



RESEARCH PAPER

Power Sharing in Pakistan: A Failed Experience from 1988-1999

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ABSTRACT

The present study focuses on the democratic experience of Pakistan under a female Prime Minister and a leader from the largest province. The crash of Zia ul Haq's plane marked the beginning of a new era and after a long time the dawn of democracy dawned and establishment announced the restoration of democracy in the state. Even though, it had already lifted martial law in 1985 but still the system was running under Zia. A long decade of dictatorship rule had badly affected the beauty of democracy. A new period started with the expectation that it would give rise to affluence and stability in the system of government, but it did not meet the standards of the people and the system was not allowed to grow in a democratic way. The study concludes with the observation that undemocratic behavior and practices failed the power sharing in Pakistan's political system.

Introduction

Over the last 73 years, Pakistan's experience with democracy has been transitional, with a short democratic retro followed by long military rule and when army takes power directly, it suspends the constitution immediately and put a ban on politician and political parties. There is no difference wither it is Ayub Khan's (1958-1959) basic democracy, Zia's System of Islamic Democracy (1979-1988) or Pervez Musharraf's (1999-2008) sustained Democracy, every dictator tried to run the country as he wished.

After General Zia's death, Pakistani politics completely changed. The vacuum of the post of Chief of Army Staff (COAS) was filled by General Mirza Aslam Beg and the vacuum of president's office was filled by Ghulam Ishaq Khan (the then chairman senate) to run the functions of the state. Ishaq Khan was in good book of the army and had developed strong relations with the powerful institution since Zia's period, he announced party based elections in the state and so began a

democratic era. But throughout this decade of democracy, establishment, while living behind the curtain, controlled the system and the elected PM's have not been free to exercise their full constitutional powers. Whenever they (PM) tried to exercise their authority, they were removed from the scene. In this decade the establishment lingered the focal point of political activities

General Elections 1988 and Benazir's 1st Tenure

GIK, who had assumed the office of the President after the death of Zia, proclaimed that elections of National and Provincial Assemblies to be held on the 16 and 19 of November 1988 respectively (Raza, 2002, p. 45). On October 3, 1988 the Supreme Court of Pakistan decided that elections must be held party based since non-party elections refutes the civil rights. On October 6, 1988 nine right wing parties steered by Pakistan Muslim League formed the Islami Jamhoori Ittehad (IJI) to oppose the Pakistan People's Party (PPP) in the elections (Shaikh, 2000, p. 109). The army could not have accepted a PPP complete victory in elections and to achieve purpose make surefire a challenging opposition. An Ex person in command of ISI ratified that his bureau and the army provided pecuniary and "logistic" backing for the creation of the IJI, which comprised of several contra-PPP groups (Jones, 2003, p. 240).

In elections PPP won 94 seats and IJI won 56 out of 207 seats and rest of the seats were won by other small parties and independents. By looking at the election results, in accordance with democratic traditions, power should have been transferred to Benazir Bhutto, the chairman of winning PPP party, but the army was reluctant to transfer powers and had some reservations. According to Javed Ashraf (ex-senator), the deal was made on the following points;

- Benazir Bhutto will not take revenge on army.
- Benazir will not interfere in Kashmir and Afghanistan policy.
- Army will be kept in confidence in at all costs on foreign policy.

But the leaders of PPP say that deal was done only on two aspects vis a vis; do not indulge in army affairs and do not take any revenge from the armed forces. The army officials had denied having any deal with the PPP and stated that it had suggested nothing more than some proposals. The establishment had no strategy of allowing non combatant regulator over themselves and Benazir agreed not to engross in the core affairs of the military. As Saeed Shafqat has narrated that these terms were decided;

- No intervention in service terms and nominations
- A bulky funds for defence.

- Gen. Aslam Beg to remain as COAS.
- No foreign policy without the participation of military like Afghanistan and Kashmir policy
- Sahibzada Yaqub will remain as foreign minister as he was during Zia era.
- Besides this Benazir approved to support GIK to carry on as Head of state for 5 years (Shafqat, 1996, pp. 36-37).

Thus, the military not only defended its sovereignty but also effectually institutionalized its role in the political arena. In other words, the power was partitioned rather than transfer, and the political system that crop up in the 1988 elections was not democratic, it was mixed. As Ahmad Salim in his book 'Chay August Kay Baad: Intakhabi M'arkoon Aur Mehalati Sazishoon Kikahani' stated that the high personnel's of army had recommended that there was nothing more than some suggestions.

On 2nd of December 1988 a great tribute was paid to Benazir Bhutto by Presidents Ghulam Ishaq Khan by saying that, "she is a young, educated, decent and capable lady. She has immense love for the country and has the spirit of service to the masses" (The Daily *Pakistan Times*, December 16, 1988).

After all arrangements and assurances, Benazir formed her government in center and in NWFP and Sindh while in Punjab and Balochistan IJI formed its governments. On 12 December 1988, GIK was appointed as president of Pakistan by the corroboration of PPP.

The circumstances under which Benazir took over the government are described by William Richter in these words;

"Benazir Bhutto found herself confronted on all sides—by the President, whose enhanced powers under amended constitution seriously limited her scope of authority; by the military, which insisted on retaining authority over Afghan policy and other sensitive subjects; by the IJI opposition in the National Assembly, which sought to remove her through no-confidence motions; by the IJI majority in the Senate; and by Nawaz Sharif, who attempted to strengthen Punjab and other provinces at the expense of central government (Richter, 2019, p. 22)."

When the PPP government came to power, it faced many challenges, including overcoming the establishment, Afghanistan issue. Nawabzada Haji Mir Lashkari Khan Raisani, PML (N) told in an interview that the Zia's legacy was worldwide under pressure on its nuclear program, and shaky economy.

Benazir and President's Tussle

Ghulam Ishaq Khan, who was approved by the army, although Benazir helped him to be elected as president under an agreement, but when Benazir tried to use her powers as prime minister, the gap between them widened day by day. The first power sharing issue between President and PM Benazir was about the decision of PM to retire Admiral Sirohi from his office as Benazir claimed that he has completed his tenure of three years as Admiral but according to 8th amendment, the power to appoint or retire any JCSC, COAS or Air Martial is given to president. The president's office issued an order that the admiral would continue on his position. Although Benazir Bhutto withdrew herself from the issue of retirement, but the differences among the PM and the President escalated due to this issue (Yusuf, 1999, p. 226). Another issue which emerged between President and PM was about the appointment of several judges. These appointments were made during 17th August 1988 to 1st December 1988. The government of Benazir challenged the validity of these appointments on the ground that these appointments were made without the advice of the PM. But after some negotiation, once again by noticing the president's aggressive style, the government withdrew its appeal on 10th of December but this issue put another stone in the scales of the rising gulf between President and PM.

Benazir and Army

To appease the army Benazir announced a "medal of democracy" for the armed forces (Khan, 2004) on 23rd March 1989. Because she wanted to complete her term in office and she knew very well that without the support and backing of army it was impossible because she was in confrontation with opposition. In fact, this was an attempt to get appease President, COAS and martial law's legacy, who were powerful and did not allow the government to exercise its statutory power.

Despite the restless alliance between the PPP and the MQM, the government not has the desired seats to amend the constitution, i.e. to repeal the 8th Amendment. It is generally assumed that the military, particularly ISI, vigorously sought to demoralize the work of the government and did not take long to create strains between the two. To control the ISI, in May 1989, Benazir replaced the ISI head Major General Hamid Gul with Lt. General (rtd) Shamas Rehman Kullo and later in the same year she tried to influence the appointment of another senior military officer. Although, under the 8th amendment these power were given to president to make such type of decisions. Military conceived it as interfere in internal affairs of the institution and also the violation of power sharing formula. This tussle further increased on the issue of law and order in Sindh, when military asked to impose complete martial law in Sindh or to set military courts in Sindh but government did not allow a parallel military government in Sindh (Jan, 1999, p. 707).

Benazir's Relations with Opposition and No Confidence Motion against Her Government

Democracy cannot prosper without tolerance and cooperation of politicians. But the head of the state President GIK espoused the scheme of divide and rule. Keeping this policy in mind, Ishaq Khan met with Nawaz Sharif and Ghulam Mustafa Jatoi on 4 June 1989 and on the same evening, a political alliance was formed known as Combined Opposition Parties (COP) comprising all the political parties of National assembly and Mr. Jatoi was nominated as its chief. After the formulation of COP the strength of the opposition touched to 100. The relation of center and Punjab and center and Balochistan were already strained.

When Benazir was in Kuala Lumpur to attend the Commonwealth meeting, a no confidence motion was officially tabled against Benazir's government on 23rd October 1989. To get the loyalties of the MNA's a new term "horse trading" emerged. The COAS Aslam Beg's role to topple the government was not hidden. This was revealed by Ch. Nisar Ali Khan (one of the loyalist of Nawaz Sharif at that time)(Shaikh, 2000, p. 173). On November 1989, voting took place but PPP won by 12 votes.

Dissolution of the Government

On 6 August 1990, president GIK dissolved the government by using the powers of article 58(2)(b) of the constitution and this announcement was made in a press conference which was held in presidency at 5P.M (Lodhi, 1990, p. 11.). On the same day the order of dissolution was issued as well. Benazir in a press conference in Bilawal house Karachi said that president has taken this step under the pressure of army. In the next two days all provincial assemblies were dissolved as well. A writ petition was filed in all High Courts of provinces. In September 1990, on the request of federal government, the Supreme Court consolidates the petitions pendant in Baluchistan HC to Sindh HC and of Pishawar HC to Lahore HC. Both the high courts upheld the decision of dissolution of the government. A petition was filed in SCP against these orders but the SCP refused to grant any relief and dismissed the petition by short order(Dawood, 1994, p. 92).

Mian Nawaz Sharif Clinches Power as Prime Minister 1990-1993

President GIK crafted an acting administration headed by Ghulam Mustafa Jatoi. The elections of the NA and of PA were scheduled on 24 and 29 of October respectively. The IJI decided to contest the elections on the former alliance and symbol, while PPP formed an alliance namely Peoples Democratic Alliance (PDA). The IJI won the elections by securing 106 seats and formed the government while PPP could win only 45 seats out of 207 of national assembly. Although Ms. Bhutto believed that this was a fraudulent election and transnational onlookers were not invited, but there was no solid evidences for the allegation, and eventually the PPP began to play the role of peaceful opposition and Muhammad Nawaz Sharif became PM on November 06, 1990. In his period, the corporate guild was booming and privatization of government departments was undertaken. They minimized bureaucratic barriers to investment, which was an optimistic development in the state's economy. With this achievement and control position, why does his regime

collapse? The answer is very simple that there was a power tussle between president and PM and between PM and establishment. The new-fangled leadership had to deal with austere issues such as economic slump, empty coffers, poor law and order, Shariah Bill, Kalabagh Dam, Afghan issue and independence movement of Kashmir.

Differences between Army and Nawaz Sharif

These differences began when Iraq invaded Kuwait. Iraq invaded Kuwait in August 1990. Saudi Arabia and the United Arab Emirates were also feeling the threat of an attack. In this situation, Saudi Arabia and the UAE asked Pakistan to give them protection through its (Pakistan) military. The COAS wished to support Iraq against USA as he was of the opinion that USA will lose the war. Meanwhile, Egypt took the advantage of this situation and deployed 50000 thousand troops to Saudia and in return Saudi Arabia exempted it from all its international loans (Chaudhrypp. 125-127). This incident created a rift between Nawaz Sharif and army. The General Beg openly criticized the government for supporting the USA, calling it anti-Muslim though the military's post-war trend changed but this incident raised tensions between Islamist parties in the IJI and Muhammad Nawaz Sharif. Although it was the government's job to formulate a strategy on which country to belong and which not to, but the military made it a personal ego.

PM Mian Muhammad Nawaz Sharif tried to replace COAS Gen. Aslam Beg with an army chief of his own choice. This act of MNS not only angered the sitting COAS but also exasperated the president Ghulam Ishaq Khan as well (Jalal, 1995, pp. 112-113).

But what played the biggest role in widening the gulf between the army and MNS was this that when USA cut off funding to Pakistan's military because of Pakistan's nuclear program, Nawaz sharif intended to reduce the Pakistan's military's financial resources to meet the country's other needs. ISI Chief Durrani was replaced by the Lt. General Javed Nasir On March 2, 1992. Javed Naser was nominated by Nawaz. Nawaz had sidestepped the process for his selection as he did not observe a panel of proposed name by the GHQ. This act also widened the differences between the army and Nawaz Sharif.

Bitter Relations of President and Prime Minister

Power was shared in a struggle between GIK and MNS. Now apparently the voted government is about to rheostat the power of the government. Trio (president, PM and COAS) was a bequest of army rule with distinctive power-partaking arrangements among the PM, the head of state and the COAS. Until NS not challenged the establishment, the government continued. When in January 1993, COAS Asif Nawaz passed away, the question arose as to who would be the new army chief? President GIK wanted COAS of his choice while NS wanted the COAS of his choice. This issue had widened the gap between the President and PM. But president nominated General Abdul Waheed Kakar as new COAS. This annoyed

MNS and he openly announced to remove the 8th amendment of the constitution which empowered the president to dissolve the assembly. For this purpose, Nawaz Sharif needed Benazir's help. But Benazir played a Machiavellian role. She mended her relation with army and president and grabbed benefit of the mounting doubts in the *troika* (PM, President and COAS)(Shafqat, 1996, p. 668). As Aqil Shah believed, it give the impression that in Pakistan, when a politician is out of government he is ready to make any compromise with the army to get the government(Shah, 2003, pp. 34-38).

Dissolution of Nawaz's Government

On 18th of April 1993, president GIK dissolved the National Assembly and sacked Nawaz Sharif and his cabinet using the power of 58 (2)(b) of the constitution of 1973. The speaker of the NA Gohar Ayub Khan defied the order of dissolution in LHC and latter Nawaz Sharif filled a constitutional petition under article 184(3) directly in SCP (any matter relating to human rights can be filed in SCP directly) and challenged the order of dissolution as this act of president was against the human rights. After the dissolution of NS government severe fall in country's foreign exchange reserves reflected the fear and uncertainty President's action had caused among public (Yasmeen, 1994).Petition was heard by full bench of 11 judges headed by CJ Naseem Hassan Shah. SCP heard this petition on day-to-day basis. On 26th May 1993, the SCP restored the National Assembly, PM and his cabinet. This verdict was made by 10 to 1.

But despite this, matters between the president and the PM did not return to normal and the situation deteriorated day by day. At last COAS General Waheed presented a formula. According to the formula Nawaz Sharif on 18th of July 1993 recommended the dissolution of the NA and then also resigned. GIK dissolved the assembly and stepped down from the presidency and a caretaker government was formed under Moeen Quereshi (a former vice president of World Bank). Like past governments, in this era a restricted democracy was prevailing with strong establishment. The establishment was running the affairs of the government with political figures who could protect their interests.

Benazir Bhutto 2nd term

After the dissolution of National assembly Moeen Ahmed Qureshi sworn in as caretaker PM and Mr. Wasim Sajjaad the then chairman of senate assumed the office as interim head of state. The elections were scheduled on 6 and 9 of October 1993. Elections were held peacefully. In the elections Benazir's PPP won the majority of seats and formed the government with help of some independents and other small parties. MQM boycotted the elections. Benazir Bhutto took the charge of the office on 19th October 1993. To secure her position, Benazir Bhutto nominated Farooq Ahmed Laghari as president of Pakistan. It was clear that the government had no interest in amending the powers of the president (Yasmeen, 1994, pp. 587-588). After taking office, it seemed that Benazir had learned a lot from her past mistakes and was very careful in dealing with the army. She remained away from the internal

affairs of the army. Despite intense economic pressure, Benazir refused to cut the army's budget. Nor did she disapprove the military's verdicts and for example gave instant endorsement to an amplification of the operation to calm down Sindh in 1994. But when the differences between Benazir and the president escalated, the military did not remain completely impartial and maintained some support for the president.

Benazir Government and Judiciary

Benazir Bhutto promised to reform the judiciary and appoint judges in consultation with the opposition, but she then did the exact contrary. Judges were chosen on the basis of constancy to her party. In the election manifesto, the PPP had said that it would distinct the courts from the executive, but it did not do so. Sajjad Ali Shah was made CJ by bypassing the three most senior judges (Shāh, 2001, p. 211). The selection of enduring judges was intentionally postponed and the Chief Justices of the three provinces were performing their duties as acting chief justice. This step of government politicized the judiciary. Benazir Bhutto appointed 20 judges of the LHC, 13 of them belonged to the PPP, and these appointments created mistrust between Benazir and Chief Justice Sajjad Ali Shah. A petition was filed in SCP against these appointments. On March 20, 1996 by a bench of the SC led by CJ Sajjad Ali Shah gave its rulings and the court curbed the executive's power of appointments of judges. Benazir refused to accept the decision of the court and she asked president to give permission for the appointments of judges but the president refused. Then she tried to fill the SCP with ad hoc judges. In this way she damaged the independence of the judiciary. Once again she failed to deliver what she promised.

The most troubling issue of this period of politics was undemocratic behavior of PPP and PML (N). They never tolerated each other. They did everything to disturb the one another. During the period 1993-1996 politics of confrontation was on its peak.

Dissolution of Benazir's Government

On November 5, 1996, President Farooq Ahmed Khan Laghari dissolved the Benazir Government and NA by using the power of 58 (2)(b) of the constitution. He accused the government of flaunting SC verdicts and mocking the judges. It is also supposed that BB's government recorded the phones of Supreme Court judges, army officers and senior government officers. Benazir reacted by saying that her dismissal is unconstitutional and undemocratic. Benazir challenged the dissolution in the SCP but SCP gave its verdict in favor of the dissolution order. Thus ended Benazir's rule and once again Benazir failed to complete her five-year term.

Muhammad Nawaz Sharif 2nd term

After the dismissal of government and National Assembly, Mr. Leghari appointed Malik Miraj Khalid (he was a former Speaker of the National Assembly) as concierge PM of the country on 5 November 1996. Leghari had assured fair elections on February 3, 1997. An interesting incident took place here that the President without consulting the Prime Minister Malik Meraj Khalid altered the Rules of Business 1973 and made a Council of Defence and National Security (CDNS) on January 6, 1997. This council led by the Head of state and comprising of the PM, the foreign, defence, interior and monetary ministers and the top army personals. Its purpose was to “guide” the regime on guidelines affecting nationwide security. In fact CDNS legalized the role of army in decision making. In fact the establishment of the CDNS was a “statutory takeover” (Talbot, 1998, pp. 351-352).

In elections PML (N) won 137 seats and PPP won 18 seats out of 207. PML (N) formed the government with overwhelmingly majority. Benazir Bhutto rejected the election results. Nawaz Sharif was elected as new prime minister by attaining 177 votes against Aftab Shaban Mirani of PPP who secured only 16 votes on 17 of February 1997. The Nawaz government was enflamed with the vanity of two-third majority in Parliament. No other party in Pakistan's electoral history has won such a large majority. The PML-N, using its parliamentary majority, made two major changes in the constitution. The Muslim League strengthened the parliamentary system of government with the 13th and 14th Amendments to the Constitution of Pakistan, limiting the powers of the President, which had been extended to the President in the Eighth Amendment by 13th Amendment which abolished the Head of state's power to melt the Assembly, while the Fourteenth Amendment prohibited the parliamentarians from buying or changing political allegiances (floor crossing) (Mahmood, 2000). After these amendments to the constitution, the government temporarily strengthened itself. Now the government was not in danger of the president breaking the assemblies, nor of changing political allegiances.

Speedy Lawmaking

The numerical majority of the government urged it to enact legislation as soon as possible. In 1997, a Family Court Bill was introduced, which empowered the court to look into matters relating to dowry. The bill was passed so quickly that the opposition was not given a chance to debate it, and the government, due to its majority in the National Assembly, pushed back the laws. Similarly, in 1997, the Repayment of Loans from Banks and Accountability Bill was similarly introduced in the Assembly and passed as soon as possible.

Confrontation with Judiciary

The Nawaz Sharif government made history by messing with the higher judiciary. There were two major issues that have caused tensions between the judiciary and the Nawaz Sharif government.

1. Enforcement of Anti-Terrorist Law

2. Appointment of five judges recommended by the Chief Justice Sajjad Ali Shah

NS did not like the recommendations of the Chief Justice and issued a letter/notification in which the number of judges of the SCP would be reduced from 17 to 12. In response, the Chief Justice declared this notification void ab-initio. Now, the situation was that Nawaz Sharif refused to accept the recommendations of the Chief Justice and on the other hand the attitude of Justice Sajjad Ali Shah was also very strict. The Supreme Court also suspended the Fourteenth Amendment. Under article 190 of the constitution, president made the appointments of the Judges and this was the victory of CJ. The Supreme Court issued the formal contempt of court notifications to eight parliamentarians including Nawaz.

A contempt of court case was being heard in November 1997 against MNS and others when the Supreme Court was attacked by some activists of ruling party and they were demanding the resignation of CJ. According to Sheikh Rashid Ahmed, the attack on the judiciary was planned by Nawaz Sharif and his people were housed in the Punjab House. Eventually the issue was resolved and Justice Mian Ajmal was made Chief Justice of Pakistan. President Leghari later revealed that the army was drawn in the whole course as an effective body which could play real role to end the catastrophe.

Nawaz Sharif and Army

The second term of Nawaz Sharif's government is also considered as a parliamentary dictatorship. The 13th amendment also weakened the CDNS. Rizvi has discussed that it was Sharif's personalization of powers and victory in assigning his personal contenders as President and provincial governors as well as in humanizing the judges that energized him to oppose the army (H.-A. Rizvi, 2000, p. 211).

In 1998, Army Chief Jehangir Karamat addressed the navy officers at the Pakistan Naval War College in Lahore. In his address the COAS stated his anxiety about the subverting effects of political divergence, ineptitude and fiscal decline. This statement was taken as cautioning for approaching military immersion, as "Koonings and Kruijt" say, coup d'état are "often preceded by some kind of announcement" (Koonings & Kruijt, 2002, p. 23). Nawaz Sharif then forced the Chief of Army Staff to resign and replace him with Pervez Musharraf. Nawaz Sharif had in mind that Pervez Musharraf is a Muhaajir and there are more Punjabis in the Pakistan Army so they would support a Punjabi PM instead of a Muhajir COAS (H.-A. Rizvi, 1999, p. 181). The forced resignation of the Chief of Army Staff by Nawaz Sharif was not well received by the top brass of the Army. In the same year, another incident, known as Kargil war in history, took place when Pakistani troops traversed the LOC and occupied Indian-administered territory, sparking a battle between the two armies. Pakistan has been the target of intense international criticism and the incident ended with US intervention when the United States asked Pakistani Prime Minister Nawaz Sharif to withdraw its troops. The incident created a strange

situation because the Prime Minister said that the Pakistan Army had carried out the operation without his knowledge, while Pervez Musharraf said that the operation was carried out in consultation with the civilian government(H. A. Rizvi, 2013, p. 212). As a result, links between the military and the civilian government deteriorated to the point that they could not return to normal.

When Nawaz Sharif removed Pervez Musharraf from the post of Chief of Army Staff in 1999, as Rizvi stated that the army did not support Nawaz Sharif's decision because the army was already against Nawaz Sharif on the following reasons;

1. Forced resignation of COAS General Jahangir Karamat
2. Blaming the army for the Kargil incident by MNS.

Pervez Musharraf imposed martial law in the country and overthrew Nawaz Sharif's government. Pervez Musharraf arrested Nawaz Sharif on charges of treachery. Emergency was affirmed in the state and the constitution and assemblies were suspended. Pervez Musharraf designated himself as the country's chief executive.

Thus ended another democratic government in the country and Nawaz Sharif could not complete his five-year term despite gaining an overwhelming majority in the elections.

Conclusion

The period from 1988 to 1999 is called the Decade of Democracy in Pakistan because after a long interlude, democracy came to Pakistan but regrettably it could not prosper significantly. The period was the reprehensible in several ways like poor functioning of governments, interference of institutions in political affairs etc. In this era, there came 11 governments. During this period, the economic situation was bad and the country was subjected to repeated economic sanctions. In the form of the Eighth Amendment, president had a great deal of presidential power, which he used to overthrow governments which brought political instability in the state. The army ruled Pakistan for eleven consecutive years but now they were not directly involved in Pakistani politics but at the same time they did not allow Pakistani politicians to operate freely. Therefore, different terms were used for democracy during this period such as guided democracy and controlled democracy. And once again, the power of Pervez Musharraf was given legal protection by the judiciary on the basis of dogma of necessity. In other words, it can be said that the army considers itself only patriotic and that it can protect the best interests of the nation and create the best political rule.

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