



RESEARCH PAPER

**Civilianization of Military Rule in Pakistan: A Study of
Musharraf Era (1999-2005)**

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ABSTRACT

This paper is an attempt to analyze the steps and reforms taken by General Pervez Musharraf towards civilianization from 1999 to 2005. The military's involvement in political system of Pakistan began from mid 1950's and always continued verily with respect to nature and scope at various occasions. Whenever it made direct intervention, its disengagement remained slow and gradual, adopting a power sharing model instead of transferring power to the civilian elite. This pattern of civilianization was adopted in every military regime including the period of General Pervez Musharraf, however, making minor changes, suitable to the regime. In his early days, Musharraf demonstrated intention for economic revival, accountability, devolution of power and democratic consolidation as his foremost goals by establishing new institutions and holding of free and fair elections to form apparently civilian government.

Introduction

In Pakistan, Military has directly ruled the country for many years. However, it has played the role of a guardian throughout the remaining civilian's eras save a few years. After the emergence of Pakistan, there was a solid threat to new born country which compelled the rulers to invest heavily into defense at the cost of other institutions. So from the very first day of its formation, military became a very strong institution and its commanders were considered powerful actors in governing system of Pakistan. General Ayub Khan, the commander of the armed forces, became formal partner into power corridor in 1954 and then by imposing Martial Law in 1958 (Ahmad, 2013: 113-121). That practice of military takeover was revised again in 1969, 1977 and 1999.

Another reason of the military involvement in political affairs was the abetment of world powers especially U.S.A (Dahl, 1973: 6). Despite their claim of being supporter of democracy, they always supported the military rulers in Pakistan from General Ayub to General Pervez Musharraf (Rahman, 2017). Weak civilian institutions, incompetent, inexperienced and corrupt political leadership also caused involvement of the Army in political affairs. It is even evident till now (Khokhar, 2016: 230).

Along with state institutions, civil society and other elements of public mobilization remained also weak due to low literacy rate and lack of political awareness. The military has established its corporate interests in Pakistan. Consequently, it has become necessary for the military to maintain its involvement in political system for protection of its interests (Siddiqa, 2007: 71). Keeping in mind above reasons of military's direct intervention and once got the military rule establish, no one can expect its complete separation from the system while giving it a civilian face.

Historical perspective of Military Involvement

Military engagement in politics started from the Roman period; continued in feudal era and remained part of constitutional regimes especially those of third world countries from their political independence (Igwe, 2005: 60). It is common both in democratic or authoritarian regimes of present era. Even in developed world, though military is restricted to its defense affairs under the guidance of civilian government; it still exerts much influence on the government policies (Onder, 2010: 3).

Many researchers have described that the civil-military relations in Asian countries usually depends on their historical factors relating to their formative phase as a state and nation. Most of the Asian militaries have a prominent role in colonial period and then in process of state building and nation making (Alagappa, 2001: 9). The other important thing is that from early days, military began to involve in political decision making, projects of social developments, commercial activities and in internal security matters etc (Kuehn, 2011). Thus, separation of military from politics as prescribed by Huntington could only be relevant to the West, if not a mere fiction. They espoused an alternative model of democracy, namely 'guided democracy' prevalent in most of third world in which military was considered as an integral part of the political system rather than an agency outside the political avenue. By studying theories of military involvement, it is evident that military involvement in political affairs is less likely in the countries where social economic development is high and the political institutions are developed and strong enough. Contrarily military involvement in political affairs is more likely where states have heterogeneous structure with ethnic dominance, low socio-economic development and weak political institutions such as in less developed countries of Africa, Latin America and Asia (Al-Hamdi, 2014).

Military Disengagement & Assessment of Civilian Control

The military withdrawal depends on various variables. These variables create different situations in which military regime may return or retain the power or share it with civilians (Finer, 2002). So the study of military withdrawal from politics is always helpful for the comprehension of nature and degree of civilianization in a specific regime (Maniruzzaman, 1987: 18). The main factors involved in the military withdrawal from politics are endogenous and exogenous variables. The endogenous variables relates to organizational structure of military such as its professionalism, expertise, sense of responsibility and corporateness (Huntington, 1957: 84). The exogenous variables are environmental factors that create withdrawal influencing the military from the outside. These factors exist in domestic, regional or international environment (Danopoulos, 1984).

To understand the level of civilianization, it would be necessary to learn the process of decision-making in some areas of the political systems. The decision-making entity which has authority to make policy and to implement, it is defined as a dominating element (Aurel Croissant, 2010). Open and inclusive political process for selection of leadership, process of decision-making in public policy, decision making power of peace keeping by deploying the military inside the territory of state, formulation of national defense policy and structure of military organization are the various areas which help to determine the role of controlling authority (Wilkinson, 2006). By analyzing civilian or military dominance in these areas, each political system can be clearly positioned along the scale continuing from full-fledged civilian rule to military rule (Aurel Croissant, 2010).

It is worth mentioning that Alan Siaroff (2008) observed civil-military relations in more than of 80 countries of the world and placed them on the conceptual continuum for measuring the extent of military intervention into civilian affairs. His scale shows that most Asian states have the involvement of military in political affairs, even after the general decline of military's influence in the world.

Civilianization of Military Rule in Pakistan from 1999 to 2005

Prime Minister Nawaz Sharif's sudden attempt of sacking the Army Chief in his absence gave military the opportunity to take over the civilian government on 12th October 1999, without any violent clash (Musharraf, 2006). This time, contrary to past interventions, one of the main reasons of the coup, was tussle between the Nawaz Sharif and Army as well as rivalry in power politics between the civil and army leadership (Moskalenko, 2013: 370). After taking over the charge of Chief Executive of Pakistan, General Musharraf imposed emergency rule under PCO, suspended the Constitution along with assemblies on 13 October 1999 (Mahmood, 2015: 247).

In his concise address to the nation on 17th October 1999, he declared future program about restoration of democracy, structure of new government, good governance, revival of economy, insuring of accountability, and continuation of

foreign policy. Moreover, he said that Constitution has been suspended temporarily for saving the nation and Military had no intentions to stay any longer than the required necessity to pave the way for a true democracy. In his address, he announced his seven point agenda i.e. Rebuilding national confidence and morale; Strengthening the federation; Removal of inter provincial disharmony and Restoration of national cohesion; Reviving the economy and Restoration of investors' confidence; Ensuring law and order and to dispense speedy justice; Depoliticizing the state institutions; Devolution of power to the grass roots level; and Ensuring swift and across the board accountability (*The Nation*, October 18, 1999).

Immediately after military coup, a negative international reaction came to the military rule. Commonwealth of Nations suspended the membership of Pakistan. General Musharraf was regarded as a 'power usurper' by the world opinion. The USA made the sanctions more strict which were already imposed in May 1998 after nuclear explosion. Thus he showed his firm resolve 'to pave the way for democracy' as soon as possible. However, that situation changed when Musharraf became ally of the US after the incident of 9/11 (Bennett-Jones, 2002: 2).

However, when legality of the coup was challenged in the Supreme Court of Pakistan in January 2000, General Musharraf imposed Oath of Office (Judge's) Order to take new oath or quit the post. The majority of the judges took new oath to continue their job; whereas, nineteen judges including six judges of the Supreme Court did not take oath and quitted their offices (Khan, 2009: 480). Thereafter General Musharraf appointed docile judges who would favor the regime and protect it from any legal challenges in the future. Later output was up to expectations of the government. On 12 May 2000, the Supreme Court through various petitions validated the military take over on the base of 'Doctrine of State Necessity' (Syed Zafer Ali Shah V. General Pervez Musharraf, Chief Executive of Pakistan, 2002). Though, the Supreme Court justified the coup and gave the power of amendment in Constitution to Musharraf but it had also fixed the timeframe of three years for accountability and transition to civil government (Mahmood, 2015: 248).

After the verdict, military regime gained strength and confidence at the expense of independence of judiciary. Musharraf issued the Presidents Succession Order 2001 by which he replaced President Muhammad Rafiq Tarar on 20 June 2001. On that occasion it was told that Musharraf was going to India for peace talks in July 2001. So he assumed the office of President for doing negotiation from a better position (Khan, 2009: 483). General Musharraf possessed Army's traditional hatred for political leadership. He was good at public relations skills but needed political skills to cover the lack of legitimacy. Being trained in an authoritarian environment of the army's institute despite the demonstration of liberalism, he considered himself a final authority. Consequently, he made many mistakes as taking actions on his own in the situations where vast consultation was required. (Talbot, 2012: 170).

Devolution of Powers Plan

To decentralize the system and devolve the powers, General Musharraf constituted a National Reconstruction Bureau (NRB) under the chairmanship of General Tanvir Naqvi. The NRB carved out a 'Devolution Plan' under which the local governments were elected on non-party basis from 30th December 2000 to 5th July 2001 and made finally functional on 14th August 2001 (Musharraf, 2006). According to the Local Government Ordinance 2001, the local bodies were comprised on; District Governments; Tehsil/Town Governments and Union council Governments. This pattern of local government was present in all the provinces, except the cantonment areas which remained under the control of armed forces. This arrangement was also not implemented in the Federal Administrated Tribal Areas (FATA) (Shafqat, 2008: 262).

The devolution of powers plan presented mixed receptions from masses and political parties. People had been feeling convenient in settling local issues while political leadership was considering it as systems which marginalize the political parties. The critics also described that local bodies were used as instrument in the referendum 2001 and in general elections 2002 to help wining an officially patronized party (Mezerra, 2010: 10).

The new system gave enough powers to elected *nazims* at the cost of bureaucracy as well as the provincial and national level politicians. The weakness of the bureaucracy by eliminating the post of deputy commissioner and failure in implementing Police Order 2002 caused further decline in service delivery and governance. This situation decreased ability of good governance. These reforms boosted the politics of identity and further encouraged the patronage as was done in Zia-ul-Haq regime. The politics of *thana-katchury* stretched to provincial and national level from the local bodies. Local administration was further politicized; resultantly already weak institution became more vulnerable (Talbot, 2012: 182). The subordination of the bureaucracy and abolishment of old magistracy system caused much harm and a gap in working relationship between the bureaucrats and elected representatives (Niaz, 2010: 150).

Mechanism of Accountability

The other step was taken towards accountability and transparency by restructuring the already working *Ehtesab* Commission into National Accountability Bureau (NAB). The NAB under the chairmanship of General Amjad was tasked to investigate the corrupt practices of politicians, bureaucrats and businessmen. After some time, however, General Amjad was asked to alleviate the concerns of the finance department, Civil service and other entities. When General Amjad was not in compromising mode, he was replaced with General Shahid Aziz in October 2005, with the advice of sparing a few politicians up to next election. Once again NAB took high profile cases such as case of sugar price, oil price and their losses to

exchequer. Those cases, later on, were dropped on the direction of General Musharraf. So, he had to resign on such interferences (Aziz S. , 2012).

The files of known corrupt politicians were closed who shifted their loyalties to pro-government parties. The politicians belonging to opposition were got involved in numerous cases. This led to accusations that the NAB became a partisan body. (Siddiq, 2007: 100). The NAB Ordinance was also challenged before the Supreme Court which held that it was not ultra vires to the Constitution. However, the government was directed to make some amendments in the NAB Ordinance according to the directions contained in the judgment (Khan Asfandyar Wali and others---Petitioners versus Federation of Pakistan, 2001).

The Event of 9/11 and its Implications

As the events of 11th September 2001 in the USA changed the political scenario of the world, it left deep impacts on the policies of Pakistan and the region. Pakistan at once became ally of the US against terrorism, quitting the support of Taliban government (Ahmad, 2013: 313). On changing its strategy, the US sported stability of Pakistan and strengthened the position of Musharraf. The US also provided huge economic resources and ignored Pakistan's nuclear program (Talbot, 2012: 177). Since, Pakistan was without a constitutionally legitimate government. The entire responsibility of the decision had fallen on Musharraf alone. So he lost his determination to oppose the Americans and accepted all their demands (Khan, 2009: 483). So, he agreed on the reversal of Afghan policy, sharing of intelligence, and on providing airbases for America military operation as well as logistic support. On the other hand those events provided Musharraf an opportunity to extend his stay in power with the financial and political support of the US government. However, his unlimited stay was at the cost of sovereignty and the constitutional government. The subsequent steps taken by him towards civilianization can be explained in that perspective (Mahmood, 2015: 248).

Referendum and LFO 2002

Meanwhile a referendum was held on 30th April 2002, to legitimate his position and to gain justification for a long stay. The support of Musharraf was claimed from 5 to 97 percent by the critics and the government respectively. The referendum was also given validation by the Supreme Court (Khan, 2009: 484). Such attempt to attain legitimacy somehow created further problems. The referendum 2002 was similarly rigged one as of 1984 during Zia era. After the announcement of the results, Musharraf had to apologize himself for obvious interference of his loyalists and officials. A newspaper wrote that "the balloting had actually diminished Musharraf's stature" (*The Dawn*, May 2, 2002). The irregularities committed during the referendum even decreased the favorable image built due to his reforms (Talbot, 2012: 183). Similarly, some open mal-practices were highlighted such as some persons casted many votes, the employees were bound to cast their votes, a person could cast vote at any polling station, whereas

government rejected the criticism and declared that the clear popular legitimization of Musharraf rule had been secured (Ahmad, 2013: 319).

After the referendum, he promulgated Legal Framework Order (LFO) 2002 on 21st August 2002 applying his authority of amending the Constitution, given him by the Supreme Court. Under the LFO, President was authorized to dissolve assemblies, appoint governors, commanders of armed forces, and members of National Security Council etc. The seats in Parliament were increased to 342 and the most important article of LFO was to allow Musharraf to continue as President in uniform. At that occasion, Supreme Court once again disposed of the petition challenging LFO in the case 'Watan Party v. Chief Executive', giving the observations that such amendments should be considered in coming parliament not in the court (Khan, 2009).

General Elections of 2002 and its Aftermath

After promulgation of LFO, Musharraf declared that general elections would be held by the end of 2002 according to the time frame given by the Supreme Court. Moreover, he opted to form a loyalist party. That task was entrusted to Chaudhary brothers. They worked with great devotion and political skill to establish such a party (Musharraf, 2006: 210). Many people joined the party due to support and patronage of Tariq Aziz, political Secretary of General Musharraf. Political wings of agencies and NAB also played an important role. The party was finally announced on 20th August 2002 (Mahmood, 2015: 249). Then, Political Parties Amendment Act was issued on 28th June 2002 to enforce new eligibility conditions for the candidates as well as parties. Despite lifting ban on political activities, the government severely restricted the public processions, rallies and big gatherings without prior approval (Group, 2002). The two main parties, PML (N) and PPP had to contest elections without their leaders. Because Nawaz Sharif was in exile after his conviction in hijacking case and Benazir Bhutto was living in self-imposed exile since 1999, to avoid court trail on accusations of corruption (Haqqani, 2005: 111).

The general elections were held on 10th October 2002. All the political parties decided to participate in the election, competing on 272 general seats of National Assembly of Pakistan. The PML (Q) appeared as largest party winning 78 seats which later on increased to 118 including new comers and reserved seats. The PPP got total 87 seats and MMA captured total 60 seats against the usual results of previous elections, while the performance of PML (N) remained poor. The overall turnover of the voters was 40.69 percent (Khan, 2009: 490).

The above mentioned position of political parties in the national assembly was repeated somehow in the provincial assemblies. It is worth noticing that influential independent candidate also appeared successful in the national and each provincial assembly which later on switched over to the expected ruling parties. The PML (Q) was also a largest party in Senate and was able to elect its head, Mohammad Mian Somro as the chairman of the house. In that election though the

PML (Q) was a larger party in National Assembly of Pakistan yet it could not get a clear majority to form the government. So it firstly tried itself to made coalition with PPP which stressed to drop the charges of corruption against Benazir Bhutto and to release Asif Zardari, failing which it tried to make a deal with MMA but could not succeed because demands of both parties were unacceptable to the military ruler (El-Khawas, 2009: 102).

Then a group of members of PPP got agreed to make a forward block namely PPP-Patriot through political maneuvering. The group joined the government with PML (Q) after getting six ministers along with removal off the NAB cases. To facilitate such horse trading, the Article 63(A) which prevented floor crossing was suspended. After required floor-crossing, the Article 63(A) was restored on 31st December 2002 to ensure that those parliamentarians might not return back who had crossed over to support PML (Q). After attaining the majority, Zufarullah Jamali was elected as Prime Minister on 24th November 2002 with 172 votes in a house of 342. Mr. Jamali remained a non-assertive Prime Minister. "He went to the extent of calling Musharraf his boss;" (Khan, 2009: 491). Thus, even after the formation of civilian government, General Musharraf was at well-dominating position of President in the new political structure. He had a Prime Minister, willing to work on his instructions, the parliamentarians, following his program, and a docile political party, being controlled quit easily (Waseem, 2004: 31).

The civil government apparently started working with the establishment of legislative and executive institutions. But the real power was still rested in the hands of military, headed by General Pervez Musharraf. The military dominance in the political set up was intact because the PML (Q) had thin majority in National Assembly, and was in need of the support of military ruler, without which allied parties might abandon the coalition at any point (Moskalenko, 2013: 385). That assumption came true during several events, such as a dispute appeared among the allied parties on 16th November 2002 and 12th March 2003 at the occasion of oath taking ceremonies of National Assembly, and Senate respectively.

The 17th Constitutional Amendment

Musharraf and MMA accommodation created an understanding (Mahmood, 2015: 250). which included withdrawal of extension in judges service; formation National Security Council under an act; restriction on use power of President under article 58 (2b); deletion of local government laws etc. from sixth schedule; vote of confidence from assemblies; consultation with Prime Minister; and Musharraf would give up army post by December 31, 2004. After achieving the support of MMA, the Seventeenth Amendment Bill was passed with some changes in LFO by National Assembly on 29th December, 2003 and Senate on 30th December and finally approved by the President on 31st December 2003, while opposition boycotted each time. That Amendment was an alternate of 8th Amendment serving the same purpose. Its approval proved that civilian institutions were still weak and submissive before the power of military. After the approval of Seventeenth

Amendment, Musharraf went ahead to legalize his position through vote of confidence from Parliament and all Provincial Assemblies on 1st January 2004. Resultantly, he received 53% votes (658 out of 1170 votes) of Electoral College (Khan, 2009). On the other hand, opposition's protest was a continuous phenomenon in the Parliament to the extent that when Musharraf addressed the joint session of the Parliament on 17th January 2004, there was a roar of noise due to desk thumping in protest by opposition parties (*The Dawn*, 18 January 2004). Afterwards National Security Council (NSC) Act was approved on 19th April 2004. The opposition boycotted as usual at voting stage of the Bill while MMA abstained from voting. Musharraf took the response of MMA as breach of promise which was used later for an excuse to evade his commitment of quitting army post up to December 2004 (Kronstadt, 2004: 13).

After some time, the issue of the military post of Musharraf appeared again. When the opposition started demanding from Musharraf to quit the office of Chief of Army Staff (COAS), while the pro-Musharraf ruling parties started a campaign for retention of the post because their survival was based on the support of a military ruler. They justified their stance highlighting the internal and external situations which were requiring a strong leader having the full support of the nation and the army to tackle the situation (Moskalenko, 2013: 389). Musharraf himself wanted to retain the office of COAS to control the military for the unity of command as well as to support weak and unstable political structure which was confronting strong resistant on political matters from opposition, religious groups and militants. That was evident by shuffling in prime minister-ship and many other tensions. Such as, the Prime Minister Jamali was asked to resign in June 2004 apparently due to clashes within the party. Ch. Shujaat Hussain, the head of PML (Q), was elected as next Prime Minister for a temporary arrangement. Then he was replaced by Shoukat Aziz who assumed the office of Prime Minister (Kronstadt, 2004: 15).

After the resolutions of the Punjab and Sindh Assemblies in September 2004, the National Assembly passed a bill and Senate approved it on 1st November 2004. Lastly, acting president signed the bill which allowed President to retain the army post along with the office of President of Pakistan. That Amendment sent a clear signal that real democracy would not be restored in near future. The analyst also concluded that in case of Musharraf holding two posts violates basic principle of democratic rule in a clear and serious manner (Moskalenko, 2013: 391).

Such measures of Musharraf regime clearly showed that he had a strong hold over the ruling parties especially over PML (Q). Although he was not its formal head as Ayub Khan was the head of Convention Muslim League, yet he was patron and always supported it in every difficult situation of internal disputes or tensions with other allies. The party also responded its faith in the same coin. The prevailing situation created clientelism instead of strengthening democratic institutions, as Musharraf claimed (Siddiqi, 2007: 100).

Having equipped himself with military post of COAS though made his position in the power structure un-sailable; Musharraf did not stop expanding his power. He began to induct more army personnel into the civilian administration. This number went to about 300 army officers who were occupying the senior posts of government and semi-government institutions (Ahmad, 2013: 321).

Local Government Election 2005

The preparation for local bodies' election began in August 2004. The government announced that the election would be conducted according to previous practice on the non-party basis but the official stance of non-party principle was not observed completely. It was noted that flags, banners and party symbols were used frequently during the election campaign. The party links were evident by the specific identity as the PML (Q) supported candidates were using the common name of 'enlightened moderates' for themselves; the 'friend of the people' was label of PPP candidates; 'truthful' for MMA; and 'friend of the homeland' for the candidates of PML (N). During campaign, the ministers and parliamentarians whose party affiliations were evident announced development schemes in order to get favor of masses for particular candidates. The elections were conducted in two phases on 18th and 25th August 2005. The PML (Q) supported candidates won leading position followed by the PPP. The performance of PML (N) and others was poor (Commonwealth, 2005: 09).

In the wake of successful outcome of the local bodies' elections of 2005, the government attained sufficient confidence of winning next parliamentary elections and capturing the power for the coming term. Everything would have been fair for pro-Musharraf government, if it had not raised the issue of presidential election. Despite of opposition, the government decided that the presidential election would be held through the existing assemblies contrary to the constitutional timeframe (Moskalenko & Nikolaevich, 2013).

It is also worth-noting that throughout the Musharraf rule, where judiciary remained supportive to the government, it was for the first time that it differed with the decision of military regime in Pakistan Steel Mills Corporation (PSMC) case (PLD, 2006: SC 697) . There was a rise in violence, suicide attacks, and sectarian clashes. Militants started attack on high profile targets. They tried even to kill the Pervez Musharraf more than once, and also tried to assassinate Prime Minister and top ranking military officers. Many scandals such as sugar hoarding, oil scandal and crashing of stock market also began to surface one by one. No investigation could be ordered against the influential accused persons. Besides those, there were other problems relating to security matters which began to influence gradually the pace of civilianization process (Ahmad, 2013).

Conclusion

The assessment of civilianization has been made in context of Finer S. Es military withdrawal paradigm and Croissant's concept of 'decision making power'. According to the criteria, there exists supremacy of military in almost all the decision making areas of political system during the period. After observing the era, it was evident, that results of civilianization process were a pliable civilian government and a docile parliament; apparently civilian institutions and effective local governments on grassroots level. However, in fact those institutions were functioning with the help of military support instead of citizenry's support. All those civilian institutions were only acceptable as long as those were submissive to the military ruler and all types of civilian participations were acceptable as long as they were supportive to the military regime. The process of civilianization was initiated under his guidance in shape of power sharing paradigm at the cost of real democratic institutions. On thorough study and getting deep insight of various steps taken in the direction of civilianization and reforms adopted for good governance and transparent accountability, there appeared many other motives contrary to his apparent tall claims which were wrapped in attractive phrases. Despite, initiating the process of civilianization, the civilian institutions and political process could not attain too strength to sustain. So, the level of civilianization in Musharraf Era (1999-2005) can be considered as low besides weak and vulnerable to reversion at any point in future.

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