnessed in the formation of the federal cabinet. Out of twenty-three, eight members were from PML (N), which was a good omen for the democratisation process in Pakistan. In the following spirit of CoD, the MQM was also invited to the formation of the Sindh Provincial government. The PPP could form a government without MQM due to gaining a majority in Sindh, but with the adoption of the spirit of CoD, they were invited, which MQM happily accepted. This political model of approach paved the way for a new tone in the politics of Pakistan ([Chawla, 2017](#)). The deadline of the Bhurban Accord ended on April 30, and President Zardari was still reluctant to the restoration of deposed judges who were removed unconstitutionally by Musharraf. PPP Co-chairman Zardari's delay tactics were due to fear of reopening NRO cases and also having a different approach for the judges' restoration. Hence, when the PPP government failed to restore judges by the end of the deadline, the PML (N) ministers resigned in May 2008. Their resignation jolted the coalition. However, the PML (N)'s decision to sit on the opposition benches in the Parliament and remain part of the PPP government's policies, and decisions kept alive the spirit of CoD ([Khan & Alam, no date](#)). After the resignation of the cabinet, PML (N) agreed to sign other agreements for the impeachment of Musharraf from the Presidency on August 5, 2008, and for the reinstatement of judges on August 7, 2008, according to the Bhurban Accord in the spirit of CoD. A special committee of coalition government members concluded the draft resolutions to present it in four provincial assemblies and demanded the President gain a vote of confidence in the House or be ready for prosecution ([Nelson, 2009](#)). The four provincial assemblies passed the resolutions for the impeachment of President Musharraf, and it was quite interesting that he won only 29 votes in his favour while 728 members cast their votes against him. It was the follow of CoD where the leading leadership made a commitment to be united on all major political issues. Before the start of the

impeachment process, President Musharraf stepped down and left the space for Zardari to be filled up. Asif Ali Zardari also managed to win the election with the help of coalition partners while following up the spirit of CoD ([Goodson, 2008](#)). In the subsequent period, the political situation worsened in the country. When President Zardari was still reluctant about the judges' restoration and also imposed governor rule in Punjab. Sharif brothers were declared ineligible for public office ([Kanwal, 2017](#)). The long marches for judges' restoration by PML (N) furthered deteriorated the situation. Finally, the judges were restored on March 16, 2009. Governor rule was lifted, and Shehbaz Sharif's government was restored on March 30, 2009 ([Khan, 2016](#)). During the Zardari era, the politics of Pakistan turned a new twist when political parties demonstrated democratic behaviour toward each other and, despite differences among themselves, not to go to the extent of providing space for anti-democratic elements. The CoD paved the way for a friendly relationship between the ruling party and opposition that, in turn, took a new shape for the democratic set-up in Pakistan ([Khan, & Alam, no date](#)).

18th, 19th, and 20th Constitutional Amendments: Certification of CoD

The first and the most significant agenda of CoD were the constitutional amendments. The PPP and PML (N) leadership decided to bring constitutional amendments in such a way to reinstate parliamentary democracy, independent and impartial judiciary and equality in sharing of resources between Provinces and Federation in Pakistan after coming into power ([Burki, 2010](#)). The General Elections, 2008 provided an opportunity for both leading parties to fulfil their commitments made in the charter. The PPP, after coming into power, keeping in mind this objective, President Zardari started practical work on CoD while addressing both sessions of the Parliament on March 28, 2009, and asked for the formation of a committee comprising all political parties' representatives for constitutional amendments as promised in the charter. Thereafter, he also called upon premier Gillani through a letter on April 9, 2009, to take proper measures in this gaze ([Shah, 2012](#)). As a result, the National Assembly passed a motion on April 10, 2009, to constitute a special

committee for constitutional amendments in the light of the Charter of Democracy. A similar motion was made by the Pakistan Senate on April 29, 2009, to consult the political leaders of the Senate. After passing motions from both Houses, the Speaker constituted the Special Committee of Parliament in consultation with leading leaders of the Parliament on June 23, 2009. The committee held its first meeting on June 29, 2009, in which Senator Mian Raza Rabbani was elected unanimously as its Chairman. The committee was later renamed the Parliamentary Committee on Constitutional Reforms (PCCR) (Khan, 2016). The PCCR main objective was to repeal the 17th Amendment of President Musharraf and restore the 1973 constitution. All amendments in it would be approved in consensus or in two third majorities. The work of PCCR was spread over 77 meetings in 10 months, resulting in the 18th Constitutional Amendment in 2010, the biggest achievement of the CoD, which in turn resulted in solving the provincial autonomy and restoring the Parliamentary structure of the constitution (Hussain & Kokab, 2012). Thus the implementation process of CoD started with the 18th Amendment. Most of the commitments made in CoD were addressed with the passage of the 18th Amendment. It reversed Musharraf's efforts to centralise power in the indirectly elected office of the President, and it was the certification of the first agenda of the Charter of Democracy. At the behest of the 18th Amendment, the PPP also fulfilled its promise by certifying a greater role for the Parliament and Prime Minister. It also removed the limit of two terms for the Prime minister, which was agreed upon in the charter (Mahar, Malik & Bakhtiar, 2021). The main promise in CoD of provincial autonomy was fulfilled through the devolution of authority, abolition of 'concurrent list', strengthened role for the Council on Common Interest (CCI) and agreed changes in NFC award, which ensure and enhance the provincial autonomy. In the Charter of Democracy, the key issue of judicial appointments of Superior Courts was resolved in the 18th Amendment (Rizwan, Arshad & Waqar, 2014). The amendment also gave Parliament a role in the appointment. However, the constitutional amendment was challenged in the Supreme Court on the plea that it was detrimental to the independence of the Judiciary. Under a

constitutional compromise, the 19th Amendment passed by National Assembly and Senate on December 22 and 30, respectively, expanded the role of the judicial commission chaired by the chief justice in the judicial appointments. The amendment was termed by Prime Minister Gillani as a New Year gift for the people of Pakistan because the President assented to it on January 1, 2011 (Khan & Alam, no date). The 19th Amendment fulfilled the promises of judicial appointments and the establishment of the Islamabad High Court made in CoD. Another landmark achievement of the Zardari era was the 20th Amendment, passed unanimously by the National Assembly and assented by President Zardari on February 28, 2012 (Kanwal). The amendment carried out the promise made in CoD to establish a caretaker set-up to conduct fair elections in the future. In the new system, mutual consultation between the Prime Minister and opposition leader was necessary for the key appointments of the caretaker government. If they failed to reach any consensus within three days of tenure completion, then the matter would be solved by the eight-member committee from the ruling opposition in National Assembly. However, if the committee also failed to reach any consensus, the matter would be sent to the Election Commission of Pakistan to solve it and send the nominated names to the President, which was to be detrimental to democracy (Adil & Afridi, 2020). Thus in the light of CoD, a well-established system of caretaker set-up was created in the country.

Empowerment of Gilgit-Baltistan: An Echo of CoD

During the Zardari era, the Empowerment and Self-Governance Order, 2009, was promulgated while giving a practical shape to its promise in CoD. Pakistan's Northern Area was renamed Gilgit-Baltistan and was given the status of semi-provincial. An elected legislative assembly will run the affairs of the province. The chief minister will be the head of the semi-provincial government, and a governor will be the executive head, and both were to be appointed by the president on the advice of the premier. The law also authorised the assembly for Gilgit-Baltistan to consolidate funds and the annual budget. The elections procedure and voting system will be held according to other

provinces of the country. ([Khan, Ullah & Khan, 2021](#)).

Aghaz-e-Haqooq-e-Balochistan Package: A Replicate of CoD

Zardari's government mostly focused on less privileged and neglected regions as the PPP promised in the Charter of Democracy (CoD). Therefore the government managed to reach out to Balochistan and attempted to redress the adventurism and folly of Musharraf in Balochistan through the package of *Aghaz-e-Haqooq-e-Balochistan* ([Siddiq, 2017](#)). Financial resources were offered for the development of Balochistan, and for youth employment, thousands of job opportunities were created. For the first time in the history of Pakistan, weightage was given to poverty and less developed regions under the National Finance Commission (NFC) award, due to which Balochistan and Khyber Pakhtunkhwa were further profited ([Haq, 2010](#)).

The Extension of PPO 2002 to FATA: A Mirror of CoD

Under the charter, PPP and PML (N) agreed upon the FATA merger with K.P. It was the key agenda of Benazir Bhutto, and therefore for the purpose of the Political Parties Act, 1962's extension to FATA, filed a petition in the Supreme Court of Pakistan. However, her demise suffered the FATA's cause. During the Zardari era, an amendment was brought to the centuries-old Frontier Crimes Regulation (FCR) and Political Order, 2002 was extended to FATA in 2011. Hence, political parties and the people of FATA were allowed to function and participate in the electoral process. It was the first experience for the region people to entertain their right to vote ([Hussain, 2012](#)). The FATA merger's pledge of CoD was later fulfilled through the 31st Constitutional Amendment with the consensus of PPP as a major parliamentary party during 2013-2018 ([Ullah & Hayat, 2018](#)).

Influential Media: A Reflect of CoD

An independent Press and media were also the key agenda of the Charter of Democracy. During the Zardari period, the media gained greater sustainability and power in politics, which fulfilled

the desired agenda of the PPP in CoD (Perveen & Nawaz, 2018). There were 166 F.M. Radio stations and 89 television channels throughout the country. There were countrywide 200 privately owned newspapers in the press that disseminated information with 6.2 million on a daily basis circulation. During this era, the media was independent and openly criticised the outside and inside stories of the government. It highlighted political and social issues of the country throughout the period ([Khan, Ullah & Khan, 2021](#)).

Women Protection and Empowerment: A Divulge of CoD

The Charter of Democracy pledged for the rights of women, and this pledge was fulfilled through substantial pro-women legislation during the Zardari era. The government enacted "The Protection against Harassment of Women at the Workplace Act, 2010". The main purpose of the legislation was to protect women's rights and provide a safe environment in the workplace. It was due to these steps the women's ratio in services improved, and their contributions to the economic sector boosted the economy of the country. The Prevention of anti-women Practices (Criminal Law Amendment) Act, 2010" was introduced aimed to ban forced marriage, the custom of offering women to settle disputes, depriving of women from inheriting property, and the custom of marriage to the Quran. The PPP Government also enacted "The Acid Control and Acid Crime Prevention Act, 2010," which made acid throwing a punishable crime and recommended life detention and one million fines ([Khan, Ullah & Khan, 2021](#)). Besides, the Senate passed the "National Commission on the Status of Women Act 2012" in February 2012 for the protection of women's rights. The main purpose of the act is the protection and promotion of the economic, political, legal, and social rights of the women conferred by the 1973 constitution. The act also justified the factual realisation of the articles of CEDAW because Pakistan is the signatory of it (Noreen, 2013). During the Zardari era, the highest number of proportion seats of women in the Parliament was recorded in the political history of Pakistan, which was about 23 per cent (Statistical Report, 2017).

Privileges for Religious Minorities: An Imitate of CoD

The CoD pledged to give equal opportunities to minority communities for accessing quality social services and giving political representation. A major step toward the inclusion of religious minorities was the allocation of four seats for the minority community in the Senate as part of the 18th Amendment. Besides political representation, various minority social development schemes were completed during the Zardari era ([Mahar, Malik & Bakhtiar, 2021](#)). During 2008-2013, 75.00 million rupees were distributed as Christmas grants among 14,333 families and 529 minority development schemes were completed. During the Zardari era, about 25.910 million were provided to the "Technical Education and Vocational Training Authority (TEVTA) for the distribution of scholarships to minority students (HRMA, no date).

Defense Budget Scrutiny: A disclose of CoD

One of the components of the charter is to place the defence budget before the Parliament for debate and approval. During the Zardari era, for the first time in the parliamentary history of Pakistan, the defence budget was placed before the Parliament in 2008 and, in this way, fulfilled its CoD commitment. This was a marked improvement from the usual practice of receiving and approving one-line defence budgets ([Dawn, 2008, June 12](#)).

Countering Terrorism and Militancy: An Expose of CoD

The Charter of Democracy commits to vigorously condemn and dynamically confront terrorism and militancy. Much progress has been made on this count, while the PPP Government employed different strategies for countering militancy and terrorism and extremism ([Mahar, Malik & Bakhtiar, 2021](#)). During the Zardari era, two types of options were adopted for this purpose. One option was military, and the other was non-military. In the military option, various military operations were conducted in different regions of FATA and PATA, while in the non-military option, different legislative measures and deals

with militants were taken. Due to these steps of the government, on the one hand, militancy and terrorism were controlled to some extent while, on the other hand, fulfilled its promise of CoD ([Khan & Alam, no date](#)).

Respect for Electoral Mandate: A Portrait of CoD

The PPP and PML (N) agreed in CoD to respect the electoral mandate of the representative governments and would not undermine each other through unconstitutional manners as done in the past. They also agreed not to support any military regime or any military support government. PML (N)'s Nawaz Sharif lost hope under the Musharraf government and, after the assassination of Benazir, wanted to boycott elections, but PPP leadership under Zardari as Co-chairman urged him to contest elections in any case and promised him to carry out together the CoD in letter spirit ([Chawla, 2017](#)). Thus after the 2008 result, when PPP's turn came, Nawaz Sharif heartedly accepted it and happily joined the opposition bench and proved themselves as political leaders of the highest order in following up the CoD. Similarly, when Zardari completed the constitutional tenure, he staged elections in May 2013, and this time, the results favoured the PML (N). In the spirit of CoD, the PPP accepted the result for the continuation of democracy in the country ([Mahar, Malik & Bakhtiar, 2021](#)). It was the guidelines of CoD that the PPP complete its tenure and peacefully transferred the government to the PML (N) government. It was unprecedented in pages of Pakistan history. Zardari era faced the nationally hyped protest movement during his last respective tenure that threatened the premature departure of government. The mutual political support of both signatories of the Charter of Democracy prevented this from happening ([Khan, & Alam, no date](#)).

Other Pledges of CoD: A Missed Opportunity

Although the whole Zardari era from 2008 to 2013 was the reflection of the Charter of Democracy guidelines and, to a greater extent, fulfilled the pledges of CoD in its letter in spirit. However, some of the promises became a missed opportunity and did not come under consideration, probably consciously or

unconsciously. For instance, the promise of reserved seats for women on the basis of votes polled in the general elections was not fulfilled during the Zardari era. It was agreed in CoD to establish the 'Truth and Reconciliation Commission to probe the causes of incidents such as the Kargil Crisis and the removal of various elected governments during the 90s. No progress has been made in establishing such a commission. Under the Charter of Democracy, it was agreed that, like the parliamentarian, accountability would also be extended to the military and judicial officers to declare their personal property and annual income ([Mahar, Malik & Bakhtiar, 2021](#)). However, this proposal has never been seriously taken up by the PPP government. The loud promise of the formation of the 'National Democracy Commission' for the promotion and strengthening of the democratic system was not progressed. Similarly, the pledges to hold local bodies elections, to make accountable security agencies and to disband the political wings of all intelligence agencies proved a herculean task for the PPP Government. The CoD agreed that a commission would be set up under the purview of the defence ministry to look after the cantonment jurisdictions of the Army and land allotment. There was no reflection of such a commission during the Zardari era ([Khan, & Alam, no date](#)). The PPP leadership, with the collaboration of all political forces, should work for the realisation of

all CoD pledges to ensure a good omen for political development and a healthy environment for the democratisation of the country.

Conclusion

In a nutshell, The Charter of Democracy, 2006, provided guidelines for a truly democratic set-up in Pakistan. Zardari, one of the most undervalued leaders of Pakistan, followed up those guidelines when he succeeded as co-chairman after the murder of the PPP chairperson and his wife, Benazir Bhutto. The 2008 general elections brought the PPP once again as a governing party under the new leadership of Zardari. The whole era of Zardari was the reflection of the CoD guidelines as he implemented the CoD's pledges as leader of PPP through his several measures despite various internal and external challenges. It was possible in the following ship of the charter's guidelines that the Zardari era witnessed the politics of accommodation and reconciliation in the country. Many things happened for the first time in Pakistan's political history. Mature politics developed in the country during this period. However, some of the pledges came under the missed category. In the future, there is a dire need to chase the soul of the charter to continue the democratic process for the greater interest of the country.

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