Nawaz Sharif and the Crisis of Political Authority in Pakistan

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Abstract

Despite his election victory and government majority, Nawaz Sharif’s time in office will be characterised by prolonged political instability. The threat to Pakistani democracy from the country’s powerful military establishment is receding under pressure from new social trends, but an empowered judiciary now presents another obstacle for effective governance. Pakistan’s democracy is plagued by a number of inter-related problems which can be traced to longstanding political dysfunction. Averting disaster will require the centralisation of political authority in the short term, not de-centralisation. Given the legacy of feudalism in Pakistani politics, this will not be an easy task: Sharif will have to tackle three issues – economy, energy, and insurgency – while successfully nurturing his political authority, and without triggering a backlash that could derail his government. Depending on his management of the politics of reform, this will probably involve poor relations with the judiciary or increasing unpopularity.

Keywords: Sharif, Pakistan, Elections, Judiciary, Political, Crisis

Nawaz Sharif and the Crisis of Authority in Pakistan.

For the first time in its troubled history, Pakistan has managed to see an elected civilian government complete a full term in office. The new Prime Minister, Nawaz Sharif, assumes power with more of a political mandate than seemed likely a few months ago, while both the Chief of Army Staff and Chief Justice of the Supreme Court are due to retire within weeks of one another towards the end of the year. All of this is welcome news for a country which has struggled to develop a stable, effective democratic executive in the past, and seems likely to entrench recent gains in civil society. But even as the danger of a military coup diminishes, more political issues threaten to constrain Sharif’s government and divert its energy from much-needed reforms. Indeed, Pakistan’s path away from political instability is arguably more difficult for its leaders to navigate than ever before.

Pakistan has undergone profound changes over the last few years. Civil-military tension is a recurring feature of the country’s history, but recently its political landscape has been transformed by judicial activism. Following the appointment of the maverick Chief Justice Iftikhar Chaudhry in 2005, the country’s Supreme Court unexpectedly launched investigations into more than 400 cases of unlawful detention, involving “disappeared” citizens who had ran
afoul of the Pakistani Army’s cooperation with the US-led War on Terrorism.¹ To avoid more bad publicity, President Pervez Musharraf dismissed Chaudhry, but harsh treatment meted out by the regime police after the Chief Justice attempted to appeal the decision struck a nerve with the lawyers and judges who had grown accustomed to more influence under an aggressive Supreme Court. Small protests grew into an opposition movement which was embraced by several major political parties, eventually compelling the President to hold elections in early 2008 in which his “King’s party” was soundly defeated, and his military regime effectively finished.

Nawaz Sharif has capitalised on these events by closely aligning his agenda with the support for judicial independence. After the 2008 elections, the Pakistan People’s Party (PPP), the largest member of the governing coalition which took over from Musharraf’s party, withheld from calls to reinstate Chaudhry, fearing that he would overturn Musharraf-era legislation negotiated with Benazir Bhutto providing legal immunity for many of the PPP’s politicians. Sharif took up Chaudhry’s cause in response, breaking with the PPP-led coalition and organising a high profile march from Lahore to Islamabad which forced the government to concede. As a result, Sharif’s political network has received sympathetic treatment from a court otherwise inclined to challenge ruling interests.² Indeed, since returning to the bench in early 2009 the Chief Justice has feuded with the government over its right to appoint judges to his courts, and dismissed the country’s longest-serving Prime Minister for refusing to comply with an investigation into the finances of President Ali Asif Zardari. At each step, Chaudhry has been supported by fellow judges, partisans in the legal community, and is widely viewed as the defender of constitutional ideals. With recent constitutional changes investing the Chief Justice with the power to confirm new judges, the judiciary is beginning to resemble the ideals of the Army: self-regulating, professional, and insulated from political influence.

Nonetheless, there is no mistaking the political bent of Chaudhry’s jurisprudence. Under his leadership, the Supreme Court has heightened its profile through cases, typically involving corruption, which resonate with a public that is increasingly disillusioned with its governing class. Indeed, some critics have argued that the judiciary’s priority is boosting Chaudhry’s image as a defender of the common man by selecting those cases which tarnish his opponents with disreputable charges.³ Whether this is truly the Chief Justice’s intention, he has certainly proved adept at timing his court’s activity for maximum political impact. Earlier this year, for example, he ruled that the PPP step down in favour of a technocratic government that would oversee the elections; that this occurred at the same time as a round of street protests were taking place in Islamabad against the government aroused suspicion that Chaudhry, in collaboration with the Army, was trying to stampede President Zardari’s party out of power.⁴

And while the Chief Justice has condemned military rule as unconstitutional, his contacts with the powerful Chief of Army Staff, General Ashfaq Kayani, appear to have persuaded him to press ahead with the repeal of Musharraf-era legislation, but to withhold from prosecuting some of the key people involved in Musharraf’s emergency rule, including Kayani himself.

It would be a mistake to describe the Chief Justice as beholden to the Army like his predecessors. The judiciary inadvertently helped the Army by destabilising the PPP government, but it has also defied the generals in continuing with investigations into “disappeared persons”. In addition to the humiliating arrest of Pervez Musharraf, a former head of the intelligence services, General Asad Durrani, and a former Army Chief of Staff, General Mirza Aslam Beg, were also brought before the courts last year in relation to charges dating back to Benazir Bhutto’s first government in 1989-90 - a time when they were accused of political manipulation and improper use of state funds. Widely perceived as a rebuke to the military, this last incident prompted General Kayani to issue a warning in the media that “any effort which wittingly or unwittingly draws a wedge between the people and the Armed Forces of Pakistan undermines the larger national interest”. But under Chaudhry, the courts enjoy popularity for the very reason that they are seen as immune to the partisanship corrupting other institutions of state, holding guilty parties to account even if they are powerful. It is the abuse of public authority, and the sullying of the constitution that goes with it, which provokes the Chief Justice’s ire, and he usually acts when it is expedient to do so.

For the moment, this has not led to serious conflict with the Army. General Kayani does not want to invite any more controversy by picking a fight over disgraced retirees, and he still enjoys paramount influence over defence and security policy. Rather than an institution aiming to control national affairs, the Army under Kayani is better understood as a self-regulating protector of national security that does not trust civilians with any serious oversight. Because of their privileged position, Pakistan’s generals only need to wield influence when their turf is challenged. In 2011 for example, when the civilian government floated the idea of taking over control of the Inter-Services Intelligence, an agency long criticised for nursing “friendly” elements of the Taliban, the issue was dropped after Army headquarters simply refused to agree. This sense of entitlement against civil authority pervades the officer corps and training academies, and explains why Musharraf’s seizure of power in 1999 was justified as a legitimate counter-coup. At the time, it was argued, Sharif’s attempt to remove Musharraf threatened to upset the balance of civil-military power, and the Army’s response was a protection of institutional autonomy.

But there is little doubt that the Army’s political initiative is slowly being constrained by social trends. Some observers argue that the latest election is proof that Pakistani democracy is now more resilient, but the determinative shift in this process was arguably evident in the

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6 C. Fair, “Pakistan on the Brink of a Democratic Transition”, Current History, April 2013, p.131.
causes of the military regime’s demise in 2007. It is worth remembering that prior to Musharraf, the collapse of Pakistan’s military rulers was triggered by crises that originated from outside the political system. Ayub Khan and Yahya Khan each suffered military defeat against India which mortally wounded their popularity; and while it faced sporadic resistance, Zia ul-Haq’s regime only dissolved after his fateful plane crash in August 1988, when the remaining leadership of the Army voluntarily called for elections. By contrast, there was no external shock for the governing system which undermined Musharraf’s rule in 2007; rather, after his dismissal of the Chief Justice, political opposition developed through the Lawyer’s movement, drawing strength from a liberalised media. Once the newly elected government set its sights on impeaching the President, his senior generals felt obliged to persuade Musharraf to relinquish power, lest any political fallout damage the Army.

This type of civic engagement has arguably become a permanent feature of Pakistani democracy. With an increasingly restive society, military-led authoritarianism is a vulnerable political model, and it is Chaudhry’s role at the head of this social change which makes the emergence of judicial power a novel challenge for the Army. As a result, while the Chief Justice may have helped the Army’s agenda by hounding the last batch of uncooperative politicians, there is no guarantee that he will do its bidding in the future. In past crises, where civilian leaders were perceived as inept and corrupt, the Army could draw on its reputation for professionalism, maintaining public support for its removal of the leadership. Today however, this is rivalled by the Supreme Court’s advocacy of constitutionalism. Unlike any other civilian leader in the country, Chaudhry has both popularity and legitimacy on his side; in an ostensibly apolitical role, he can tap into the political strength of Pakistan’s emergent civil society. Perceiving this, the Army seems inclined to respect his institutional prerogative as long as this does not frustrate its own activities.

Nonetheless, popular enthusiasm for judicial assertiveness may yet prove to be a temporary factor in Pakistani politics. The key question here concerns Chaudhry’s role as a motivating agent of civil society: is it his personal standing which galvanises support for the court, or has devotion to the cause of judicial independence firmly taken root in middle class opinion, irrespective of who leads from the bench? Even if the answer is the latter, and passion for the judicial movement survives the transition to a less inspiring figure, the next Chief Justice still may decide not to take up a fight against the government, or may lack the gravitas to swing other judges behind a provocative ruling. After reclaiming office in 2009, Chaudhry and several judges issued a ruling that voided the appointment of 110 Supreme and High Court judges from the time after his dismissal, which has likely secured him loyalty from rest of the institution. On the other hand, his quick replacement with another judge in 2007 is a


warning sign that not everyone can be trusted to act in unison if the judiciary takes on an increasingly politicised role.

This weakness is inherent to the court system, limiting its effectiveness as a political actor. Beneath the Supreme Court, several High Court judges have also followed Chaudhry’s lead with bold decisions, as in the case of the Lahore and Islamabad judges ordering Musharraf’s arrest for various crimes since he returned from exile in early 2013. On an issue as simple as the guilt of a former authoritarian leader like Musharraf, most judges can probably discern the Chief Justice’s personal views, taking the initiative safe in the knowledge they would receive his support in case of any political resistance. By contrast, both the Army and Sharif’s Muslim League enjoy more entrenched support than the disgraced former President; a case launched against them will be fraught with political complications, requiring the kind of tact which does not come easily to crusading judges. In this situation, the task for a judge in a politically charged case is less a matter of judging the issue on its merits, and more to do with understanding the broader interest of the judiciary, and this will be more difficult yet after Chaudhry retires in early December of this year. The courts are not built on a training regime which moulds recruits into loyal and capable functionaries, as with the Army officers educated at military academies; nor do they have the resources to function as efficiently as they should. Instead, the judiciary is dependent on the energy and resources of civil society to make it effective, and Chaudhry alone has proven capable of inspiring this support.

This should caution against reading beyond Chaudhry’s current momentum. Indeed, Nawaz Sharif himself seemed ascendant for a time as Prime Minister: elected in 1997 with a majority large enough to prevent the dissolution of parliament, he quickly moved against the judiciary and the Army. At first, his supporters flooded the Supreme Court and intimidated the judges into overturning an unfavourable ruling against his party; soon after, the Prime Minister seized on a stray comment by the Army Chief of Staff, General Jehangir Karamat, to fire him for insubordination. In the event, it turned out to be Sharif’s handpicked replacement for that role – chosen, apparently, on the basis that Musharraf would have little sway over the other senior generals – who eventually launched a successful coup against the government. The Army, in other words, proved to be a more powerfully disciplined institution than Sharif anticipated.

At the time of the Lawyer’s Movement, it was remarked that the challenge for Pakistan’s emergent civil society was expanding beyond the bar associations and legal activists who launched the protests against Musharraf. In the intervening years, Chaudhry’s shrewd populism seems to have managed this feat: while popular support for the judiciary does not provide it with authority on a par with the Army, so far it has permitted the Chief Justice to determine the scope of his own activity without much resistance. With his popular backing, Chaudhry has been able to influence political issues through suo moto cases, (essentially legal actions which are not conditional on the action of aggrieved parties), to intrude on responsibilities confined to executive government. In one extreme example, a lower court

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wrote a legal opinion fixing sugar prices and the Supreme Court upheld the ruling, directing the government to set up a commission that would suppress inflation. And after a memo was leaked to the media purportedly sent by President Zardari, via the Pakistani Ambassador to the US, asking for American help in case of an attempted military takeover, the Supreme Court was the institution which stepped in to conduct the investigation.

The most important consequence of this growing clout is how Chaudhry might deploy his popularity during another potential crisis of government. Indeed, the Chief Justice is probably able to defend Sharif from an attempted coup by calling for the kind of street resistance that was notably absent in 1999. There is little to suggest that demonstrations by Chaudhry’s followers on par with the 2007 protests could be withstood by a declaration of martial law, even if the coup leaders succeeded in arresting their opponents. If the judiciary is not a rival for political authority, therefore, it is still an alternative source of public influence that will complicate things for any general surveying the political landscape.

As a result, while the current trifecta of civil-military-judiciary leaders are in place, the threat of another coup is highly unlikely. General Kayani will need to move cautiously on matters relating to civilian authority because, unlike his predecessors, he must take into account the threat of investigations launched by Chaudhry that could further damage Army prestige after the bruising experience of the Musharraf years. This provides Sharif with some room for manoeuvre against the influence of the Army, but by the same token, it hardly strengthens his government for the challenges ahead. While a shared fear of the Army might allow for enough cooperation to preclude the threat of another coup, stable relations between the Prime Minister and the Chief Justice are unlikely to be maintained. The reason for this has less to do with personality, and more to do with the nature of the country’s troubled history of political development.

Feudalism and Democracy

As a growing number of experts have argued, many of Pakistan’s developmental shortcomings originate in the feudal character of its rural economy. In a dynamic similar to Europe’s history of medieval nobles, the uneven distribution of agricultural property in Pakistan has nurtured a ruling class which exploits the dependence of its poor labourers and monopolises local political authority. The most powerful of the country’s landowning families have developed into political dynasties, wielding the votes of followers to score preferential treatment from political allies and leveraging numbers in parliament to maximise their own wealth. Extended families will often make sure to place members in each of the major parties to keep open their access to spoils whatever the outcome of an election, or relocate wholesale if a rival family is gaining too much influence within their party.

Every national leader struggles to negotiate a working political coalition from among these empowered landowners and village chiefs who are scattered across the countryside. This

results in what scholars have diagnosed as political parties without much institutional and organisational authority, comprising a number of smaller voting blocs with little basis for party loyalty but the desire for patronage or bonds of kinship.\textsuperscript{17} Faced with this, Pakistan’s leaders have been forced to contend with a structural problem that induces political dysfunction, over which they possessed limited influence. Because the country lacks a natural voting majority behind any one ethnic or regional bloc, a political culture of “horse-trading” has taken hold in the capital, with many powerbrokers jostling for power even as policy troubles fester in the background. And as Pakistan’s economy has modernised, newer socio-economic groups with resources of their own have joined in the exploitation of the system, reinforcing the trend.\textsuperscript{18}

To be sure, this is a systemic pressure on the country’s political leadership, but it does not wholly explain past failures. Both Nawaz Sharif and Benazir Bhutto have been criticised for their zero-sum approach to political power during what began as a promising decade of civilian rule in 1989.\textsuperscript{19} After a short time, these two leaders focused on undermining one another by using extra-parliamentary authorities – either the President, or the Army Chief of Staff – to intrigue for the dismissal of the government while serving in opposition, only to face the same treatment once they took over. The self-destructive squabbling between these two leaders and their party organisations was the reason why so many people celebrated in relief after General Musharraf seized power in 1999.\textsuperscript{20}

Because of his imprisonment and threatened execution following that coup, it would appear that Nawaz Sharif has learned not to indulge in vendettas a second time round. Even as the problems for the PPP government mounted over the last few years, Sharif’s Muslim League party held back from challenging its legitimacy for fear of provoking a crisis that would bring the Army back into power. It also supported a raft of constitutional amendments proposed by the PPP which devolved legislative powers among the provinces, diminishing the power of central government to impose itself on the rest of the country. But despite Sharif’s political maturity, neo-feudal constraints still operate on Pakistan’s democracy. The variety of problems facing the new government is formidable: a protracted energy crisis, financial instability, and the spread of a home-grown insurgency all must be addressed if Pakistan is to remain a viable nation in the future; and at heart, each of these stem from chronic political disorder. Weighed down by neo-feudalism, the country’s leaders have been unable to muster enough political strength to tackle these problems, and they have worsened over time.

To begin with, a lack of effective political management is crippling Pakistan’s economy. While scholars mostly draw attention to the high level of military spending demanded by the Army, another constraint on public policy is the fact that less than one percent of Pakistanis pay any income tax.\textsuperscript{21} With the voting power to block new revenues or efforts at land reform, feudal political actors have jealously guarded their own source of wealth, while continuing to

\begin{itemize}
\item \textsuperscript{17} V. Nasr, “Democracy and the Crisis of Governability in Pakistan”, \textit{Asian Survey}, v.32, n.6, p.531.
\item \textsuperscript{18} A. Siddiq, “What is Pakistan’s elite?”, \textit{The Express Tribune}, 30 June 2012.
\item \textsuperscript{19} H. Synnott, \textit{Transforming Pakistan: Ways out of Instability}, Adelphi Paper 406, pp.44-51.
\item \textsuperscript{20} Hossain, “Pakistan’s October 1999 military coup: its causes and consequences”, p.47.
\item \textsuperscript{21} M. Tran, “Pakistan needs to recoup more in taxes before any aid boost, say MPs”, \textit{The Guardian}, 4 April 2013. Accessed at: \url{http://www.guardian.co.uk/global-development/2013/apr/04/pakistan-recoup-taxes-aid-mps}
\end{itemize}
extract benefits from inefficient state enterprises that burden the nation’s finances. Sporadic attempts at deregulation in the past delivered healthy economic growth under Musharraf, but because the country is saddled with a permanently weak revenue base, no government has been able to make revived business activity self-sustaining by making productive investments in infrastructure and education. With resulting low growth barely catering for a rapidly growing population, most have relied on inefficient subsidies for consumers to soothe voter discontent, worsening the fiscal situation and stoking inflation.  

Another problem is the energy sector, which has suffered continuous shortages over the last few years, sometimes reporting up to 20 hours a day without power supply. Demand has slowly risen over the last several decades in line with trends in urbanisation, and successive governments relied on projects to boost supply, as well as subsidies to maintain affordability, without much thought given to long term planning. The result is a disastrous gap between consumer behaviour and industry capacity; already, Pakistani customers are an estimated 4.5 billion USD in debt to suppliers, and years of short-changing the industry have finally begun to impair its output. Political muscle is also flexed by key industries to avoid paying energy companies, leaving them unable to finance the regeneration of electricity grids or upgrade transmission lines, exacerbating the shortages.  

However, while there are a variety of ideas to remedy the situation, competing government agencies have been able to unite behind a clear agenda, and some encouraging plans were abandoned by the last government due to fears of political backlash from its coalition parties. In fact, despite the urgency of this situation, the Thar coal field, arguably the most promising energy reserve in Pakistan, remains the subject of a long-running dispute between the central government and Sindh province over the allocation of profits. This is indicative of the desperate need for political resolution among stakeholders to open the way for nation-wide reform.

And while several factors have contributed to the emergence of the Pakistani Taliban, the underlying dynamic arises out of longstanding political dysfunction. While extremism is rife in poorer sections of Punjab, the network of militants loosely grouped under the Taliban largely draws its strength from the tribal regions bordering Afghanistan. A history of independence and martial custom in these areas provide the socio-cultural basis for armed resistance: since the founding of Pakistan, the collection of tribes has remained outside the legislative control of the central government, policed by a semi-official Frontier Corps recruited from among sympathetic tribesmen. The result has been little socio-economic development for the local population, and a corresponding lack of civic loyalty; indeed, the deployment of regular Army troops into the region after 2001 provoked fighting that developed, by fits and starts, into the country-wide insurgency which threatens public order today. The tribal area’s status as a sub-national unit is clearly unsustainable, and Pakistan’s

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leaders have responded over the last few years by beginning the messy process of re-integration. Indeed, following the recent meeting of a “Grand Assembly” of local representatives, recommendations for constitutional reform have been offered to the central government; whether the tribal areas are converted into a new province, or incorporated directly into Khyber-Pakhtunkhwa, it seems inevitable that the tribesmen will eventually enjoy the same legal and political arrangement as other Pakistanis.26

To be sure, an accumulation of power in the Prime Minister’s office will not cure this problem, nor put the economy on a permanently sound footing. In fact, many scholars argue that decentralisation is the key to improving Pakistan’s governance, given its history of centralised power among the elite, most of whom hail from Punjab, the country’s most powerful region.27 There are certainly issues to address that will not be helped by empowering the central government, as with corruption; or issues that will only be aggravated by interference from Sharif’s Muslim League party, such as the urban violence and street crime in PPP-dominated Karachi. This was recognised by the last government, which devolved national power among the provinces in the belief that a sustainable approach to socio-economic development needs to distribute resources more equitably between the regions if civic loyalty is to be assured.28 And in the case of the tribal areas, more latitude in provincial administration will be needed to soothe local sensitivities during the inevitably disruptive modernisation process.

On balance, however, these are less pressing issues for Sharif’s government than the three problems outlined above, all of which demand urgent attention. Pakistan’s economic troubles and energy crisis threaten to create widespread social discontent and, if left unchecked, bankrupt the state; and the growing menace of the Taliban insurgency could unravel the government’s monopoly on the legitimate use of violence. In short, these pose a danger to the very foundations of social order if they continue to degenerate, whereas the promise of centralised political authority is that it can halt negative trends evident across all three problems. For instance, costly subsidies, non-enforcement of loan repayments and taxes, and disputes over resource allocation could all be averted by a government able to impose unpopular measures in the national budget through a robust parliamentary majority. Indeed, it is telling that Sharif’s greatest success on these issues thus far has come from negotiations outside the country, where he is not tied down by domestic political constraints: during a trip to China, the new Prime Minister was in discussions about foreign investment in the energy industry, while his Finance Minister is, as of this writing, in negotiations with the International Monetary Fund for an emergency loan to stabilise the country’s foreign exchange reserves.29

The challenge presented by the Taliban insurgency is more demanding. Modern counter-insurgency is a complicated socio-political enterprise, and probably beyond the capacity of Pakistan’s government to successfully execute in the near term.30 But at the very least, public order needs to be maintained to prevent the spread of violence, and this will mean that a greater degree of unity among policymakers in Islamabad is crucial to sustain costly military operations. According to one account, it was only after civilian leaders had been jolted by the sharp increase of militant activity in 2009 to offer unconditional support for the Army that the generals felt comfortable deploying troop formations into the Swat valley to suppress the danger.31 Moreover, while Pakistan’s tribes are due to formulate a new administrative unit to govern the area where the insurgency is strongest, the central government will still need to ensure that national standards in education, health and welfare policies are adopted. Concessions will have to be made for the opinion of local leaders, but Sharif must protect the underlying influences that promise to subtly foster a social revolution over time. Only in this way can he slowly dissolve the sense of cultural alienation among Pakistan’s tribes that feed into violent radicalism.

All these will require significant political willpower, but they also promise to arrest the deterioration of the government’s writ. They have not been undertaken largely because they involve a high political cost, and for this reason problems have festered, becoming more formidable by the day. Decentralisation offers a useful guide for more comprehensive reform on many issues, but the current dynamics of security and social order demonstrate that continued political fragmentation will threaten Pakistan’s immediate future. In the final analysis, strengthening the ability of the Prime Minister to address these issues is a prerequisite for progress, otherwise collapsing public order would erase recent gains in civil society.

Sharif’s Political Prospects

Can Nawaz Sharif meet this challenge? Ideally, with a majority in the National Assembly, Sharif’s Muslim League party can break through the political deadlock on the most divisive issues. Given the burden of Pakistan’s socio-economic history, however, the danger is that the feudal politicians who the Prime Minister relies on will refuse to cooperate on the unpopular measures, or block legislation which threatens to curb their source of finance, and by extension, power. For this reason it is the mobilisation of a domestic voting majority behind Sharif’s agenda, rather than simple numbers in parliament, which offers the most reliable indicator of political strength: if a national leader builds up popular momentum through successive electoral victories, in time enough loyal followers come into parliament on his coat-tails to do away with the need for parliamentary opportunists. This permits a Prime Minister to instil discipline in party ranks and concentrate on policymaking that resists ineffective compromise and trade-offs.

The results of the latest election are a sign that Pakistan is heading in this direction. A higher percentage of voters participated in this election than any in the last 40 years, and this was in

31 Lieven, Pakistan, pp.458-60.
part due to a sense of enthusiasm among youthful voters spurred on by the idealistic campaign of Imran Khan, who won over many of the disillusioned with his promise to cleanse the political system of elites. Similarly, the growing opposition to perceived American influence in Pakistan boosted the anti-PPP vote across the board, with more voters casting aside old ties because of controversies like the drone campaign and the Raymond Davis affair. More than ever before, it appears that broad sections of society are now engaging with national issues and voting on the basis of their aspirations for the country at large, rather than those dictated by local powerbrokers.  

Despite these promising trends, a majority of Pakistani society has not yet reached a breaking point with its tradition of political feudalism. Tides of opinion have regularly swept the electorate before, as with the sympathy vote in the last election for the PPP in response to the assassination of Benazir Bhutto, or the fury over the US invasion of Afghanistan in the 2002 election which strengthened a coalition of religious parties. In both cases, impassioned minority opinion was channelled into parties advocating symbolic gestures, but these ultimately brought little change for their disappointed voters, who were outweighed by a larger, feudal voting habits. The tenor of Imran Khan’s idealistic campaign is more of the same: while promising to negotiate with the Taliban, curb the drone campaign, and eliminate corruption, he did not offer any new ideas for achieving these lofty goals, or mark out any distinctive approach for the less glamorous issues in political economy. Nor will he be able to achieve any progress with his minority voting share. In fact, within several weeks of its victory in the Khyber-Pakhtunkhwa elections, his party was mired in a dispute over the provincial leader, and whether he could retain his position in its ranks even as he took government office. 

Sharif developed an agenda to revive Pakistan’s business sector, and is pursuing ambitious plans for infrastructure development. But while he performed above expectations in the election, anecdotal evidence suggests that the influence of feudalism has proven resilient. In fact, only days after the vote Shabhaz Sharif, Nawaz’s younger brother, secured a majority for their Muslim League party by negotiating with a number of parliamentary independents to join their party. Some of these deals were conducted with powerbrokers who are alleged to have engaged in vote rigging, and their support for Sharif seems to have been offered in exchange for sympathetic treatment by government authorities. Similarly, while Imran Khan has established internal processes to ensure democratic accountability for his party’s grass roots members, there is little denying the prominence of old elites at its higher levels: his deputy leader, Shah Mahmood Qureshi, is a former PPP Cabinet minister and stalwart of  

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dynamic politics who flirted with abandoning Imran’s party in the midst of the election campaign.\(^{36}\)

Another troublesome consequence of the election is the centrifugal growth of regional politics. Having campaigned against the drone campaign and called for negotiations with the Taliban, Imran Khan’s party secured provincial government in Khyber-Pakhtunkhwa, the province most directly affected by these problems; and despite its unpopularity in Punjab, the PPP reaffirmed its power base in Sindh, with a much higher proportion of the vote than is reflected in the parliament. This is important because of recent changes in the constitution, which have devolved more power among the provinces.\(^{37}\) With a number of different parties now exercising power around the country, major schemes of the sort that Sharif hopes to implement will require national cooperation between many competing stakeholders. Within a day of taking office, however, Sharif was already struggling to stitch together a cabinet that included a representative array of the country’s regions, and ended up with an arrangement that was criticised for relying too heavily on Punjab leaders.\(^{38}\) This is an indication that, even as some advantages go his way, the Prime Minister will have to exercise concentrated power in a country where politics is increasingly fragmented.

Set against this background, Pakistan’s judicial activism could turn out to be as much of a hindrance for political development as the historic influence of the Army. To be sure, Chaudhry’s aim of imposing good governance by judicial fiat will be a welcome help for reformers like Khan to expunge corruption from the political elite over the long term. But as with the debate over decentralisation, the pressing need for Pakistan right now is to improve its capacity for effective governance, otherwise any one of its problems could boil over into an existential crisis for the state.

As his brother’s efforts suggest, Sharif does not yet enjoy the electoral strength that would allow him to implement sweeping reform through the political system without controversy. Nor does it look likely that a strong popular majority will emerge behind his government anytime soon: the crisis in energy supplies is continuing to harm business activity, and the Taliban have refused initial offers of negotiation – making it likely that at least two wounding problems will continue to feed public discontent. Indeed, Pakistan’s troubles are so manifold, and its ethnic and regional groups so diverse, that even maintaining a workable majority over any length of time is quite a challenge. A striking illustration of this is General Musharraf’s failure as President to win over key political stakeholders for some of his ambitious plans. Even though his voting majority originally swelled with numbers due to the expectation of his staying power in office, the government soon faced dissension within its own ranks and struggled to achieve progress on a number of its more controversial issues.\(^{39}\) Behind the facade of political unity, there were simply too many competing socio-economic interests vying for control.


\(^{39}\) Lieven, Pakistan, pp.205-6 & 261.
This situation all but guarantees that Sharif will try to achieve progress on deadlocked issues by relying on favouritism and patronage. As in the past, he will likely use subsidies to reward financial backers in business, while securing votes in parliament through ministerial postings and civil service appointments. This does not mean an outright embrace of corruption; any flagrant abuse of the system, as with election rigging, can only corrode the legitimacy of his government. But in the near term, he will need to draw on the resources of the Prime Minister’s office in any way that is not politically self-destructive to broker policy solutions. It may be a cynical approach to government, but within the constraints imposed by Pakistan’s feudalism, it is the most realistic avenue for getting things done.

Unfortunately, this is the kind of activity which is likely to antagonise the judiciary. It remains to be seen whether Sharif’s rapport with Chaudhry will influence his relations with the judiciary, but it will be difficult for him to convince the Chief Justice to tolerate a government relying on political favouritism. In fact, the conflict between Chaudhry and Musharraf’s regime first registered on the political landscape with the Supreme Court’s investigation into the President’s business associates, who had allegedly profited from the privatisation of government-operated steel mills. Since that incident, the judiciary proven to be a complicating factor for parliamentary governance; indeed, consistent interference by the courts helps to explain the weak performance of the last PPP government. With an unwieldy coalition supporting his party in the National Assembly, it was hard for President Zardari to look beyond the task of day-to-day survival, and his resulting dependence on patronage angered the Chief Justice. Indeed, the schizophrenic portrayal of Zardari in the foreign media – savvy at coalition building, but corrupt and unprincipled – misses exactly the point that the two qualities are so closely related in Pakistan. As yet, Nawaz Sharif is not strong enough to escape this dilemma.

There is no guarantee that Sharif will approach his country’s problems with the same degree of urgency expressed in this analysis. He may hope to avoid conflict by simply holding onto his slim parliamentary majority, opting to manage Pakistan’s problems instead of defusing them. This might buy him time until early December, when the Chief Justice retires and the succeeding court lacks the influence to interfere with his politicking. But the longer Pakistan’s problems are deferred, the more the political outlook for Sharif’s government will suffer. With each passing day it will become harder for the Prime Minister to pivot onto the case for reform and persuade other politicians to buy into his agenda. In any case, Justice Tassaduq Jilani, the man slated to receive Chaudhry’s position by virtue of his seniority on the Supreme Court, is said to be just as combative as the Chief Justice. The more unpopular Sharif’s government becomes, the easier it will be for him to continue with Chaudhry’s aggressive style of jurisprudence after he takes over.

Moreover, it is clear that Sharif is preoccupied with the threats to social order and feels compelled to act. The new government is confronted with daily reports of insurgent violence, energy shortages and related industrial disputes, and negotiations with the International

Monetary Fund for an emergency loan. In response, an “all-parties” national conference has been called to discuss security and terrorism, and a plan released by the government to improve the energy situation through the encouragement of cheaper sources for energy generation, lowering subsidies for industrial consumers, and paying off the debt weighing down suppliers. Most importantly, among Pakistan’s commentators there is growing awareness that the country’s most dangerous problems not only stem from the same political dynamic, but are reinforcing one another. For example, it has been reported that an estimated 40 percent of the energy theft which occurs across the country takes place in areas that are so infected with insurgent violence that it is difficult for the companies to upgrade transmission lines or recoup unpaid debts.\(^42\) Similarly, rhetoric coming from the Pakistani Taliban now incorporates talking points about energy and economic shortcomings, in the hope of striking a chord with the frustrated middle-class.\(^43\) Put simply, the Prime Minister has no option other than to address all of the governing system’s failings head on.

But as a result of this urgency, Pakistan is unlikely to enjoy much in the way of political stability anytime soon. If Sharif is determined to break with the status quo, his political efforts risk provoking the same kind of judicial scrutiny which destabilised the last government. Nor would this necessarily be a quick process that he could temporarily pursue before yielding; after all, policy takes time to produce results. For example, Khawaja Asif, Pakistan’s Water and Power Minister, recently conceded that a lasting improvement in the country’s energy situation will take several years to materialise.\(^44\) Instead of solving problems, therefore, the Prime Minister can only aim at easing the stress on public authority, but the knowledge that disaster was averted is not guaranteed to deliver him popular support, especially if it involves reductions in subsidies, raised taxes, or violent clashes between insurgents and the Army. The risk is that the new government’s popularity will suffer over the course of the year as these consequences play out, and by the time the Army Chief of Staff and the Chief Justice have retired it will be too late for Sharif’s consolidation of authority to look like anything but a desperate grasp for power in the face of mounting criticism.

This is not a pre-determined outcome. The greatest hope for the new government is the prospect of a diplomatic agreement with China or India to strengthen the country’s energy industry, as well as a generous loan from the International Monetary Fund to ensure a stable balance of payments. At the least, these accomplishments should prevent the spread of more social discontent, if not strengthen the government’s political outlook by offering Sharif something tangible to soothe the electorate while reforms are unfolding. Consequently, foreign governments and external observers should not hold the Prime Minister to an excessively high standard: if the aim is strengthen Pakistan’s future as a viable nation-state, then it is on these three basic issues – economy, energy, insurgency - that the government’s performance should be judged. It should be recognised that arresting negative trends is an achievement in itself, if only because a continuation of the status quo is courting disaster.

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If Pakistan’s new government hopes to do more than muddle through from crises to crises, with public authority slowly heading towards collapse, then one way or another it will have to overcome the political deadlock underpinning the country’s major problems. Depending on its timing, this could invite clashes with the judiciary or increased opposition from a public denied economic benefits. It will be Nawaz Sharif’s challenge to minimise the potential for backlash even as he tries to bring about a much-needed consolidation of governmental power. Unless he strikes the right balance, Pakistani voters may have to wait another electoral cycle for a political leader who can credibly promise to extricate their country from its feudal traditions.