CIVIL MILITARY RELATIONS DURING THE ZARDARI REGIME (2008-2012) IN PAKISTAN: INTERNAL AND EXTERNAL FACTORS

A Dissertation Submitted to
The School of Politics and International Relations
Quaid-i- Azam University
Islamabad

In Partial Fulfillment of the Requirement for the Degree of
Doctor of Philosophy

By
NASREEN AKHTAR
2017
Abstract

In the background of four military interventions in Pakistan’s politics and the emergence of security establishment as a centre of power within the structure of the state, this study explores civil-military relation in the post-military regime (2008-2012). Unlike in the past, we witness that a weak and unpopular civilian government of Zardari, despite facing many challenges, survived and completed its tenure for the first time in the history of the country. The central question we address is how it became possible? Was it due to the structural changes in the society or on account of self-assessment of the military leadership of its role essentially as professional soldiers to provide security to the country? Actually, it is an expansive definition of national security that has brought the military into politics besides imbalance in the power of the military and the civilian sectors. For that reason, the self-reassessment is not what it seems would chart a new course for the military rather it provided the post-Musharraf civilian government led by Zardari, a space to flourish, watched its performance, orientations and handling of national security. What is evident in this case study is that while the military watched its interests carefully, protected its influence over national security and critical foreign relations, at the same time it allowed the Zardari regime to complete its tenure.

While combating the internal and external challenges and efforts to complete its tenure, the Zardari-led regime made a history in two important aspects. First, as indicated earlier, it completed its tenure of full five years, the term of the Parliament. Second, it transferred power to its rival party, the PML-N when the later won majority in the 2013 elections. There were several internal and external factors that supported transition to democracy and its consolidation in Pakistan. Among many internal factors, foremost is a consensus among the political parties to support each other and continue to promote democracy by developing mutual consensus to not provide the military any opportunity to divide them and carve out factional support for its intervention. Other than mutual consensus among political parties, there have been other positive changes in the society such as assertion of independent judiciary, emergence of free media and
its proliferation, and the rise of the civil society committed to democratic rule, kept the military away from ousting the civilian government despite its corruption and poor governance.

On the other hand, we see the military spreading out on several fronts in the country due to many internal security challenges with terrorism on the top of list along with insurgency in Balochistan and the proliferation of sectarian and Jihadi organisation connected with transnational radical Islamic movements. There was an image problem for the military as well. Musharraf’s decision to align Pakistan with the US in War on Terror and use of the military power to eradicate groups that were once the allies of the state in Afghanistan was not popular, at least with the religious sections of the society. The overthrow of a popular political government of Nawaz Sharif when his party enjoyed two-third majority, humiliating treatment of the judiciary and unnecessary use of force in Balochistan had badly tarnished the image of the armed forces. However, the post-Musharraf military institution developed its consensus to restore their positive image by not overthrowing civilian government.

Externally, the United States, a close ally and partner with a history of working closely with the military establishment of Pakistan, thought a democratic government with moderate credentials’ like the PPP would be a better choice than a pure military government in extending support in Afghanistan and on the War on Terror. It indirectly and directly restrained the military from takeover. However, the civilian government and its own residual power in the political structure of Pakistan allowed the military to exercise more than adequate influence over national security and foreign policy. On the other hand, we see pragmatic approach of the PPP in allowing the military to determine choices for national security after realising that it was futile to bring the security establishment including the Inter Services Intelligence (ISI) under the civilian control. Zardari’s attempts in the beginning to do so were tardy, unwise, and likely to fail, as he did.

We see an emergence of new pattern in civil-military relations in Pakistan which rested on granting the military a dominance influence on national security and critical foreign relations, including Afghanistan and India policies. The civilians have differed greatly with the military on many of these issues but have not pushed the matter to the extent that the military establishment would react. This pattern of civil-military relationship tells a lot about the power of the military which it has retained even when not in power. Other than many conflicting factors, Memogate
was the most triggering factor between the civilian and military leadership but a coup was avoided and the army kept its prestige.
Chapter One

Introduction

1.1 Problem

Civil-military relations in Pakistan have never been a smooth affair during the rule of civilian governments. The reason being that the civilian governments have been too weak to assert their control over the military the way it is normally done in well-established democracies. There is historical context to the way military has assumed dominance in the power structure of the country. It has intervened four times in the past seventy years, ruling for more than thirty years in total. When not in power, the military played a role behind the scenes to maintain control over national security and foreign relations with India, Afghanistan and the United States (US). The civilian governments, after having been dismissed several times and facing the threat of direct military intervention, have gradually accepted decisive influence of the military over national security. Nawaz Sharif’s ouster from power in 1999 when he enjoyed two-third majority in the Parliament illustrates the power of the military to overthrow popular governments when it had serious differences over domestic or foreign policy issues. At the other end, the political forces of the country have been divided. Their open struggle for power and polarizing politics have been a facilitating factor for the military interventions, as it found a large section of political elites switching over and supporting the military. Another factor that we need to bear in mind is that the military has carved a constituency of national support; it enjoys a better image than the political parties.

A section of elites and political parties have consistently been demanding for a military takeover for the past one decade. Such voices became louder when Pakistan Peoples Party (PPP) won numerical majority to form government as a result of 2008 general elections. Pervasive corruption, mismanagement of national resources, poor economy and bad governance were given as qualifying reasons to end the rule of Asif Ali Zardari. The pro-military political leaders have also argued that electoral process is flawed, the parties are dynastic, and in the name of democracy autocratic leaders rule the country, often placing their interests before the national interest; and some connive with the foreign powers to damage national security of Pakistan. Such allegations against Zardari were repeated on daily basis. Against all expectations and predictions,
Zardari made history. He completed his tenure, kept his party coherent and the political coalition with smaller parties intact. This was despite the fact that there had been several qualifying grounds on which the military could intervene. Similar conditions had previously led to military takeover. Interestingly, the Zardari regime survived completed its term, becoming the first elected government to do so for the first time and to transfer power to another political party in peaceful manner.

Pakistan’s politics and the nature of civil-military relations changed in many aspects after 2008 General Elections that brought into power the PPP, now led by Zardari. A sympathy vote owing to assassination of Benazir Bhutto and dynastic hold over the party placed Mr. Zardari in a position of power. The democratic government led by Zardari proved to be quite different from the previous civil governments (1977s-1980s-1990s). These governments could not complete their constitutional term. Either they were dismissed by the President on behalf of the military or military took over and ruled the country with the help of political parties and judiciary. In essence, Zardari’s rule lasted a full term without any fundamental change in the power structure of the country. The civil-military relations were as troubling, disturbing, pernicious, and imbalanced during the Zardari regime as they had been in the past. Comparatively, Zardari had more troubles at his hand. Internally, his government had direct conflict with the judiciary, army, and Inter-Services Intelligence (ISI). To offset internal troubles, Zardari attempted to get help from the United States to establish civilian supremacy or accumulate more powers for himself without constraining checks from the military. The issues briefly referred to were an excuse for the military to topple the PPP government, but it not only survived but also completed its five-year tenure and made history in the process.

The survival of the Zardari regime, in the face of acute internal and external problems, which had eroded Pakistan’s security, begs a more serious explanation than we can find in the existing literature. It is argued that the military was engaged to establish the writ of the government in the troubled border areas of Pakistan as an ally of the US against war on terrorism. There is yet another view that the post-Musharraf military establishment focused on professionalism and thereby, decided to support democracy despite serious questions being raised about the quality of democracy and performance of the elected government.
Some have tried to explain survival of democracy in Pakistan with reference to popular support for the elected governments. After a long military rule (Musharraf regime 1999-2008) the new democratic government had tremendous support of the political parties, public and the media. This reflected a national consensus on democratic rule. An independent judiciary that played a role in the ouster of Musharraf from power also acted as a barrier. The Chief Justice of the Supreme Court time and again asserted his power to maintain supremacy of the Constitution and declared that military rule would not be accepted. It was a different stance in comparison to all those instances where the judiciary kept legitimizing military takeover in the past on the basis of the ‘doctrine of necessity’.

However, the army and ISI both remained dominant factors in Zardari regime and played fundamental role in internal and external policies because democracy under Zardari’s leadership was fragile, ineffective, and dysfunctional, which promoted corruption, lawlessness, and personal interests of the party leaders in power. Zardari appointed his close aides and trusted friends to important positions, both home and abroad, and made a few attempts to curtail military’s power in the domain of national security. For this reason, civil-military relations during Zardari regime remained highly problematic. A number of events like Memogate, American attack on Salala check post, and killing of Osama bin Laden in Abbottabad in a military raid complicated these relations. The entire tenure of the Zardari regime, 2008-2012, saw the democratic government losing its credibility, whereas, the military remained a highly-respected national institution and regarded by significant section of the population as the ‘guardian’ of the state. The objective of this study is to examine the factors that caused problems between the civil-military establishments during the Zardari regime.

2.1 Research Questions

In explaining the civil-military relations during the fourth democratic transition (2008-12), this study aims to find answers to the following questions: Why did military choose to support democracy? What challenges the civilian and military sectors of the state have been facing in establishing norms and institutions to stabilize democracy? What have been the factors that have caused problems in civil-military relations? What mechanism the two have adopted to diffuse tension between them?
1.3 Hypothesis

This study hypothesizes that democratic transitions have not been completed in terms of transfer of all powers to the civilian governments, as the military has retained its control over defence, national security, and critical foreign relations. The Zardari’s regime accepted military’s privileged role in these areas as a way of preventing direct intervention by the armed forces. However, internal and external factors, institutional weaknesses, poor governance, and the lack of political will fostered the institutional role and covert dominance of military in security policy-making during the Zardari regime. The army retained its corporate interests and prerogatives as well as remained dominant over civilian government on major areas. Independent judiciary and the political parties were apparently united against a possible military coup. Media was also free to play its role to create positive and negative perception about civilian and military institutions on important national and international issues. In the past, personal political desires of military chiefs paved the way for the army to intervene but this factor seems to be lacked in an army chief General Kyani.

1.4 Significance of the Study

The significance of this study can be explained with reference to its theoretical and empirical content. We combine the two in the analysis of civil-military relations in Pakistan during the period under study. Empirically, the study helps to understand political and military mindset that influences their relationships, whether cooperative or conflictual. It shows convergence and divergence of interests of civilian governments and the military in Pakistan depending on the issues confronting the two. National and international circumstances have also been a factor in determining the nature of relationship. At empirical level, it also helps to understand the role of political parties, judiciary, and parliament during multifaceted crises that the Zardari regime endured during the 2008-2012 period. Political parties and the civilian government at that time had consensus to develop democratic process. Against this consensus, the study provides us an opportunity to understand the military’s covert and overt intervention in politics despite its pledge to protect democracy. In this respect, it shows that attempts by the civilian government to gain supremacy over the military institution have faced opposition by the army and the ISI, which have been the most powerful institutions. External factors also played a role in bringing the civil-military leaders closer or widened the gap between the two state
institutions. This work tells us how the tactics, behaviour, and politics of the Zardari regime happened to be different from the previous unsuccessful democratic governments.

Civil-military relations are an interdisciplinary subject and have been explained by various perspectives, which will be discussed in chapter two. Among other ideas, the “societal perspective” of Samuel P. Huntington and the “agency theory” by Peter Feaver have been found to have greater explanatory power for the purpose of this study. These theoretical strands help us understand the dynamics of civil-military relations, and impediments between the two vital elements of the state. They also provide the foundational knowledge about why and how military intervenes in politics. The study has picked up the most relevant ideas that help explain the case study. We use theoretical knowledge to answer the following questions: Why did the military pave the way for democracy? What encouraged the army to influence the government’s policies? How did military act to protect its image, and privileged position?

Pakistan is a pivotal Islamic state in the region with nuclear capability that has experienced four military coups (1959-1969-1977-1999). It was able to form coalitions with the political factions and garner public support. Internally, military remained cohesive, professional, and well-disciplined. It is rare to find such characteristics in Pakistan’s political system. Rather the politicians have remained divided and in fierce competition to gain political power for which they have never hesitated to assist military rulers. Internal weaknesses of the political parties and political class have been exploited by the security establishment in the previous decades. The period under study shows a remarkable departure in many important respects. The first departure from the past is unanimity among the political forces to stand together and protect democracy, which is one of the outcomes of the Charter of Democracy signed between the two major parties, the PPP and the PMLN, while Musharraf was in power. Second, like somewhat in the past, they purged the Constitution of the changes brought about by the fourth military regime (1999-2008). Third, we also see the rise of two new social forces, the media and the middle class-driven civil society network. The latter two threw their weight in support of democracy, which was reflected in the movement against Pervez Musharraf and in support of the restoration of the judiciary. These developments contributed to the emergence of a new pattern in civil-military relations during the Zardari regime, resulting in the completion of tenure of an elected government for the first time in Pakistan’s history. In our view, this is a landmark development in this respect. But it
is more significant as it redefined the civil-military relations. There is a clear evidence to suggest that during the Zardari regime civil-military relations in Pakistan were marked by mutual compromise and accommodation. There were many ups and downs when the army did not intervene directly and resisted advice and temptation to overthrow the government. But both the President and the Army Chief showed great understanding, remained cool, rational, and avoided direct confrontation even on troublesome political and security issues.

Zardari came in power after, General Musharraf, the former Chief of the Army Staff, had resigned. Post-military rule political transitions are generally known to be weak and unstable, and that has been the case in Pakistan’s history. Moreover, “the post-military regime must probably depend on patrimonialism (concentration of power in the hands of a leader) to accomplish political consolidation.”¹ In Pakistan, the civilian leaders were unable to gain enough power due to political instability and role boundaries or expectations—the two legacies of the military rule. That has always created barriers in the way of civilian governments to gain control over much of the policy arena. For many of these reasons, the democratic regime under Asif Ali Zardari remained under pressure but is remembered for its efforts to establish civilian supremacy. Despite the fact democracy had returned, the military controlled much of the ground in internal and external affairs.

Pakistan’s social and political conditions were deteriorated by the interplay of national and external factors that posed a grave threat to Pakistan’s national security and democratic process. National security in the face of terrorism and foreign intervention brought the civilian government and the military together. It was something different from the past in both scale and intensity. The military collaborated with the civilian leadership, as it understood the constraints within which policies had to be formulated to protect national interests, including its vision of national security. The military has refrained from exploiting these tensions to stage a direct comeback in the political arena. However, the military remained a very important player in the making of national security policy that it has regarded as its prerogative.

1.5 Literature Review

Civil-military relations are a broad subject, which is discussed in both developed and developing states but with different focus areas. It is a major issue in countries like Pakistan where military has intervened repeatedly. The study of civil-military relations identifies the link between people, political parties, and civil society with their Armed Forces in the country. In democracy, civilian oversight and civilian control remains the primary debate in the state. Whether during the period of democratic transition or during consolidated rule, civilian leaders try to establish control over military. So far, Pakistan has experienced transition to democracy without much success in consolidating it. Since Pakistani military is professional and the civil-military relations have been very complex, the military’s extrication from politics has been temporary and situational. In Pakistan, debate on civil-military relations changed after Musharraf’s departure from the political scene that was forced by the new civilian regime in 2008.

Before elections in February 2008, the Army had taken important decisions on its future role and priorities on 3rd January 2008. It was a historic day at General Head Quarters in this respect. Ashfaq Pervez Kayani, Chief of the Army Staff (COAS), chaired his first Corps Commanders Conference after assumption of his appointment. General Kayani outlined his future vision in this important meeting. He emphasized that training and professional pursuits must remain the prime focus of the security forces to enhance operational preparedness to attain the highest standard of capability at all levels to meet challenges of internal and external threats.

Retired Lt.Gen. Amjad Shoaib described the military’s post-Musharraf view as follows:

The COAS has played an important role in Pakistan. He became the head of the state when the military took over. But he cannot take major decisions without the support of Corp Commanders. In his first meeting, the Commanders opposed any political adventure in post-Musharraf period because it was the army that suffered during his military rule though the politicians equally enjoyed political power. The top leadership also decided that they would provide guidance to the civilian leadership instead to control the power.

Pakistan’s geographical location in South Asia makes Pakistan an important country in the world. Civil-military relations are directly affected by the external environment and polices of

---

powers with vital interests in the region. Pakistan’s internal politics has been influenced by the US administration and it also played its role during the Zardari regime as well. The US throughout has been keenly observing Pakistan’s civil-military relations and has shaped its relations according to the situation. The present study has found role of US as very critical regarding civil-military relations. The US attempted to help the civilian government to control the Pakistan military.

After having reviewed a bulk of literature on civil-military relations, this study has identified several causes of military intervention that how and why does military intervene in politics. Pakistan has seen temporary extrication of military from politics during democracy. However, military intervened when civilian rulers tried to harm its corporate interests and also when civilian leadership failed to give any solid policy for national security when they created internal political crisis with impact on stability and social order. It is important to note that military withdrew from interference in politics whenever it faced strong resentment and reaction from political parties and civil society. The pressures to revive democracy by international powers also played an important role in sending back the military to barracks.\(^5\) In addition to it, divergent view within the army that supported political change also cannot be ignored. But in case of Zardari regime, it was the military’s decision to stay away from politics, but why? This study will investigate the factors that prevented the military from taking over, while it had the opportunity and public support to go against the government. In the past, military also supported the civilian regimes but eventually they ended in military coups.

Post-Musharraf era was different than the previous periods in the sense that they never had independent judiciary, vibrant media, and unity among the political parties. These factors supported the civilian government that has always been undermined by the supremacy of the military and the ISI. However, both media and the political parties supported and glorified institution of military when the then government decided to introduce military-specific policy.\(^6\) During Zardari regime, on account of commitment of not to derail democracy, military avoided

---

\(^5\)Gen. Ayub Khan’s regime was ended by the political parties and civil society they played role to force Gen. to resign. Musharraf not only faced political strong opposition within country he was also asked by US-UK to restore democracy and these two countries played their role to Musharraf and Benazir Bhutto to reconcile for the political process.

\(^6\) Government decided to bring the ISI under interior minister, and decided to send DG ISI to India after Mumbai incident. Memogate scandal and Kerry Lugar bill were also discussed by media and the parties more than any public forum.
intervention even when the civilian leadership took measures to curtail role of the army in national security and also to damage military’s corporate interests.

In 21st century civil-military relations have taken new dimensions in developing countries, particularly military’s disengagement from politics and re-intervention has altered the debate that why the developing countries cannot have consolidated democracy. Do they have leadership problems or international linkages influence democratic governments? It is a fact that post-coup regimes hardly survived and sustained in Pakistan except the civilian government’s regime from 2008 to 2013. Also, political governments in countries like Pakistan where civilian and military establishments work in collaboration to deal with external and internal challenges, chances of military intervention or coup are very likely. Due to internal crisis, military intervened in Bangladesh and Pakistan. The most recent coup was attempted in Turkey on July 15, 2016, which could not succeed due to popularity of the government and peoples’ resistance. On the other hand, democratic rule was replaced with that of military in Egypt in 2013. In general, military interventions are still in fashion in one way or the other in the developing countries based on the same old justifications; internal political chaos, economic crisis and external threats. This includes Pakistan, which is the most polarized society and where dynastic and undemocratic political culture persists. In contrast to this, many South East Asian states have established democracy and continue to strengthen democratic regimes. Partially, these democratic governments contributed to develop their social and political institutions despite the fact that their internal political conflicts pose a grave threat to their democratic regimes and provide opportunity for the military to intervene. Every transition to civilian government failed to take strong hold and ended due to internal political confrontation.

Looking at the historical background of military takeovers and intervention in politics in the developing countries we have observed few similarities. The important one is that transition did not lead to a consolidated democratic rule since most of them were authoritarian, corrupt, poor in governance, and tried to establish civilian supremacy over military institution in haste.

---

8 Mackubin Thomas Ownes, “Civil-military relations after9/11
9 Pakistan, Bangladesh, Turkey, and Egypt are contemporary examples of military intervention.
There is no doubt that external threat and international linkage played their role to encourage military to intervene in post-coup politics. The first military government established its good image because it was different in its management and actions and contributed in state building. Later on, economic and socio-political crisis fanned conflict between politicians and the military that continued during all the successive military regimes in Pakistan. It was something different from the past in scale and intensity. The military collaborated with the civilian leadership, as it understood the constraints within which policies had to be formulated to protect national interests, including its vision of national security. Rebecca Schiff argues “internal conflicts and international pressures both created political, economic, and societal tension within Pakistan”.\(^7\)

The military has refrained from exploiting these tensions to stage a direct comeback in the political arena. However, the military remained a very important player in the making of national security policy that it has regarded as its prerogative. Literature Review Civil-military relations is a broad subject which is discussed in developed and developing states but with different focus and issue areas. It is a major issue in countries like Pakistan where military has intervened repeatedly.

In Pakistan’s context, scholars have provided a lot of explanations for the military’s political interests, the causes of military coups, its frequent intervention and implications of troubling civil-military relations. This study has explored the causes why and how military did not takeover during pernicious environment in 2008-2012. The scholarly focus on military interventions shows that little has been explained why military refrained from intervening during this period. The present study covers post-coup democracy under Zardari that had seen many ups and down in its five-year tenure because civil-military relations were unsettled and conflictual. A bulk of scholarly literature has been produced on civil-military relations in both the developed and developing states of the world but a limited scholarship has been produced to throw light on civil-military relations during post-military coup regimes in Pakistan.

Going through the literature in the field we can identify various approaches scholars have applied to study civil-military relations in Pakistan. These may be roughly characterized as legitimist view (legitimacy vacuum). Structural imbalance and political economy of defence bring into

focus multiple factors that shape and affect civil-military relations. These approaches or perspectives support main arguments of the present study.

According to the legitimist view (legitimacy vacuum), Pakistan as a newly independent state was faced with acute political, security, and economic problems.\footnote{Fazal Muqeeem Khan, \textit{The Story of Pakistan Military} (Karachi.: Oxford University Press, 1963), 40.} Despite the British parliamentary system, politicians could not develop political institutions. Consequently, military emerged as a powerful institution. According to this school of thought, weak institutions and political instability created vacuum for the military to create space for itself. Since Pakistan inherited troubling neighbours like India and Afghanistan, these countries exploited ethnic groups in the country and created security dilemma that encouraged military to design security and national interest. The founder of Pakistan Quaid-e-Azam Muhammad Ali Jinnah passed away right after partition (1948) and the first Prime Minister Liaquat Ali Khan was assassinated (1951). Political institutions were ignored.\footnote{See for detail, Hasan Askari Rizvi, \textit{Military, State and Society in Pakistan} (Basingstoke: Macmillan, 2000), 1.} Thus Pakistan became a ‘security’ state and the military commander General Ayub Khan who had personal relations with civilian establishment preferred to modernize the military. Thus, military became strong and powerful but politicians and political institutions became weak for decades. According to Mazhar Aziz security, political, and economic crises nurtured the way for military intervention in politics to protect national interest.\footnote{Mazhar Aziz, \textit{Military Control in Pakistan; A Parallel State}, (2007).} In addition to these challenges the civilian rulers ignored their obligations towards the society and the electorates that brought them into power. Whenever they were elected by the people they ruled not as democrats but dealt with political, and economic affairs in an autocratic way, their non-democratic behaviour widened the gulf between military and political institutions and politicians lost their credibility and legitimacy. Whenever, military came in power it improved economy and people’s lives though on temporary basis but made difference that people felt.\footnote{In its early democratic journey, civilian rulers failed to build trust of the people on the democratic institutions of Pakistan. The guarantee} On the other hand, post-coup conditions of Pakistani society have seen increase in poverty, dictation to the institutions, amendments in the constitution for political power, and corruption, as a result which people did not support democracy and the political rulers. Rather, they expected the military to step in and bring about positive change.\footnote{In its early democratic journey, civilian rulers failed to build trust of the people on the democratic institutions of Pakistan. The guarantee}
for the stable and strong democracy rests on the foundation of developed, strong, and stable institutions. This has not been a case in Pakistan.

In Pakistani context there have been internal domestic societal factors that brought military into politics or political affairs. Weak institutions have characterized the undemocratic political system of Pakistan. Military has always influenced the policies of civilian governments.

General Mirza Aslam Beg, the former Chief of the Army Staff (COAS), has endorsed legitimist view on Pakistan’s politics and civil-military relations as:

Pakistan’s genetic political defect was exploited by the internal opportunists and the external forces. United States entered in the arena of Pakistani politics and put it under its thumb because it provided military and economic support. During the Cold War Pakistan became the member of SEATO-CENTO and became ally of the US for security reasons because India was a great threat. Outside intervention further weakens the political system [of Pakistan] and strengthens the army. Thus corruption and external interference (by America) are the main factors involved to exploit internal situation in Pakistan. Civil-military relations would not improve because there is no loyalty in politicians. Imbalance in the system is acute. The most powerful (64%) Punjab needs more provinces. Only more provinces or administrative units will improve the system. Balance must be created by creating more provinces that will increase the capacity in political system.14

Legitimacy vacuum has always dominated in Pakistani politics.15 However, legitimacy vacuum theory is related to the structuralist perspective that argues that crisis of legitimacy of the political leaders and political parties encouraged the army to challenge their power. Pakistan is a divided society and its political system is dominated by rival political parties, groups and factions. It is evident that in case of political rift these competing groups seek military’s intervention and support it when military comes into power. The ‘patriotic generals’ were invited in critical times when the civilian government failed to control law and order situation in the country.16

14 Interview of General Mirza Aslam Beg.
15 See for example Huntington, (1971).
Since Pakistan’s inception its internal and external issues increased state’s vulnerability, which resulted in a fragile economy and ultimately democracy could not flourish. In addition to these challenges, the civilian rulers ignored their obligations towards the society and the electorates that brought them into power. Whenever they were elected, they ruled not as democrats but dealt with political and economic affairs in an autocratic way; their non-democratic behaviour widened the gulf between military and political institutions and politicians ended up losing their credibility and legitimacy. There is general perception in Pakistan that ‘military government delivers and improves the people’s lives.’ On the other hand, post-coup conditions of Pakistani society have seen increase in poverty, dictation to the institutions, amendments in the constitution for political power, and corruption, as a result, which people did not support democracy and the political rulers. People always celebrated military coup staged by Gen. Ayub Khan, Gen. Zia and Gen. Musharraf. In its early democratic journey, civilian rulers failed to build trust of the people on the democratic institutions of Pakistan. The guarantee for the stable and strong democracy rests on the foundation of developed, strong, and stable institutions. This has not been a case in Pakistan. After independence political leadership took nine years to frame the constitution. This was the ‘political’ failure and politicians were responsible.

The empirical study on civil-military relations and post-coup regime shows that legitimacy vacuum provided the justification of military interventions in political affairs and politics in Pakistan. Even when not in power, the Pakistan’s military has been sharing powers in important areas with the civilian government. Hassan Askari defines power sharing by the military as “influence over foreign, security and key domestic issues, and mediates confrontation among feuding political leaders, parties or state institutions if such confrontation are deemed threatening to the political order and stability.” General Kayani played an effective role when political crises threatened Zardari’s government during lawyers’ movement and as a part of the bargain, the military shared power with democratic regime on security and foreign policy issues. Gerald A. Heeger is right in arguing that “civilian-military relations are now seen as occurring within a far more complex, more pluralistic environment, nonetheless, their structure is generally viewed as a result of the varying organizational capabilities of military and civilian and political

17 Interview of Talat Masood.
18 Ibid.
19 Interview of Gen. Amjad Shoiab
20 Hassan Askari
Civil-military relations during Zardari regime were shaped by complex domestic, regional and international factors. Zardari era was more complex and faced with internal and external challenges that forced both civil-military establishments to enhance their institutional collaboration and coordination. The present case study shows that transition of government from military to civilian political leadership has been lacking all kinds of structural conditions and democratic values that are required for a strong democracy. In the past, the political environment, poor democracy, and bad governance pulled the military into politics. Many scholars saw such moves as legitimate then for nation and state building. According to Huntington, General Ayub Khan not only introduced new political structure of Basic Democracies but he also led socio-economic development and contributed greatly in changing society, modernising it and by building effective political institutions. Ayub Khan thought that the politicians were incompetent and selfish to rule Pakistan.

Pakistan lacked political coherence in the 1950s that helped the military to engage itself in political affairs and it continued even during the fourth government of PPP led by Zardari.

Decades later, the Zardari regime was no better than the early democracy of 1950s. His appointees were incompetent at federal and provincial level and President Zardari himself lacked leadership qualities to serve the nation. His government was unpopular, corrupt, but interesting he stayed in the office for five years which was undoubtedly its government’s achievement since it happened in Pakistan’s politics for the first time in 66 years

The structuralist view is not very different from the legitimist account. The difference is that it explains how the structures of governance took different trajectories of development. This school of thought describes Pakistan’s fundamental problems and argues that newly independent state inherited colonial legacy from the British. Only civil bureaucracy was trained and knew the art of administration under politicians. Ghulam Muhammad was a shrewd bureaucrat who developed his friendship with Commander in Chief, General Ayub Khan. After Liaquat Ali Khan’s death, he became Pakistan’s Governor and had military’s support in dissolving the first Constitutional Assembly and the Prime Minister. Pakistan having emerged as an Islamic state, its politicians

21 Heeger, Ibid.
and leaders struggled to retain its identity and ignored the development of core institutions of the state. Pakistan also inherited unresolved Kashmir issue, which was considered an ideological factor that increased hostility with India and this was the core issue, which compelled the new country to make its military strong and powerful. Kashmir factor did not provide autonomy to any transition [of] regime to shape its independent foreign policy free from military influence. Since Pakistan’s inception “Kashmir has been state policy by the political and the military that exacerbated military’s influence and role”.\textsuperscript{23}

Since 1979, Afghanistan also has become a legitimate concern and interest of Pakistan and it is the Pakistani military that defines its relations with Afghanistan because the powerful spy agency, Inter-Services Intelligence (ISI) had played its pivotal role in supporting Taliban after Soviet collapse and continued its support until the United States attacked Taliban regime after the incident of 9/11.In all democratic regimes, the military possesses control over policy formulation on Afghanistan. However, policies on India and Afghanistan have also remained a bone of contention between civil and military establishments. Though the Zardari government played a diplomatic role as façade, the ISI and the army were the forces which controlled the Afghanistan policy. The regional security environmental and geographical threats helped the military to promote its internal cohesion and corporate interests as a state institution. The geopolitical reasons have been compelling and a driving force in making the military institution more powerful than the democratic government. but the ISI and the army were the powerful stakeholders and actors, which ran the show when it came to develop Afghanistan policy.\textsuperscript{24}

The regional security, environmental and geographical threats helped the military to promote its internal cohesion and corporate interests as a state institution. The geopolitical reasons have been compelling and a driving force in making the military institution more powerful than the democratic government. Consequently, the civilian institutions facing political and economic crises and problems of power balance have been unable to provide stable governance. On the other hand, military has continuity in its policy and exploits political rift.

\textsuperscript{23} Talat Msood. Ibid.
\textsuperscript{24} Aqil Shah, (2014), 246-250.
Fundamentally, the military protects its corporate interests in the name of security, and defence and its interests are legitimized by the government. Military now operates in a new threat environment. The new security threats have emerged after the 9/11 incident. Traditionally, Pakistan has faced threats from India but after being an ally of the US against terrorism, it is facing unconventional and complex threats from within its borders that brought the military to deal with new emerging challenges. General Kayani, COAS, who was leading the military explained complex security threat environment as: Pakistan has been going through an unusually complex security situation for the last decade or so. The full spectrum of threat has caused to revisit and analyse our perception of response to the extent of reviewing the very connotation of national interest and the viability of strategy based there-upon. The convergence of hostile sub-national, regional, and international interests threatens the country when the security forces were engaged fighting against terrorism.

General Kayani identified the existing problems, but these problems—sub-national, regional, and international—have existed in Pakistan since its inception. However, these problems became more complex when the new challenge of terrorism, which is considered a new security threat, threatened Pakistan’s security and survival. The study has described this new phenomenon and its implications for Pakistan’s state and society. Certainly, the factor of terrorism enhanced military’s power potential, and professionalism that influenced civilian’s effectiveness and their policies. As we know, structuralist argument ignores this new trend and challenges faced by the military. Particularly, Haqqani and Siddiqa both have explained military’s power as its political interest and have ignored the social and institutional factors of state, which destabilized the country. Waseem, however, described these fundamental issues in historical context.\(^{25}\) when they assumed power. In the new state, politicians’ portfolios were high with higher responsibility but their parochial nature would not understand British parliamentary democracy and they became authoritative when power came to them. Institutions were ignored and ideology (Islam) was their priority to defend in a Muslim country.

Post-Musharraf democracy, however, united all political factions in Pakistan only against military coup. Zardari pleased all politicians those who became his partners. In choosing allies, he ignored merit and appointed ineligible people in different ministries, and institutions

resultantly they destroyed them because they did not have experience and understanding. Zardari’s politics of reconciliation was about to protect his political interests, not democratic values, national interest26 or people’s interests.

In addition to the perspectives mentioned above, we need to bring into discussion geopolitical conditions as an independent variable. Thus this study discusses multiple internal, regional, and external factors and their influence on Pakistan and then describes the civil-military relations and military intervention in politics in 1960s, 1980s and 1990s. The US’ aid programme and the military coups in the Middle East, Africa and East Asia had effects on Pakistan’s politics; military coups encouraged the military establishment in its early state-building and nation-building process.27 Pakistan was the most suitable security ally to help the US in containing Soviet Union’s role. Pakistan lent support to US in 1980s when the Soviet Union attacked Afghanistan. Then, the military ruler, Gen.Zia, was supported by the US government that did not raise issue over lack of democracy in Pakistan. The US has supported democracy as well as its military rule in Pakistan, depending on which form of regime change protected US’ interests at the time. Political inability of the Pakistani ruling groups to resolve internal conflicts strengthened US’ role indirectly. The US has supported democracy in Pakistan when it suited to her interests and supported military rulers as well when they protected the US interests. Political inability of the Pakistani ruling groups to resolve internal conflicts strengthened the US role though indirectly. The study has found that all views on civil-military relations in currency in Pakistan consider civil-military relations unsettled and unstable.

Democracy in Pakistan remains without supremacy of the Parliament or civilian institutions because the ruling elite have had dependency on the military establishment under most challenging circumstances. The roots of democracy were as shallow as ever before during the Zardari regime, when his party came in power. It was weak and vulnerable because Musharraf was president who had the power to dismiss an elected Prime Minister. In the face of that, Zardari accumulated political strength from political parties and parliament to remove Musharraf and even the military did not show any sympathy with the retired COAS. Moreover, General Kayani’s support for democracy and his decision to remain impartial during elections developed

26 Interview of Athar Abbas.
cordial relations between civil and military establishment, albeit for few months only. Post-coup regime was different than previous democracies. In this democratic regime, it was not just the civilian government but also the military establishment that depended on political parties and the Parliament to strengthen its policy whenever internal and external crisis occurred.\footnote{Swat Operation was approved by the parliament, and political support was provided to the military when conflict occurred between the US and Pakistan’s army and their spying agencies.}

Empirically, during Zardari era the military had acquired the capability and had sufficient experience to dominate the civilian government. Such kind of power shift produces a ‘praetorian state’ that assumes responsibility for guarding the interests of the state. In doing so, the military remains dominant and often supports the political parties as General Kayani supported the demands of the political parties during lawyers’ movement in 2009. Civilian government did not resist when the General Kayani softly suggested the restoration of the former Chief Justice of Supreme Court of Pakistan, Iftikhar Chaudhary, who was dismissed by the military ruler, Musharraf in 2007. The Prime Minister and President had no alternative because both were depending on the security establishment to protect democracy. Military was provided space for this role by the government, which could not resolve this political issue and so it emerged as a powerful player. It alternated between ‘Rule and Role’ but ultimately chose to play its role as a mediator not as a ruler as it did in the past. It was the military that helped the lawyers’ movement to resolve a struggle lingering on for. Judiciary, after Chaudhary Iftikhar’s restoration, emerged as an independent institution. Neither had it supported the executive branch nor the military during the Zardari regime. It declared that any unconstitutional move would not be validated by the Supreme Court. But it did not mean that the judiciary could stop the military takeover if it had opted for it. Rather, it was the military’s decision that the military would play its role to keep eyes on the rulers instead to rule the country directly.

This single case study strengthens a theoretical explanation that military intervenes in politics when its corporate interests are threatened by the civilian rulers, or when civilian leadership depend on military establishment to control the internal crises (discussed in Chapter three). Civilian rulers show dependency on the military when they do not have competency to deal with the internal and external challenges. This study shows that there have been turbulent periods between the civil-military elites during the Zardari regime. The political and military
leaders had convergence and divergence of preferences but mainly the government chose the rational path to avoid confrontation and compromised with military whenever it faced problems. This study will also investigate that whether Zardari and his government had the quality to sustain pressure by the military on various critical national issues. A brief answer would be that it lacked the competence and capacity that is required to hold ground in the face of terrorism.

In unstable political situations, “the military cannot keep away from politics, it observes closely and remains vigilant.” An evolution of constitutional framework of balanced and healthy civil-military relation in Pakistan has been undermined by the both military and civilian leadership. Civilian control could not be accepted by the Pakistani military so easily. On the other hand, civil ruling elite’s dependency on the military at times of emergencies, such as natural calamities or law-and-order crises, increased military’s assertiveness in political affairs. The floods of 2010 in Pakistan had damaged many parts of Pakistan but the government under Zardari remained ineffective to facilitate the flood victims. On the other hand, the army reached on time to help them and established its image as a saviour.

In any state, strong or weak, institutions determine the nature of civil-military relations. In Pakistan’s case, weak and unstable institutions would not allow stable and balanced civil-military relations. Moreover, security dilemma remains a dominant influence and provides justification for military’s intervention in civilian affairs as Kerry-Lugar Bill (KLB) and Memogate scandal were considered major security threats during Zardari period (discussed in Chapter six). A well-known scholar, Harold Lasswell argues that “crisis and security threats are the major source of ‘subdued’ civilian.” This statement very much reflects the political developments of Pakistan.

Security and political dilemmas can be dealt with if a leadership enjoys legitimacy and popular appeal. In Zardari’s case he had neither popularity nor legitimacy and political problems also provided opportunity to the military establishment to deal with internal and external security threats. The greatest fundamental problem in Zardari era was the lack of rule of law. The rulers would not respect the SC’s orders and could not be held accountable. Zardari misused his powers

---

29 Amjad Shoaib, Ibid.
granted to him by the Constitution. The lack of accountability has prevailed in Pakistan and this was the grave factor of the failure of democratic system in 1990s. Constitutional clauses alone would not be able to stop coup d’états because institutional breakdowns are the major impediment in the way of democracy and this was a significant problem during Zardari regime.

There is a debate in media and public forums that Turkish democratic government has a firm control over its military because Turkey also has experienced military coups since 1960. The recent failed coup shows that if the military as an institution refuses to intervene, then an angry group of soldiers could attempt to remove the civilian government. Tayyip Erdogan has improved economic conditions and established the supremacy of state institutions. Turkish public has faith in his leadership and they defended not only their leader but also their system and democracy.

In Pakistan neither institutions are strong nor do people have trust in the civilian rulers. Since 2003, by winning three general elections and securing legitimacy by good governance and economic management, Erdogan made it possible to curtail the role of National Security Council (NSC) and reduced the clout of military top brass. NSC was not completely abolished as the Zardari regime had done but Turkish NSC was reformed and majority of civilians were inducted to curtail the military’s influence. In Pakistan, the democratic regime did not pay attention to revamp economic and social conditions, therefore, it attempted to rule the military institution by dubious means such as revelations in the Memogate affair. On the other hand, it seems that the military has societal support against corruption and poor governance.

The present study makes a contribution to scholarship in departing from the previous studies on civil-military relations by arguing that political parties have gradually reached a national consensus on democracy. It is reflected in the fact that during the Zardari regime the mainstream forces e.g. political parties, media, judiciary and civil society had developed consensus to promote democracy and opposed the military coup. Judiciary emerged as a powerful check on the government and on the military as well. In Pakistan’s political history, the Supreme Court always remained a strong partner of the military regime and legitimized the military coup and policies under its ‘doctrine of necessity’ but now it had denied to support extra-constitutional

---

acts by the army.” The US has always been a factor, as discussed previously, but it seems to have exercised greater influence on Pakistan’s security policy than the previous periods of strategic partnership. This time, Pakistan was supporting the US War against Terror that has also been a big internal security challenge for the country itself. In many ways, that had an impact on civil-military relations during government of the PPP. Pakistan. The US wanted the military to have support of the civilian sector to be able to win the war. It seems it encouraged Zardari’s politics of ‘reconciliation’, which resulted The US’ role remained critical in developing the new relations between the military and civil elite in strengthening the role of political parties. Despite difference of preferences, the military avoided to takeover to provide the new government with space to continue with developmental efforts and institutional growth. There emerged too many centres of power and influence in Pakistan, e.g. media, judiciary, political parties, and terrorism. Terrorism was a new phenomenon in this transition of political regimes. In addition, free and vibrant media was a blessing for the political parties of Pakistan. They used the media to mobilise support for themselves as much as the military and its supporters used it against the government’s covert anti-army policies.

As mentioned earlier, General Kayani was determined to make the ‘soldiers professional’ to deal with the internal and external challenges and provided the Army’s support to the new post-coup democracy but the new government not only depended on the military in dealing with internal and external crisis but it also undermined the military institution when attempted to reduce power and military prerogatives. Zardari’s government made grave mistakes, which triggered military establishment and posed a great threat for his own government. During his tenure, institutional crisis remained a fundamental issue while people were interested in rapid economic development. When the gap widened between the elite rulers, elected representatives and the electorate, then people lost their faith on democratic government. People remembered Musharraf’s regime and the economic fruit it bore, hence, wanting to get rid of Zardari and his corrupt government.

This study will analyse the new dimensions of civil-military relations and make a contribution to the literature on civil-military relations in Pakistan. We will like to clarify two things. First, no

---

single theory can explain civil military relations during the period under study. We apply all those elements to explain civil-military relations because of the complexity of Pakistani environment. Second, neither the relationship is found to be entirely cooperative or confrontational during the Zardari regime. They seem to have settled on carving out areas of respective claims, authority and influence over policy, but on larger national security issues, like War on Terror they seem to have followed more cooperative than confrontational line.

1.6 Organization of Study

This thesis is mainly concerned with civil-military relations during the Zardari regime in Pakistan in four years (2008-2012). It will look into internal and external factors, which shaped the new pattern of civil-military relations. It seeks to investigate the factors that contributed to the transition to democracy and its outcome. It also looks at the two power centres, the military and the civilian that have been powerful stakeholders, and how they have adjusted to pulls and pushes of each other. The study would explain the impediments that have been rising to limit the civilian’s role and rule. To explain the argument within the theoretical traditions, chapter two deals with theoretical approaches that will enable us to understand complexities of Pakistani phenomenon. The theoretical survey, in general explains the different dimensions of civil-military relations. The theorists making their argument on civil-military relations mainly highlighted the nature of institutions in the state and societal factors. The main objective of the literature is to identify the internal and external dynamics, which shape civil-military relations.

Chapter three focuses on ‘Civil-military Relations: A Historical Overview’ and presents what caused the dominance of the military in Pakistan and the pattern of conflict between civil-military institutions. Moreover, this chapter offers analysis of civil-military relations during the democratic transitions and the failure of democratic regimes and the role of political parties during transition democracy.
Chapter four traces internal factors and provides a brief overview of the political policy of Zardari. In addition, it gives an account of non-intervention and cooperation policy of General Kayani. One of the important questions we address is how did Zardari bring his own man as Prime Minister and played political tactics to remove President Musharraf? Zardari had allied with the PMLN but shortly it collapsed. This part covers his politics of reconciliation, compromise and struggle to control the ISI owing to which the civil-military relations became conflictual. Before Zardari assumed presidency, he influenced government as the Chairman of his party, PPP. After Musharraf’s resignation, he became President and Commander-in-Chief but promoted patrimonialism. Societal factors also remained dominant, which enabled the military to intervene in important policy matters when it needed to.

This chapter also investigates the role of military in resolving the internal issues during political crises. It also explains the role of political parties, judiciary and the Parliament. Different factions accumulated power, which impacted the state institution. President Zardari, despite his refusal to restore the Chief Justice, he had to reinstate the Chief Justice under the influence of the military that wanted to end the emerging political chaos. This is one of those cases where the COAS played a pivotal role in resolving the Musharraf’s legacy. Zardari’s policies and controversies of his rule often ended up in the courts, which produced a confrontational environment between the two.

Chapter five focuses on internal security challenges e.g. insurgencies in FATA and Balochistan and the role of military. Taliban emerged as a powerful non-state actor. They challenged the government’s writ in Swat and also challenged the government’s survival. Despite this acute internal threat and challenge, Zardari government had different political priorities. The civilian government left vacuum for the military to fill it, which provided opportunity to the military to regain dominance over internal security policy. Despite divergence of preferences between the military and civilian leadership, internal insurgency provided good enough reasons of collaboration between the military and civilian leadership. It became the first democratic government to grant extension to General Kayani. This chapter also elaborates constitutional reforms made by the government to control the armed forces and agencies and whether or not these have been successful. Karachi, the most important city of Pakistan, remained chaotic.
during Zardari era. Why and what had happened? The main puzzle has been identified to know the situation concerning Karachi.

Chapter six investigates “External Factors” and the military perspectives. This chapter focuses on the preferences of civil-military establishment and convergence and divergence of interests that shaped the new civil-military relations during the democratic transition. This chapter highlights the challenges faced by the both military and civil regime e.g. Mumbai incident, Kerry Lugar bill, Raymond Davis case, Abbottabad operation, Salala check post attacks. This chapter also describes Memogate issue that had widened the gap between the political and military establishment and created environment of possible military coup. The role of the Parliament is analysed as well on some significant issues relating to the military and national security issues. There is enough evidence in all these issues that clearly shows that a new pattern in civil military relations has been in the making. This chapter also looks at the nature of domination of the military and the subordination of the civilian regime on selective issues. The final chapter, “Conclusion” gives critical analysis of how an unstable and weak government completed its tenure and the democratic process achieved a milestone.

1.7 Research Methodology

This study is based on qualitative and interpretative research method that focuses on a single case study, and process tracing method. As we know, interpretative methods stresses upon perceptions, beliefs and attempts to explore internationally actors involved. It also discovers that how human actions exercise in a social and political world. Qualitative research gives an in-depth attention to the past accounts and unfolds the complexities of the process in the construction of political institutions in a conflict-prone environment. We agree with J. Donald Moon that both modes of inquiry presuppose each other and a synthesis of the two is necessary to account for the complexity of social life.\(^3\)

The author has selected case study of civil-military relations during the Zardari regime particularly from 2008 to 2012 because of special events and complex political and security environment. Internal dynamics have changed due to free electronic, print, and social media.

---

Emergence of the non-state actors that have challenged the state security and their impact on civil-military relationship is a new development, which this study brings into focus. Never were these actors as strong as they happened to be in this period.

The study explores archival material, particularly official statements and speeches in the Parliament. The reports prepared by several task groups and think tanks in Pakistan provide insights into competition over decision making between the military and government. National and international newspapers have been consulted to add to the sources of information. The author has conducted several extensive but semi-structured interviews which shall include the Pakistani politicians, parliamentarians, bureaucrats, retired ambassadors, policy advisors and members of Pakistani security establishment; both retired and serving officers. Many of these individuals were involved in negotiations during the Lawyer’s movement, Raymond Davis case, Kerry-Lugar Bill, Abbottabad incident, Salala Check post attack by the NATO forces and Memogate controversy. These interviewees have been selected using purposive sampling technique. The interviews helped the author to gain insights into many incidents that happened during and before the Zardari era. This study has created primary and original source of information and will hopefully include to the existing documents and literature on ‘civil-military relations’ in Pakistan.
Chapter Two

Concept of Military Intervention in Politics: Theoretical Framework

This chapter seeks to provide a theoretical framework that is useful for understanding the concept and causes of military intervention in politics and civil-military relations in a developing state like Pakistan, particularly a post-coup state where democracy does not work according to democratic norms and values. The following theoretical debate comprises an analytical review of the existing literature on military intervention in politics. This study highlights serious differences among the social scientists on military intervention in developing democracies. It shows that the civilian governments want to control military in order to minimize its role in civilian affairs. On the other hand, military wants maximum influence and power to make crucial decisions. A military takeover shows that civilian government has failed to establish its writ and has serious problems within it. Why has the military become so powerful and democratic governments remained so weak in Pakistan? The following theoretical views will investigate this question. It is important to note that every state and society has its own internal political dynamics which has certain impacts on civil-military relations. However, the following theories and concepts on civil-military relations guide us to identify the fundamental issues on civil-military relations in Pakistan. The objective of this chapter is to examine the reasons behind the military’s intervention in politics in the context of unsettled civil-military relations. This chapter also focuses on political culture, individual behaviour and the role of institutions while answering the question, i.e. why has the military taken over power four times in seventy years?

2.1 Theoretical Debates on Military Intervention

The academic field of studying civil-military relations has been kept changing with changes in the domestic and international order. Particularly, after the end of the Cold War, there have been significant transformation in the world power structure and also democratic transitions in every part of the world, which no field of social sciences can ignore. Classical approaches to study civil-military relations cannot be ignored but the new interpretations are also important.
One of these interpretations is generally known as the Rational Choice Theory, which has been widely used, including by the scholars of civil-military relations.\(^{34}\) Apart from the rational choice approach,\(^{35}\) there are several perspectives on civil-military relations and militaries’ intervention in politics but mainly three approaches have been dominant in Political Science. Other debates will also be discussed but only in passing. There are three important theoretical schools of thought that explain why militaries intervene in politics. These may further be divided into societal\(^{36}\) perspective and soldier perspective. These all schools of thought have one common strand together—they explain why militaries take over the reins of power.

Let us take the social perspective first. It argues that military establishment does not operate in a vacuum. Many causes for its interventionist tendencies may be found in the general conditions of the state and society. As stated by Huntington:

Huntington, “Low level of institutionalization of a political system, high level of political participation, low level of social mobilization, low level of economic development, disorder, political chaos, and loss of legitimacy definitely provoke military to intervene”.\(^{37}\) He says general politicization of institutions and forces are the main cause of military’s intervention. He emphasis that that the military is “the advance guard of the middle class” which is a major part of the society and promotes integration of nation. Weak and ethnically divided institutions provides the soldiers to step in. The weakness of political and civilian institutions to deal with state issues causes the military to become politicized.

The other important perspective is the ‘soldier’ perspective, that explains the military coup by describing the coup-makers’ “grievances”. The decision of the leadership of a military may be affected by coups occurring elsewhere. The scholar belong to this school of thought have considered the institutional grievances as ‘triggers’ to coup. They all discuss the military’s prerogatives, its corporate interest which include; adequate budget and autonomy in managing their institutional affairs, officers’ attitude, and perception towards their own societies. These


\(^{35}\) This approach will be applied in this case study and will be discussed in the end of this section.


\(^{37}\) Huntington
approaches also focus on external factors, like the role of foreign powers that can encourage or discourage intervention. The decision of the leadership of a military may be affected by other coups occurring elsewhere. Without structural problems, triggers cannot work on their own. Aaron and Schafer argue, “We understand coup risk as a reflection of structural background causes that make coups possible rather than immediate, triggering causes that precipitate specific coups. In other words, we conceptualize coup risk as a function of deep, structural attributes of government, society, political culture, and state-society relations, whereas triggers are short-term crisis that precipitates a coup. Triggers are not the source of the original risk, and in the absence of structural causes, the presence of triggering factors alone cannot lead to a coup. Hence, triggers should not be equated with coup risk. Rather, they are factors that may determine the exact timing of a coup in regimes that suffer from high coup risk. Both structural and triggering causes of coups are factors that are linked". This study focuses on mainly two approaches to explain the military coups. One is the ‘structural’ approach and the other looks at the ‘triggers’. There have been triggering events—the opportunities or crises that have prompted the military leaders to intervene. These are: long political crises and the political leaders failing or unwilling to resolve them (the PNA agitation against Bhutto 1977); anti-Ayub movement (1968-69); dismissal of General Pervez Musharraf (1999). The combination of structural reasons and triggers is explained by Finer as a) disposition, and b) opportunity.\(^\text{38}\)

In civil-military relations, “both societal problems and foreign influences are partially structural and partially triggers-driven”. The Scholarly work has shown that these two approaches have are dominated. In Pakistan’s context, “corporate grievances have provided powerful triggers of military intervention”.\(^\text{39}\) In 2009-2012, two major factors (discussed in Chapter six) were triggering and were created by the government. An attempt to control the Armed Forces by the civilian government was a triggering factor that forced the military to act to protect institutional interests. Thus, institutional turf wars overtly personalized political discourse and generated inter-institutional disharmony.\(^\text{40}\) The civilian government did not realize internal and external

threats. Pakistan’s political history shows that weak institutions, fragmented political parties and judiciary lacking independence have been major factors working towards the derailment of the democratic governments.

The political leadership made the political system vulnerable to the influence of the military due to promotion of their personal interest over the national interest and poor performance of government institutions. The resulting decay encouraged the military establishment to intervene, at least in national security policy realm because military in Pakistan considers itself as the guardian of the state. Though Zardari was President but he was also a party leader and his government could not do anything without his consent. He did not exercise his power to stop his top ministers from engaging in systemic corruption. The evidence is that he rather encouraged them and exported a large part of it from them. During his regime, Pakistan experienced corrupt and bad governance leading to institutional decline. The same causes were there in 1950s when military took over.41

After independence, Pakistan did not have autonomous institutions. All state institutions were politicized and corrupted by the politicians. Politicians and bureaucrats had personal relations with the military establishment that enabled them to understand political and social issues in the country. Military organization, which is shaped by societal and functional imperatives42 became more inevitable for the state and society and undermined political institutions. Owing to their own weaknesses, the politicians relied too heavily on the military to govern - a pattern that we see consistently in the country. The military provides its services to monitor the civilian institutions even when it is not in power. They perform better than the civilian officers and have continued to play their role as a nation builder. Under Zardari’s leadership, the federal government and his provincial government in Sindh put up the worst performance witnessed in any kind of democratic dispensation. That made the Zardari regime vulnerable to influence from the military establishment.

Since Pakistan’s inception, these core causes have prevented transition to a stable democratic system. Resultantly, the military has kept intervening to save the state and society from collapse. It is due to the misconduct of politicians that the Army chiefs intervene because they are

42 Huntington (1957),1-2-3.
pressurized by the people and public opinion against corrupt politicians. Jahangir Karamat, the former COAS gave his views on military’s intervention, which has strongly supported Huntington’s thesis on societal perspective. He says, “good governance in the country has been an issue”. In our opinion, if we have a repeat of past events then we must understand that army chiefs can resist pressure only up to a point. Beyond that their own position starts getting undermined because the army is after all a mirror image of the society from which it is drawn”.

Pakistani society, during political chaos or internal crisis, seeks the military’s help. Society has celebrated military coups and civilian government’s dismissal in 1977 and in 1990s. Many scholars blamed the civilian governments for creating space for military coups or interventions because civilian governments have been major players in promoting corruption and destabilizing the state institutions. Post-coups civilian governments are also not different when it comes to corruption and destabilising state institutions. In 1990s, the military intervened in politics because the government at provincial and federal level was incompetent as it politicized the state institutions and promoted a sense of insecurity in the society. Society that brings democratic government into power, in other words, trusts it to protect societal interests. When it defies societal interests and fails to deliver according to their expectations, it withdraws its support. The military is a part of society and shares its frustrations and disappointments. In popular imagination, the military has been a ‘liberator’. The corrupt politicians have earned bad name for democracy. The civilian democracy under Zardari had the same problems that reflected the historical pattern of mismanagement of the economy, society and the state. Shafqat Mahmood rightly argues that the country and its administration were run from Dubai. President Zardari and his appointees took repeated trips to Dubai. According to one observer, all were interested in grabbing whatever they could and the state’s faced with law and order situation more worsened in Pakistan.

---

43 Mentioned in Mazhar Aziz, Military Control in Pakistan: The parallel state, (New York: Routledge, 2008), 81.


46 Interview of Shafqat Mahmood.
2.2 Causes of Military Intervention

Pakistan’s military is considered to be one of the most professional militaries in the world. Contrarily, it has taken over the country four times and has exercised influence indirectly when it was not in power. In Pakistan, all military regimes were made possible because civilian rulers created vacuum by their inept and ineffective policies. Many Pakistani scholars and independent analysts\(^47\) believe that civilian governments do not honour their promises, they make, during elections campaign, instead they attempt to be assertive against the military and ISI that has been counterproductive and more harmful for democracy. The army generals once having tasted power never left any opportunity when it was created by the ‘selfish and incompetent’ civilian rulers and politicians. In Pakistan, civil-military relations remain cordial when civilian rulers accept GHQ’s views on any particular issue (internal and external) and “the moment civilian rulers try to treat them as their subordinates and oppose their suggestion or established orders, military officers react. They think they know what the problems of the country and their solutions might be more than the political leadership.”\(^48\) The military officers are trained in debating and discussing national issues and polices. They are taught courses on state and society at National Defence University in Islamabad where they produce policy and concept papers on the country’s political, economic and security environment. They express disappointment at the civilian leadership when they do not see the political system functioning optimally. They apparently despised Zardari for his corruption and mismanagement of the economy. As a president, he was the most unwanted political figure not only in the estimation of the military but also for the people of in country and abroad. Major portion of the population did not like him “because of his lack of understanding of national issues and his wilful neglect. His incompetence and ineffectiveness had a role in getting the military involved in political affairs, indirectly”.\(^49\) There are many precedents to this cause and effect relationship between the failure of the civilian authority and interference by the military. It is important to note that General Zia-ul-Haq imposed martial law in 1977 in the wake of the civilian leadership failing to defuse political tension in the country and army commanders receiving thousands of telegrams from the

\(^{48}\) Interview of Ayesha Siddiqa.
\(^{49}\) Interview of Rashid Quraishi.
people against Bhutto and cursing them for not acting against the unpopular Bhutto’s regime.\footnote{Tahir Amin, (2007): 46.}

The military’s inclination to acquire power is strengthened by the society when a pattern of imbalanced relations between the civil and military institutions already exists.

Military’s cohesion distinguishes it from other institutions of the state. Military is the only institution where ethnic factor does not exist. Pakistan is a state where the military is more integrated and strong. Thus, the military demonstrates its powerful position when it deals with the civilians. Military does not trust the political leadership in Pakistan in dealing with critical foreign relations for instance with India and Afghanistan, because of its proven incompetence and naivety.\footnote{Haqqani, (2013), 250-251.}

In an age of globalization in the 21\textsuperscript{st} century, the state is deeply impacted by the domestic and external factors. However, domestic factors play far more significant role in determining the attitude of the military toward politics. As we have seen in aforementioned section, Huntington has mainly emphasized the societal factors, which he argues are responsible for military’s intervention in politics. In contrast to Huntington’s views, Finer has identified two main factors, which he believes influence behaviour of the military towards politics. These are: disposition (inclination) and opportunity.\footnote{For detail see, Samuel Edward. Finer, \textit{The Man on Horseback: The Role of the Military in Politics}, 2\textsuperscript{nd} ed (U.S.A: Penguin Books Inc.,1962), 20-65.}

In Pakistan’s context, military has intervened when it perceived a threat to national interest and security by the civilian rulers. Pakistani military is the only institution that does not allow the civilian governments to look deeply into the defence budget or even discuss it in detail in the Parliament. It is only recently that the defence budget is discussed but very superficially. In addition to national and corporate interests, the military also has deep concerns about its privileges and prestige. The civilian governments have been rather weak and insecure that they
have never questioned the perks and privileges that the military officers’ class enjoys. Whenever the civilian government attempted to affect military’s privileges, the military strongly resisted and reacted. Musharraf’s dismissal case presents the most glaring example of dominance of the military and its power. Musharraf imposed martial law when Nawaz Sharif, possessing two-third majority in the National Assembly, dismissed him from his position of COAS. After Kargil crisis, though Musharraf and senior army officers had already decided that any anti-military move by the government would be resisted and responded by takeover of power. In our view, the 1999 coup represents military’s disposition towards intervention and the opportunity was provided by the then incumbent civilian rulers when they dismissed its Chief.

Historical analysis of Pakistani politics shows that disposition or triggering factors influence the decision of the military to enter into politics in Pakistan. All the four military generals, who took over power after throwing out the civilian governments, claimed that they came in power because the political system was not working and institutions had collapsed. They justified their actions in terms of their obligation towards the state and for securing and stabilizing the society. Their institutional or personal grievances and difference of opinion on political issues of national importance, particularly relating to national security, produce grave effects on civil-military relations. Ironically, the military in Pakistan has always blamed the civilian governments for military’s imposition of martial laws. For instance, Musharraf after taking over power in the first address to the nation said, “the armed forces have moved in as a last resort to prevent any further destabilization” of country which was corrupted by the civilian government of Nawaz Sharif”. This shows how societal or structural transformation that would support democracy and civilian authority tend to change slowly. On the other hand, individual officer grievances as a triggering factor can change quite suddenly as it happened on 12th October in 1999 when the military took over power. One of the main reasons is that the civilian governments have not performed effectively on governance issues, then the civilian government and political leaders. In Pakistan the military has been more effective than the political institutions and political leaders. Stainland argues that “militaries lie at the nexus of international and domestic politics. They are the sword and shield of the state in the international system but are also profoundly affected by domestic

53 Finer, op.cit. 54.
political and social forces.” Instable democratic institutions and self-interest based internal political process have drastic impacts on the military institution. Pakistan is one of the states which have had experienced lacked of democratic culture and an authoritarian rule by the democratically elected rulers. Why military comes out from its barracks?; one of the main reasons is that the civilian governments have not performed effectively on issues of governance. They politicise the institutions and have least concern to develop the institutions. Bad governance has been dilemma during all the civilian governments. In Pakistan, the military has been more effective than the political institutions and political leaders. The military officers have been keen to protect their corporate interests whenever the civilian governments strive to challenge them. Unstable democratic institutions and internal politics (based on self-interest) have drastic impacts on the military institution. Pakistan is one of the countries that have experienced lack of democratic culture and an authoritarian rule by the democratically elected rulers. Consequently, in such a “praetorian state”, the military hinders the evolution of democratic political system and restricts civilian domination in civil-military relations. Pakistan faces a dilemma of weak and inept leadership, which provides space to the military to control state affairs regarding national security. We see that in the western countries democratic rulers have some experience and understanding of working in state affairs and so they are able to dedicate themselves to solving national problems in a competitive political environment. In Pakistan, politicians lack knowledge, expertise and serious commitment to nation building. As a result of their failures, military officers, using professionalism and skills, dominate vital policy areas like defence and foreign policy. Maniruzzaman, rightly argues that political institutions need those leaders that have political skills, which are earned through years of service in the public sectors.

2.3 Military as an Institutional Factor

Pakistan’s military has intervened repeatedly in politics because it strongly perceives that politicians are incapable of protecting the country rather, it is the military that is the only ‘custodian’, ‘guardian’ and ‘savoir’ of the state. This self-belief is well-established. On the other

---

54 Interview of Talat Masood.
55 Interview of Ayesha Siddiqa
hand, the public also tends to believe that civilian political leadership has never been sincere or capable of protecting the country in times of crisis. The civilian governments, due to their personal agendas and interests, have failed to deliver on governance. All democratic regimes lost their legitimacy when they failed to address the basic issues concerning the masses. Rather, they heaped the blame of their failures on the military and on the legacies of the previous military regimes. In order to gain power, they have also sometimes, unless forcefully resisted, attempted to change the balance of power in their own favor by attempting to control the military’s core institution (ISI). This has been a professional prerogative of the military, although the ISI is headed by the PM. The military has regarded such measures as a threat to its corporate interests. One of the most remarkable experts on civil-military relations, Eric Nordlinger raises the question: “when do soldiers intervene? To which his answer is that “poor performance of the government and loss of legitimacy provide an opportunity to the military officers”.

In 1950s, these were the causes that explain why Ayub Khan took over. When he did, he abrogated the parliamentary constitution and substituted it with a presidential constitution that he termed as reflective of the “genius of Pakistani people”. Apart from democratic failure, the military leaders had personal ambitions to rule the country. General Ayub Khan and General Pervez Musharraf were unhappy the way the civilian governments were functioning. They saw an opportunity for themselves in the legitimacy vacuum and overthrew the governments. They were as power hungry as were their civilian counterparts. They attempted to retain power using the institutional resources of the state as long as they could. They left the political scene when they were humiliated and ultimately people forced them out. Perlmutter says, “it’s a coup maker nature and leadership that forces the officers to be involved in politics.” Without soldiers’ inclination, they do not engage themselves in politics. This insight explains the two cases of military takeover mentioned above. General Jahangir, former COAS, was the only chief who did not intervene or tried to dismiss the democratic government. Contrary to the praetorian tradition, he preferred to resign during the second term of Nawaz Sharif over policy differences. In 1988, after General Zia’s death in an air crash, General Mirza Aslam Beg, the then COAS, had an

57 Eric Nordlinger. Soldiers in Politics: Military Coups and Governments, (New York: prentice Hall, 1977), 65
60 Perlmutter, (1977),102.
opportunity to take over power but he rather disengaged the military from politics though that could be called a temporary extrication from politics and he provided the way for the restoration of democracy. He worked with the President to create a democratic environment. As a result, political parties contested elections. However, behind the scene, the ISI had been active in creating anti-PPP coalition (IJI). Nevertheless, the PPP-led alliance secured a majority and Benazir Bhutto formed her first government. In Pakistan’s context, all soldiers do not have political mind. They have generally remained professional, instead of revolutionary or adventurous. Perlmutter mentions three types of soldier. They are: professional, praetorian and revolutionary soldier. Pakistan never had revolutionary leaders on the pattern of Latin America or the Middle East. They have been driven by personal ambitions mixed with the idea of reforming politics, institutions and the economy. Further, like these soldiers, the military has two types: arbitrator-type and ruler type. During this study, it came to light that General Kayani, former COAS, was committed to protecting democracy, which he thought was his constitutional responsibility. He also played his role as an arbitrator during internal crisis between the government and the opposition when the lawyers’ movement was at its climax and the civilian government of Zardari had lost its popularity (discussed in Chapter four).

In summary, Pakistan’s military has been intervening in politics because it considers itself as the “guardian of the state” and it feels obliged to the nation to intervene in politics. Whenever there were political problems, civilian leadership was found unable to resolve them through dialogue and discussion. The major reason for the military’s intervention in politics has been the failure of civilian government to maintain order, stability and economic growth. Besides this, external threats have provided strong justification to the military to maintain its control over national security and get a bigger chunk of the national resources. The military has consistently protected its dominant position in the institutional and informal power structure of the country.

2.4 “Democracy” without Civil Control

Democracy and so-called democratic governments in Pakistan have not functioned according to the democratic norms such as the rule of law, true representation and protection of public interest. For this reason, democratically elected governments have had very weak

---

performance legitimacy. People elected political leaders to improve their lives and the state system but government never did much to reflect popular aspirations. Rather, they let the institutions deteriorate and weaken because of poor leadership, corruption and willful policy of making state institutions subservient to their political and personal power interests. Since 1947, except military institutions, all state institutions seem to have weakened due to poor governance. Civilians have their own political narrative that is not without significant substance. They complain that they gained power democratically but remained without power in decision making regarding national security, foreign policy and other crucial national issues. In Pakistan, all civilian governments, except Zulfikar Ali Bhutto’s government, have had dependency on military that also undermined the civilians’ power. Even Bhutto, the most popular leader in Pakistan’s history found himself to rely on the military when he used it to suppress Baloch insurgency, which resulted from his decision to dismiss the government formed there by the Baloch and Pashtun nationalist parties. Additionally, he used the military to quell own the nationwide agitation in the aftermath of controversial 1977 elections.

Civilian control is possible in strong democratic countries, which have free and independent institutions, like Britain, France and the United States. But in a developing country like Pakistan, where dysfunctional democracy and politically immature civilian rulers have undemocratic conduct, the elected governments cannot control the military that is more powerful, disciplined and a popular national institution. Therefore, military continues to influence the policies of the state in the absence of strong civilian institutions. The civilian governments in Pakistan have been in power without stable institutions. In order to fill this vacuum, the military has interfered to protect society from chaos, disorder and also protect its own institutional interests. From Ayub Khan to Musharraf, military has shown consistency in pursuing its corporate interests. The civilian governments have never been able to resist the military’s demand for modernizing, expanding and maintaining a very robust defense infrastructure. Democratic wisdom, norms and values are lacking in Pakistani politics. Political

---

leaders do not respect the constitution and their people. However, they try to be more powerful, unchallenged and untouched.64

The Zardari government tried to challenge the military and the ISI by attempting to place this premier national intelligence service under one his trusted colleague: Minister of Interior. This was quite bold but against the tide and it was opposed not only by the military but also by the opposition political parties. The military leadership disagreed and did not allow going ahead with it. Eventually, the civilian government took its decision back and ate the humble pie.65 In fact, political leaders have had limited policy options in Pakistan. For Pakistani military elite, institutional respect and integrity are serious matters. The military has retaliated whenever civilian elites have threatened the military’s policy domain or its prerogatives. In 1980s and 1990s, the elected prime ministers were dismissed because they threatened military’s preferred economic, political and security order and stability. Civilian governments in Pakistan do not have even a ‘surgeon and patient’ relationship, which provides a limited opportunity of civilian control over the military affairs.66 Because the military refused to accept what the government asked in the last transitional regime (2008-2013). During Memogate crisis (discussed in Chapter six), the civilian government had established a parliamentary commission but COAS and Director General of ISI went to the court to have the case investigated.67 During this acute crisis, the military and civilian governments tried to gain maximum by playing a confrontational and zero-sum game. Feaver argues that “during crisis both actors being rational have their own interests: political and economic and both have their preferences over how to end these.”68

During Zardari era, the civilian government provided several opportunities to the military to shirk but the government itself remained ineffective as a principal actor of the state. On the other hand, military remained powerful and assertive as an institution and it retained its influence over its preferred policy areas. As we have seen in this study, the government, military, and the people are the main actors to play their role in Pakistan’s politics, as they do in other cases by staying

64 Interview of Metraux Denial.
within their constitutional domains. The civilian governments as compared to military have been unpopular, lost legitimacy during their tenures among the people, and the imbalance in civil-military relations persisted. Military has retained the power to affect government’s policies and the democratic governments have found themselves weak and ineffective in dealing with the military or trying to assert themselves on security and foreign policy issues. Every state has its composition: people, governments and the army. Differences between these actors may lead a ‘state rift’ and can create imbalance if the people ally with any state stakeholder/s. The civilian governments as compared to military have been unpopular – they lost legitimacy among the public during their tenure and the imbalance in civil-military relations persisted. Military has retained the power to affect government’s policies and the democratic governments have found themselves weak and ineffective in dealing with the military or trying to assert themselves on security and foreign policy issues.

2.5 Political Culture and Politics

Democratic requirements may be different in different societies because all societies have their own political and social cultures. Western democratic system may not succeed in the developing countries and particularly in the Muslim societies because, often, it does not work in the Muslim world the way it has succeeded in the Western societies. Pakistan as a Muslim society is divided into different factions; they are more committed to their old traditions and values instead of Western democratic values and norms. Election process alone may not make them democratic if they do not develop democratic pre-requisites. The main problem with application of democracy in Pakistan has been that the political leaders have never ensured supremacy of law. Consequently, corruption and mismanagement have caused deterioration of the state institutions. Political parties and legislators have equally failed to play their role democratically. They have supported authoritarian and military regimes to gain and maintain

---


political power and promote their personal economic interests. In the last military rule (1999-2008), political parties were Musharraf’s partner with the exception of few factions of them. Military rule would not have ever succeeded in Pakistan to the extent it did, if political parties and judiciary were supportive and cooperative with the military rulers. The Musharraf regime was expected to bring institutional changes but it only concentrated to retain office and left very weak and politically chaotic Pakistan. Pakistani political parties have disappointed in failing to provide a better system or institutions like the military regime. As a result, people have welcomed military rulers in the past. During Zardari regime people wanted the military to take over to replace the corrupt government. Pakistan’s politics shows that political parties lack tolerance towards each other and their differences create space for the generals. It was only during the Zardari regime that the political parties developed consensus against the military takeover. The foundations of this consensus were laid down in the “Charter of Democracy” (COD) signed by Benazir Bhutto and Nawaz Sharif in 2006. This was a major step towards the development of democratic consensus that supports earlier efforts on purging the Constitution from military-made constitutional amendments that disfigured the parliamentary character of the constitution. Writing on the subject of political culture, Almond and Powell say, “It is evident that consensual and conflictual political cultures play [a role] in shaping political trend in any state” and these political trends determine the role of institutions. Almond and Powell define political system as follows:

Preferences, values and interests of all members of political communities should be taken into account in the decision of democratic political system. Political system plays critical role in shaping the supremacy of civilian rule. It is the political system, which ‘regulates behaviour’. The systems have institutions, agencies or structures, such as political parties,

---


72 For the text of the Charter of Democracy, see Dawn, May 16, 2006.

The social structure and local political cultures play a big role in determining the role of leaders and the institutions in any polity. In our case study, civilian leadership came from a traditional background. They hardly understand the true spirit of democratic system. Coming from feudal and tribal cultures, they have been unable to appreciate the demands of political system or even learn democratic values. Pakistan’s political culture remains authoritarian, passive and patron-client oriented. Such weaknesses of the political culture have encouraged the military to step in. Elected representatives always act like a ‘master’ not as public ‘servant’. Undemocratic Political behaviour, always, dominated which paved the way to military generals. The fact is that only democratic culture, which has effective institutions and civilian legitimacy could discourage military from intervention into politics.

These fundamental requirements for sustaining democracy have yet to develop fully in Pakistan. “Core requirement for civilian control in a democracy is democratic governance itself - the rule of law.” The tragedy of Pakistan is that rule of law has never been a priority of any democratic or military regime in Pakistan because that would mean to either end their rule or make themselves responsible and responsive to the people. Their self-interest has conflicted with the tradition of rule of law. For that reason, the self-reassessment is not what seemingly would chart a new course for the military, but like in the past it would allow the civilian government space to watch its performance, orientations and handling of national security. What is evident in this case study is that while the military watched its interests carefully, protected its influence over national security and critical foreign relations, it allowed the Zardari regime to complete its tenure. In surviving the internal and external challenges and completing the tenure, the PPP-led regime made a history in two important respects. First, as indicated earlier, it lasted full five years, the term of the Parliament. Second, it transferred power to its rival party, the PML-N the later won

74 Ibid., 24
75 President Zardari belonged to a Baloch tribe and Prime Minister Yousaf Raza Gilani belonged to a family of peers’ (shrines holders) from Multan. Both wanted people to take them as masters not representative or servants of the nation. Having a rigid mind set has been a problem and obstacle in democracy.
76 Stainland, 322.
the majority in the 2013 elections. There were several internal and external factors that supported transition to democracy and its consolidation in Pakistan. Among the internal factors, a consensus among the political parties to support each other and continue to promote democracy denied the military an opportunity to divide them and carve out factional support for its intervention.

2.6 External Factors and Military Intervention in Pakistan

Not only internal factors have shaped civil-military relations in Pakistan but also external factors have affected democratic system and the trajectory of civil-military relations. The first military coup was supported by the US government because the political government could not defend the US interests in the region against the “threat” of communism because of its limitations, instability and orientation towards non-alignment in foreign affairs. Military was the institution that was thought of lending support to the American interests. When Ayub Khan came into power, his regime received American military aid and training. There is lot of evidence to suggest that Ayub Khan was encouraged by the developing relations with the US to take over power and thought that he would be received well in the Western capitals. Once he assumed power, the US increased its support to the government of Pakistan and in return the US was provided military bases that were used for spying against the then superpower: Soviet Union. General Musharraf also obliged Bush administration by providing bases in Pakistan and his regime received military and economic aid. Musharraf came into power after sacking an elected Prime Minister Nawaz Sharif in 1999. Towards Pakistan; the US has been changing its policies according to its interests. In 2007, when General Musharraf imposed an emergency by suspending parts of the Constitution and amending some by a personal decree, some of the US congressmen opposed his move and demanded the Bush government to stop aid until Musharraf removed emergency. The Bush Administration did not oblige the Congress, as it regarded Musharraf as “an indispensable ally in the global war on terrorism.”

Pakistani people, civil society, political parties and the media opposed Musharraf’s unconstitutional act by launching

78 Tahir Amin,(2007):47.
79 House Foreign Affairs Committee hearing on “Democracy, Authoritarianism, and Terrorism in Contemporary Pakistan”, November 7, 2007,
countrywide agitation. Evidently that had no bearing on US’ policy towards Musharraf regime. Professor Metraux aptly remarks as:

The US has no concern about Pakistan’s democracy or dictatorship; it needs supporter to implement its policies. This is historically true. Pakistan is the country where military and democratic rulers have been supporting the US policies in the region without considering its implications. Both have been interested in the US aid. But sadly, democratic governments did nothing for the people and the most corrupt people came in power, like Zardari. He should not be the President; he only used Benazir Bhutto’s party. But the US has relation with his government because it was a need of time.80

Pakistan is a country, which is surrounded by unfriendly states—India and Afghanistan. These countries contributed to Pakistan’s threat perceptions during the Cold War that were further increased after post-Cold War, particularly after the 9/11 incident. External factors have always played a vital role in shaping cohesive or conflictual civil-military relations. During Zardari era, the US offered conditional aid package, which directly affected military’s interests and civil-military relations as well. Pakistan faced internal and external threats that have increased military’s influence and undermined civilian supremacy. According to Michael C Desch, external and internal threat[s], whether existing or perceived, either of high or low intensity81 increase military’s importance and are least effective for civilian control. Since 1947, Pakistan has been facing both external and internal threats of high intensity that enhanced the role of military on critical national issues. Pakistan’s support to the US against war on terrorism has increased militancy’s influence and perpetuated its policy domination in Pakistan. Threats emanating from India and Afghanistan support military’s assertiveness, not civilian supremacy because the military is more equipped, powerful and has potential to meet the challenges Pakistan faces.

2.7 Rational Choice by Civil-Military Establishments in 2008-2012

80 Interview of Daniel Metraux.
The phenomenon of terrorism not only changed the internal politics but it also left a gigantic impact on civil-military relations in Pakistan. The military and the democratic government both could not escape the impelling security environment created by the American war in Afghanistan and domestic terrorism. The present particular case study has examined various theoretical views on civil-military relations or military intervention in politics. The present case study is unique because Zardari regime operated in a complex security environment. This was the period when Pakistan’s military was fully committed to rooting out terrorism and it was also an ally of the US in the war on terrorism. Internal security dynamics were critical because the new wave of terrorism in the form of Taliban was a great threat for the state and society. During any serious crisis that often emerged between civil-military establishments, they negotiated with each other and deescalated tensions, which could have caused yet another military coup. Both the establishments showed flexibility and remained rational because an emotional and irrational decision by either one could damage Pakistan’s security. DG ISPR, Athar Abbas said, “It was the army’s rational approach not to impose martial law because there were so many challenges in front of the military. Pakistan’s existence was challenged by the Taliban and insurgents and their elimination was kept on priority by the military leadership.”

The sovereignty and security of the state are always defended by the state actors [civilian and military]. In case of conflict, however, “both state actors chose the way that gave them greatest satisfaction.” There was a turning point when Zardari’s government had decided to sack COAS and DG ISI after Abbottabad raid in which American forces unilaterally killed Osama bin Laden in Abbottabad. Perhaps Zardari had learnt from the Nawaz Sharif’s experience of how his sacking of the army chief had resulted to his removal. He might have sensed that if he took that route, the military might take over without considering the consequences. Memogate scandal was another event when military could have intervened but conflict was resolved after Haqqani’s removal as Pakistan’s Ambassador to the United States. It was yet another case of flexibility on

---


83 Interview of Athar Abbas.


85 Athar Abbas.
the part of Zardari to address the concerns of the security establishment. These examples fit the framework of rational choice theory. Despite the fact that relations between Zardari, ISI, and the military were pernicious but Zardari as president completed his term and compromised with the military establishment. However, political cost was paid by his ‘nominated’ Prime Minister Gilani who wanted to protect his party leader and the president Zardari. Zardari was considered ‘master’ to bargain and facilitate his opponents.

Since 1950s, Huntington and Finer established their authority in the field of civil-military relations and realism approach dominated. After the end of the Cold War, one new trend is the application of rational choice theory to civil-military relations and it is rooted in empirical research. Military is a state actor and core stakeholder and always have rational tendencies like other actors in any political system. Military plays very important role in all democratic or undemocratic stats. It gives its feedback on country’s foreign policy. Rational choice perspective argues “that actors always behave to maximize their benefits and opt alternative course.” The choice neither fixed nor driven by any ideology; rather they are made pragmatically after weighing the cost and benefits of each choice.

Though rational decisions can avert civil-military tensions and bring divergent views closer to an agreement.

Repeatedly capitulation and pragmatism have kept the military in Pakistan in a privileged position. Indeed, it is the civilian leadership that has contributed raising the stature of the military in Pakistan. Poor governance by the civilian leaders has opened up opportunities for the military leaders to encroach upon their powers.

The present case study demonstrates that both the military establishment and political governments have adopted a rational approach. They have accommodated each other to save the fledging democratic system. Which side has been more flexible is a matter of judgement.

---

87 Ibid.,75-85.
89 See for instance Talat Massood, “Can the military reforms Pakistan’s politics?”, The Express Tribune, July 1, 2015.
However, it seems that the military did not compromise on its corporate interests or prerogatives. Rather the civilian governments have tended to yield ground to the military to meet the domestic and international challenges. The civilian governments since 2008 have avoided confronting the military. They believe that continuation of the democratic system and transfer of power from one party to another and strengthening of the political institutions would eventually bring a natural balance to the civil-military relations.
Chapter Three

Civil-Military Relations in Pakistan: Historical View

This chapter presents the historical context of civil-military relations in Pakistan by taking into account the fundamental issues that determined their course in the formative phase of the country. The causes conducive for dominance of the armed forces will be analysed with two questions in mind. First, what factors played their role for the military to become a dominant political and security actor? Second, how it incapacitated vital state institutions such as the parliament, political parties and the judiciary? In answering these questions, our primary premise is that insecurity dilemma—the Indian threat perceptions—in the initial stage of state formation tilted the balance in favour of the military. Security pacts with the United States were a major factor in the modernization, expansion and cultivation of a self-image of the armed forces as the guardian of the state. In this self-image, the leadership of the armed forces has regarded the political chaos, fragmentation, incompetence and corruption of the civilian elites as a domestic threat that adversely influences Pakistan’s power potential and capacity to resist Indian domination. For this reason, civil-military relations in Pakistan have been complex, difficult and do not fall in one single framework beyond military taking over and creating a political façade for power sharing. In order to explain the evolution of civil-military relations and different power-sharing arrangements, this chapter examines three sets of issues—ascendancy of the military, legacies of military rule and confrontation and cooperation between the military and the civilian political parties and their leadership. We have organized the chapter according to these themes. The first section addresses the rise of praetorianism and military authoritarianism, while the second section gives an overview of military and post-military regimes in Pakistan. The last section describes the causes of confrontation between the civil-military establishments and the civilian rulers’ inability to strengthen the parliamentary democracy in the country.

3.1 Development of Civil-Military Authoritarianism

As an independent nation-state, Pakistan faced critical issues from the very outset, pertaining to the political, economic, administrative and security apparatuses. At the time of independence, Pakistan had a very limited defence capability. It inherited the military training institutions, cantonments and troops left in its territories but without adequate cash and weapons.
The plan to partition the British Indian Empire was vague in several areas including the division of military assets between the two dominions. In his statement, the British Prime Minister Mr. Attlee did not mention the division of the armed forces. However, this issue was raised by Liaquat Ali Khan with the Viceroy Lord Mountbatten in April 1947, suggesting that a plan for the division of military assets to be prepared, so that the armed forces could be readily divided at the appropriate time. Pakistan inherited a military without weapons, equipment and ammunition and a weak and disorganized military establishment. Pakistan also inherited the British General Frank Walter Messervy, as the Commander-in-Chief (C-in-C).

On August 14, 1948, the army sent a message to Quaid-e- Azam Muhammad Ali Jinnah, assuring him of its loyalty. The occasion was Pakistan’s first Independence Day celebration and the message was, “loyal and grateful greetings from the Army on this first Anniversary of Independence Day. We serve and shall serve Pakistan with all our hearts and souls and strength.” Kashmir conflict was the first to test the relations between army and the Governor General. The institution’s self-professed loyalty proved a problem soon, when Jinnah gave orders to the Commander to mobilize forces and act, which the latter refused to comply with.

The movement of the Indian forces into Kashmir became a great concern for Jinnah as it amounted to violation of the partition plan. Initially, Jinnah did not opt to engage with India on the Kashmir issue, but in late October 1947, the political leadership and Jinnah unanimously ordered Pakistan’s C-in-C of British origin to send forces into Kashmir, when India brought its troops there. The C-in-C defied Jinnah’s orders for movement of troops and consequently sacked by Jinnah for insubordination. The second British Chief General Douglas Gracey also followed his predecessor, when he refused to obey the ‘civilian’ order without permission from the Supreme C-in-C, Auchileck. The threats to Pakistan’s territorial sovereignty from India and Afghanistan were immediate and real, not imaginary. Due to these external threats and the geographical distance between East Pakistan and West Pakistan, defence of the nascent state

---

90 Fazal Mauqeeem Khan, (1963), 21.
91 Hassan Askari Rizvi, (2000), 52.
92 Fazal Muqeeem Khan, (1964), 40.
93 Ibid., 60.
94 Ibid., 91.
became a critical issue, as it was about survival, dominating all other important tasks of the new state.96

As a true parliamentarian and constitutionalist, Jinnah wanted to establish supremacy of the civilian institutions. He had sensed the dangers of the military assuming greater powers. With this in mind, he delivered a speech to send his message to the armed forces of Pakistan. His words of advice included, “don’t forget that you, in the armed forces, are servants of the people. You do not make the national policy. It is we, the civilians, who decide the issues and it is your duty to carry out those tasks (with) which you are entrusted.”97 Having observed the attitudes of senior military officers during personal meetings, he became wary of the military as an institution vital for national security. Jinnah’s apprehensions about the armed forces turned out accurate.98 The post-colonial military officers trained and socialized in the colonial tradition did not like to be submitted so easily to the post-independence civilians. Jinnah was equally concerned with the future of bureaucracy in Pakistan. He conveyed his message to the bureaucrats so they could not be used by any party. Jinnah said:

The first thing that I want to tell you, that you should never be influenced by any political pressure, by any political party or any individual politician. If you are to raise the prestige of Pakistan, you must not fall victim to any pressure but do your duty as servants of the people and the state.99

It is obvious Jinnah always wanted supremacy of the representative institutions—the parliament and the constitution, but both these vital institutions of the state fell victim to the ambitions and power of the generals.

3.1.1 Post Jinnah State and Impediment

After Jinnah’s death, Liaquat Ali Khan chose Khawaja Nazimuddin as Jinnah’s successor to act as Governor General of Pakistan. Having stayed in the shadow of the Quaid-i-Azam for

96 Hassan Askari Rizvi. 2002. 53.
long, Prime Minister Liaquat Khan was eager to test his own ideas of leadership. He did not want any interference from the head of state in his style of management and Nazimuddin turned out to be the perfect choice.\textsuperscript{100} Liaquat Ali Khan as a Prime Minister was powerful and wanted civilian supremacy but he knew the importance of strong armed forces because he made Pakistan’s defence a top priority. While addressing a parade in Dhaka in October 1948, he stated “the defence of the state is a foremost consideration and that it dominates all other governmental activities.”\textsuperscript{101}

Security was the main concern but politically, after Jinnah, Pakistan’s top political brass did not have much spirit for democracy among itself.\textsuperscript{102} Instead of resolving the constitutional issue and seeking a general agreement on framing a new constitution, Liauqat Ali was more concerned in getting the approval of Public and Representative Office Disqualification Act in 1949, a colonial legacy known as PRODA.\textsuperscript{103} The PRODA act was used in the name of Governor General to target some politicians and disqualify them from public office.\textsuperscript{104} Liauqat Ali Khan encouraged the Governor General to use PRODA against “corrupt” politicians, which often happened to be political opponents.

Security, political and economic issues were fundamental problems faced by Pakistan. Weak domestic resource base with poor economy and teething issues of the new state posed major problems for the leaders. Liauqat Ali Khan realized that Pakistan needed international support to bolster its economy and security. United States of America was the only state that had robust economy after the end of World War II and was willing to assist countries to rebuild them. Prime Minister Liaqat Ali Khan and his colleagues in the cabinet and bureaucracy, particularly the Foreign Office, had a pro-western orientation and demonstrated a tilt toward the U.S. in the emerging Cold War with the Soviet Union. By approaching the U.S. for economic and military assistance and showing willingness to be on the side of the U.S. in the Cold War, Liaquat Ali Khan laid the foundation of ties with America that shaped the long-term relations between Pakistan and the US, affecting Pakistan’s internal and external policies. Prime Minister

\textsuperscript{100} Lawrence Ziring.101.
\textsuperscript{101} Hassan Askari Rizvi,(2000),62.
\textsuperscript{104} PRODA was used against Ayub Khor, Khan Mamdot,Hamidul Haq Choudhary from East Bengal
controlled defence and foreign affairs and thus left his deep imprint on the trajectory of Pakistan’s foreign and security policies.

Civil-military relations became conflictual in early 1950s. Conflict between the military and civilian leadership occurred when Major General Akbar Khan appealed to the prime minister for military reinforcement in Kashmir and the request went unheeded.\footnote{General Akbar Khan was heading of guerrilla warfare in Kashmir.} Thus certain disenchantment, fuelled possibly by political ambitions, became the nurturing force for Akbar Khan and a few closely associated military personnel.\footnote{Estelle Dryland. “Faiz Ahmad Faiz and the Rawalpindi Conspiracy Case”, Journal of South Asian Literature,27, no.2 (Summer, Fall, 1992):181-182.} A group of army officers tried to stage coup against the then Prime Minister Liaquat Ali Khan. In March 1951, the ‘Rawalpindi Conspiracy’ was disclosed by the Commander-in-Chief (C-in-C) Ayub Khan and all the conspirators were arrested.\footnote{Dawn, March 1, 1951.} Ayub Khan showed his loyalty with the civilian leadership. Political parties and the civil society alike demanded that the conspirators should be punished. The military conspirators were called ‘munafqeen’ (hypocrites) and it was suggested that under the Islamic law they should be punished to be an example to all others who might harbour such ill designs against the civilian authority. All the persons involved found guilty but received light sentences, which they never fully served.

3.1.2 Leadership Crisis and the Role of Military

During Liaquat Ali’s premiership, Pakistan remained relatively stable even in the face of serious political and economic issues. He managed the fractious political factions within the Muslim League and relations with other political groups well. Pakistan’s relative calm gave way to serious political troubles after his assassination. Khawaja Nazimuddin was pressurized to step down from the position of the Governor General and was offered the premiership. Nazimuddin compromised for the sake of political power and agreed to become the Prime Minister of
Pakistan. Ghulam Muhammad was a bureaucrat and an ally of Ayub Khan who was an ambitious C-in-C. General Ayub Khan sought the military’s economic interest that made Ghulam Muhammad the best choice for him, as he was also supportive of the military. Ghulam Muhammad’s promotion to Governor General was a “strategic manoeuvre” which was encouraged by civil and military officials but the military was the key player. It was one of those first episodes of military playing the role of kingmaker in Pakistani politics.

The new Governor General lacked the qualities that leaders are supposed to have. Neither the Prime Minister nor the Governor General were able to address the simmering campaign of the religious parties against the Ahmadi community that took violent turn. The anti-Ahmadi riots on March 6, 1953, led to the first martial law in Lahore. This showed the weakness of the civilian leaders to handle difficult political issues and heavy reliance on the armed forces. The military began to emerge as the most dominant and versatile force to deal with all kind of domestic issues in the country from dealing with disasters to political turmoil. The martial law itself gave an opportunity both to the army and the people to see what could be accomplished by strong-handed and quicker measures. In fact, the political inability to cope with law and order proved beneficial to the army’s interests. The riots and uneasiness among the people had shown the army that the government had lost popularity. Even in the face of this harsh reality, the Governor General had in fact assumed virtual dictatorial power.

Later in April 1953, Prime Minister was dismissed by the Governor General Ghulam Muhammad. His decision was justified by the court on the grounds that, “the Cabinet of Khawaja had proved itself to be incapable of maintaining law and order.” Incidentally, Nazimuddin was also the first premier in history to cut the defence budget by one-third. This act by the civilian leader displeased the army, making way for Nazimuddin’s dismissal. Obviously, the military had a hand, behind the scene, in his dismissal.

---

108 Governor General had power to dismiss the Assembly, Ghulam Muhammad was shrewd he became Governor General so he could remove the prime minister and the Assembly. Later he did.
In fact, Nazimuddin’s dismissal was planned and accomplished by the combined efforts of military leadership and Iskandar Mirza, the Defence Secretary of that time. “This was a coup d’état led by Mirza and the army. Mirza nominated Muhammad Ali Bogra as the new Prime Minister.” All these moves had consent of the military. The Nazimuddin-led government had not been effective internally and externally. “The army made up its mind to replace him. Consequently, the political change occurred as a result of political manoeuvres made by the army and the top leadership of the civilian bureaucracy.”

The first decade of independence proved to be politically chaotic for Pakistan. Patrimonialism and personal interest prevailed over the national interests. Struggle for power between the Governor General and the Prime Minister immensely affected parliamentary functions of the Constituent Assembly. For this reason, it could not frame the Constitution until 1956. Ghulam Muhammad who remained unhappy with the legislators and equally with the Prime Minister, dissolved the Constitutional Assembly on October 24, 1954 on the ground that ‘it has lost the confidence of the people’. The action of the Governor General at that time in dissolving the Constitutional Assembly established the vice-regal tradition that undermined the faith that solid political institutions would be created. Meantime, the role of the military began to expand to non-professional fields and it gradually emerged as an important actor in the decision-making process. Internationally, Ayub Khan had gained stature and recognition and successfully gained military and economic assistance from the US. As a Defence Minister, Ayub Khan had leveraged to negotiate with other states and he had developed his personal relations that helped him in developing the military as a modern and strong institution in Pakistan.

3.1.3 Role of Judiciary and Civil-Military Alliance

Theoretically and practically, judiciary plays significant role in state and society by ensuring the rule of law and upholding the constitution. The dismissal of the first Assembly was the first test for the judiciary in Pakistan, which it failed. In this case, the Federal Court, now Supreme Court compromised its independence by validating the Governor’s act. Ghulam Muhammad’s act was challenged by the then Speaker of Constitutional Assembly, Maulvi Tamizuddin Khan. He filed a written petition in the Sindh High Court. The Court declared

112 Hassan Askari Rizvi. 2000.57.
government’s action illegal and unconstitutional.\textsuperscript{113} The incumbent Governor General would not accept the Court’s verdict and government appealed to the Federal Court to get favourable decision to legitimize the Governor General’s action. Therefore, the Federal Court based its argument on “chaos in the country” and declared that the Governor General had possessed the power to dissolve the Constitutional Assembly. A historical and landmark decision by the Federal Court provided protection to Ghulam Muhammad and set an example for others to follow. Judiciary had remained the part of the ruling elite and biased as well. After this decision, judiciary emerged as a power player in Pakistan, facilitated all military rulers and validated successive takeovers.

The dissolution of Assembly in October 1954 introduced the ‘ministry of all talent’. Ayub Khan joined the new Cabinet but he made clear to Ghulam Muhammad that his chief interest was in the army. The new government lacked effective leadership. Politicians had their eyes on the army in which they wanted to create their own pockets of support. During political crisis, Mirza emerged as an influential person, convinced the Governor General to abdicate in his favour and appointed Chaudhry Muhammad Ali as the new Prime Minister. The new government under Chaudhry Muhammad Ali provided the first Constitution to Pakistan in 1956. The Constitution also introduced the parliamentary system in Pakistan and Mirza became the first powerful President in the country. He, in fact, was the person who was the beneficiary during political crisis in mid 1950s. His alliance with military establishment made him politically secure and strong.

All political stakeholders supported the parliamentary system but soon parliamentary democracy confronted operational obstacles. Parliamentary democracy lacked disciplined political parties in Pakistan. Weak political parties and factions among the political parties strengthened Mirza-military partnership to control the government. Mirza-military alliance worked to protect their political and economic interests.\textsuperscript{114} It is evident that the US’ political influence remained crucial in shaping Pakistan’s political map. An American advisor, Charles Marshall Burton, was appointed as an Advisor to the Prime Minister of Pakistan during 1955-1957. Burton was also working for the Central Intelligence Agency (CIA) in Pakistan. It was a period of political

\textsuperscript{113}Altar Guahar. \textit{Ayub Khan: Pakistan’s First Military Ruler}, (Lahore: Sang-e- Meek Publications, 1993).45-102
\textsuperscript{114} Estlle Drayland.164.
fragmentation and the army was becoming restive. On October 27, 1958, Ayub took over control of Pakistan from his friend Mirza who had suppressed the power of parliament and made Ayub Khan C-in-C. Mirza declared, “there was no democratic way to put the country and politicians on the right path.” Furthermore, only the military was capable of controlling the failure of politicians and the state. This decision of Mirza to impose martial law at this juncture was not rational. In attempting to secure his political survival, he ended up paying a heavy cost. Ayub forced him to resign and sent him into exile. Ayub introduced a presidential system in the country, declaring the parliamentary system as a failure. It was the beginning of direct praetorian rule in Pakistan.

Ayub Khan increased the salaries of military personnel and bureaucrats and generously awarded them agricultural lands as grants. Ayub Khan knew well the art of pleasing the armed forces. His objective in providing economic relief in this manner was to gain the military’s support for his political survival. In an attempt to legitimize his power in the eyes of the nation, a referendum was conducted by Ayub, which no dictator has ever lost. In February 1960, the basic democrats were asked a simple question: “Do you have confidence in President Ayub Khan?” Thus, he gained legitimacy to rule over Pakistan as the president. By the end of 1968, Ayub Khan had lost support within the armed forces. His decision to sign the Tashkent accord displeased many high-ranking officers in the army, causing the army’s nationwide-popularity to take a deep plunge. As popular agitation against Ayub regime grew, Ayub considered placing some of the urban centres of agitation under martial law, but the army refused to support his strategy. High-ranking generals were more concerned about the army’s image. They believed that martial law would not serve their purpose; instead, it would bring disrepute to the army. Ayub Khan resigned in March 1969, after losing support among the soldiers.

### 3.1.4 Second Military Coup 1969

Although Ayub’s authoritarian regime ended, praetorianism remained in place. In the event that weak General Ayub Khan refused to resign, General Yahya Khan had already planned

---

117 Ayesha Jalal.305.
a military takeover. Fallen from grace, however, Ayub acceded to Yahya Khan’s pressure. The first Supreme Commander of Pakistan came with a coup and he went with another coup. General Yahya was the most ineffective and incompetent General in the Pakistan Army. After he assumed power, General Yahya abrogated the 1962 constitution, instead introduced the Legal Framework Order (LFO) in the country that was a sort of provisional constitution. The credit for establishing the National Security Council (NSC) also goes to Yahya, although the institution was dysfunctional at best under him due to the crisis in the East Pakistan. General Yahya is also to be a credited for holding the first general elections in Pakistan. The elections of 1970s were considered free and fair. Their result, however, was a surprise for everyone. The Awami League secured an overwhelming majority of East Pakistan. In West Pakistan, Bhutto’s party emerged as the major party, but it was confined to only Punjab and Sindh.

Disillusioned by Yahya, the army decided to support Zulfikar Ali Bhutto as he got most of his support from Punjab, the military’s main recruitment ground. This decision was also backed by the belief that ‘Bhutto would not do anything to hurt the military, but Shaik Mujib could potentially down-size the forces’. General Yahya was blamed entirely by the military for its defeat in the East. Set upon supporting Bhutto, General Gul Hassan forced his colleague, Yahya, to announce that he would quit as soon as possible and hand over power to an elected representative of the people. The military’s top leadership due to popular resentment and disillusioned rank and file in the military took this decision. With the end of military rule or the second era of praetorianism, resulting into the East Pakistan tragedy, was over. The military disengaged from politics because the military did not want to continue its role in politics after defeat in East Pakistan.

3.2.1 Post-coup Democracy and Civil-Military Relations: The Bhutto’s regime

Bhutto took over as the Chief Martial Law Administrator (CMLA) on December 20, 1971. Although Ayub had dismissed Bhutto in June 1966, Bhutto re-launched his political career by establishing his own political party, the Pakistan People’s Party (PPP), in 1967. In the elections of 1970, PPP emerged as the dominant political party in West Pakistan. Bhutto


completely changed the style of politics. Before him, politics was indirect through the elective elites and political families. Bhutto eliminated these intermediaries, the intermediaries and the powerbrokers by appealing directly to the people of Pakistan. However, he had grown to political stature under Ayub Khan’s highly centrist, paternalistic system and he never outgrew his preference for concentration of all state power in the hands of one. All power was to flow down from him. Ayub Khan had been an authoritative and powerful president without check. He followed his pattern of leadership and political control in very different circumstances and under a different political order.

On the pattern of post-coup regimes, Bhutto also depended on “patrimonialism” to accomplish political consolidation of his people’s government.” Bhutto was feudal and centralist in his attitude. Though he was elected as democratic ruler, yet his ruling style was very much authoritarian. Political domination over the military and state institution was Bhutto’s true desire. He sought supremacy over the military and the political and the political groups in the opposition. He wanted to bring the rival parties, National Awami Party (NAP) and Jamiat-i-Ulma-i-Islam (JUI) that had coalition governments in Balochistan and North-West Frontier Province - now Khyber Pakhtunkhwa, under his influence. In his quest for power, Bhutto removed Lt. General Gul Hassan from office, the man largely responsible for bringing him into power. Air Marshall Rahim Khan and many other senior military officers were also forcibly retired. These were mostly officers who had opposed military action in East and had staged undeclared coup against General Yahya Khan to hand over power to Bhutto.

As the President of Pakistan, Bhutto started a campaign to publicize the military surrender after East Pakistan. The army opposed the campaign and soon began viewing Bhutto as a challenger, rather than a saviour. Bhutto tried to assert civilian supremacy over the military. Bhutto’s policy of forcing a compulsory retirement on Gul Hassan represents was the first ever-high point of civil supremacy. Bhutto also reorganized the command structure of the armed forces and created a ‘Joint Chiefs of Staffs Committee’ (CJCSC). This step was taken to vest a civilian with greater power than the services’ chiefs, who would then act with the president as the C-in-C.

122 Khalid Hassan. 111.
123 Shuja Nawaz. Crossed Swords: Pakistan its Army, and the Wars Within
Bhutto limited the tenure of services’ chiefs to three years in 1975 as he sought to make political appointments in order to ensure the respective chiefs’ personal loyalties.\textsuperscript{124}

Well aware of the military’s institutional stance, Bhutto still tried to restructure the pattern of civil-military relations in Pakistan.\textsuperscript{125} Bhutto also confined the role of army in the constitution of 1973 by saying that the institution would “defend Pakistan against external aggression or threat of war, and, subject to law, act in aid of civil power when called upon to do so”. The act of takeover by the army was specifically mentioned as “High Treason”. These steps were considered as deterrence to prevent the armed forces from toppling Bhutto’s government as Bhutto was politically motivated to protect the leadership and his power. Bhutto also knew how to please the soldiers. To appease the armed forces, he increased the defence budget. However, all his measures proved to be futile when a military conspiracy was disclosed in which 14 air force officers, two navy captains and 21 army officers had plotted to seize power. The conspirators were arrested and punished. After the failed attempt to military coup, Bhutto’s attitude toward the military grew harder and harder.

There were instances during this period when the military leaders perceived that their privileges and autonomy were in jeopardy. In November 1975, the Pakistan Army Bill was adopted by the National Assembly. This amendment enabled Bhutto to send any officer for service into the civil armed forces of Pakistan. Previously, it had allowed only those officers who had volunteered to join the civil armed forces to be seconded. Bhutto also introduced land reforms that affected the military’s privilege. According to Ayub’s scheme, officers between the ranks of Colonel and General could be granted 150-240 acres of land. Bhutto’s reform meant that officers would have to surrender part of their land. This action also created disaffection among the senior officers. This was another status-depriving move by Bhutto.

Prime Minister Bhutto was the first ruler who demanded oversight over the intelligence agencies. He also rewrote the role of the Inter-Services Intelligence (ISI), largely its charter to include domestic political affairs.\textsuperscript{126} He was the first leader who used the ISI to bolster his political power, which gave it power to intervene in political affairs in the successive decades. For his

\begin{itemize}
\item \textsuperscript{124} Hassan Askari, Rizvi. \textit{The Military and Politics in Pakistan}, 261.
\item \textsuperscript{125} Tahir Amin, 37.
\item \textsuperscript{126} Khalid Hassan, 20.
\end{itemize}
personal political objectives, Bhutto also established the Federal Security Forces (FSF). Bhutto’s agencies policy landed him into troubles with the military. The creation of FSF increased displeasure among the army, as it was a separate uniformed force that could be used by the chief executive, the prime minister. Bhutto wanted the army to train the FSF, which the army refused. Despite the army’s apprehensions, FSF was used to suppress his political opponents by employing coercive methods.

The opposition parties were a massive challenge for Bhutto’s political survival. The Pakistan National Alliance (PNA), an alliance of nine regional, religious and national political parties, was one such challenge. Headed by Maulana Mufti Mahmood, the PNA contested the elections of March 1977 as an electoral alliance. PNA raised genuine issues of corruption, political suppression and the existence of FSF while questioning the validity of the election, which it believed were massively rigged. In fact, pre-election tactics employed by Bhutto’s government convinced opposition parties that the elections would be rigged.

In his arrogance of power, Bhutto did not care for the demands of the political parties for fair and free elections and separation of governmental machinery from the electoral process. He was bent upon securing massive victory by whatever means necessary, which he did. However, the 1977 General Elections became controversial when the opposition parties refused to accept the result. Countrywide demonstration, strikes and agitation paralyzed the state. The PNA demanded fresh elections which Bhutto finally agreed to negotiate but without any final agreement. A perception of rigged elections, political confrontation and unwillingness of the government to compromise created the perfect political storm within six years of East Pakistan’s separation. Bhutto was unable to weather the big political storm.

3.2.2 The End of Democracy and Third Martial Law

Democracy is a system, which develops with compromise, mutual accommodation and is based on give and take. Bhutto and opposition, both were not ready to accept each other. This political confrontation widened the gap between Bhutto and the opposition. In the midst of this
mess, Retired Air Marshal Asghar Khan\(^{127}\) wrote a letter in which he indirectly invited the army to take control the country.

Bhutto had thought that the inclusion of uniformed generals in the negotiation would put pressure on the PNA but in so doing, General Zia realized Bhutto’s political weakness and the army’s advantage as a powerful institution. Slowly, General Zia had begun calling most of the shots in the more sensitive areas of government as the crisis prolonged unresolved. Bhutto’s idea for referendum was also vehemently supported by Zia. Consequently, a Referendum bill was passed through the National Assembly on 16 May 1977, which was rejected by the PNA. At this point, General Zia also withdrew his support. Zia and his colleagues could now sense that Bhutto had lost confidence of his constituency, the people of Pakistan. Bhutto had chosen to rely on his soldiers and not on his constituency, which was disappointed with his rule, particularly the scarcity of goods, inflation and bad economy. Only to stay in power, he offered the army a “constitutional role” by telling Zia that the two of them could rule Pakistan together.\(^{128}\)

Bhutto’s political opponents wanted to remove him and they invited the military to help the nation. The military had people’s support against Bhutto’s regime that helped the military to control the country at least in popular perceptions. General Zia took over on July 5, 1977 and imposed the third martial law in Pakistan. The new democracy, which had come into place after decades, ended with another military coup by General Zia.

Since 1958, it was the third military rule in Pakistan. Bhutto underestimated the capacity of the political opposition to create trouble for him. He also underestimated power of the military establishment to intervene. General Zia was considered submissive, loyal and thus not a threat to Bhutto, but he was not in fact submissive and acted as a professional soldier to obey an elected civilian Prime Minister. In his first speech to the nation, General Zia promised the nation that elections would be held within 90 days and the military would go back to the barracks. However, once in power and having consolidated his position, Zia changed his mind. Bhutto’s opponents were demanding his trial for Ahmad Raza Kasuri’s father murder, which was killed during the Bhutto’s regime and a case was pending in the courts against him for his alleged involvement in the murder. Zia used the case to harass Bhutto and later Bhutto was hanged when he was

\(^{127}\)Air Marshal retired Asghar Khan was head of Tehrik-e-Istiqlal-i-Pakistan (an ally of PNA)

\(^{128}\)See for detail Khalid Hassan , (2002).
convicted by the Supreme Court. General Zia did not pardon him “fearing that Bhutto might take revenge against him, if he returned to power”. By all indications, Bhutto had retained mass popularity even in his fall and in the face of agitation by the political opposition.

General Zia knew that he had committed an act of treason under the Constitution of 1973. He did his best to legitimize his regime through Islamization. Zia was convinced by his aides that people would accept his rule if it were in the name of Islam and that he could prolong it by citing Islamic laws, if he wanted to. After 90 days, he was seeing his survival in Islamization of Pakistan, a policy much different from those tried by previous military regimes.

3.2.3 Zia’s Regime: Domestic and International Environment

General Zia’s popularity increased manifold internationally, after he decided to align with the US to support the Afghan Mujahedeen and to counter the Soviet Union’s invasion of Afghanistan. The Soviet Union’s invasion alarmed Pakistan’s military regime as it presented a serious security threat. Ignoring the nature of regime in Pakistan, the US President Jimmy Carter phoned Zia and offered an assistance of $400 million, which was refused by General Zia saying, “Pakistan will not buy its security with $400 million”.129 It was significantly increased when President Ronald Reagan was elected in 1980’s election. However, in facts, American economic support enhanced Pakistan’s capability to deal with the powerful Soviet empire in Afghanistan. As a bargain, President Carter also lifted sanctions, which were imposed on Pakistan in 1977 to support military regime. Although General Zia was actively pursuing Bhutto’s nuclear policy, America chose to ignore this factor as well the military dictatorship. Pakistan was offered two aid packages of US$3.2 billion and US$4.2 billion by the Reagan Administration, which provided economic boost to the military ruler.130

Certain internal factors also proved favourable for Zia’s regime. Pakistani society largely supported the idea of jihad against the Soviet Union. It is evident from the way Zia’s power was legitimized during the referendum of December 1984. In fact, Zia decided to hold elections in 1985, but before handing over power to the civilians, he wanted to secure his position as head of the state. Zia, like Ayub Khan, sought legitimacy for the continuation of his and the army’s

power through a mandate. A referendum was the only way to legitimize his power for long time. Moreover, Zia had broadened his constituency from the military to the civilian bases, as exemplified in the national elections of 1984. Judiciary had already provided support by validating his rule by invoking the ‘doctrine of necessity’. This was the second time that military ruler’s removal of a civilian government was legalized by the judiciary.

After having ensured presidency for five years, General Zia decided to hold general elections to form a civilian government to create a political facade. The elections were held in February 1985 on non-party basis, which introduced a guided democracy in Pakistan. Although the MRD boycotted these elections, the people of Pakistan participated and popular vote gave a ‘semblance of legitimacy to Zia’s rule’. The military regime was able to retain its supremacy by sharing power with an unorganized, civilian government. General Zia chose Muhammad Khan Junejo for the post of prime minister. Zia wanted a man who would not confront his policies. He also set about getting his previous ordinances legitimised. It was mandatory for the new Parliament to approve all ordinances from 1977-85. Politically elected legislators supported and endorsed constitutional amendments in the parliament.

Political troubles appeared when the Revival of Constitutional Order (RCO) was introduced and 67 articles were altered. RCO increased presidential powers and established National Security Council (NSC) to give the military a formal role in the potentiality of major crisis. The Eighth Amendment, Article 58-2 (b) also gave the president a power to dismiss all assemblies, including the prime minister. Originally, Article 43 of the 1973 Constitution does not allow the President to hold any office of profit. Zia altered Article 41- (7), which allowed him to hold the office of President and COAS. In fact, dual office of the President created imbalances of power between the military uniformed President and civilian Prime Minister. Although martial law was lifted, General Zia remained assertive, influential and the effective President who dominated civilian policies and had power over defence and security affairs.

When Junejo was elected as Prime Minister, he believed in civilian supremacy over the military institution. He showed signs from the beginning that he would use his constitutional powers. When Junejo decided to assert control over the military, civil-military relations became tense.

---

131 Shafqat Saeed , (1997), 212.
132 Ibid.
Like Bhutto, Junejo also forced the promotion and replacement of certain army officers. His assertive policy displeased the military. The military’s concerns increased when Junejo refused the extensions of two generals, who were close aides of Zia. Junejo also effectively played his role in bringing in General Aslam Beg as the Vice Chief of the Army Staff. Junejo’s policy was considered as open interference in the military’s affairs. Junejo’s idea to set up the Public Accounts Committee (PAC) to head the Federal Anti-Corruption Committee was not appreciated by the military either. The aim of the committee was to review the corruption of the civil and the armed forces. Junejo’s decision to take action against all corrupt officers, military or civilian, created many apprehensions in the armed forces. Junejo also decided to reduce the defence expenditures. His decision to withdraw big cars and replace them with smaller cars annoyed the senior generals, who felt insulted by the civilian government. Junejo’s policy affected military’s corporate interests and triggered the military’s fears about their dominance.

In May 1988, Prime Minister Junejo left for an official visit to China and Korea. After this trip, he was intending to implement his decision of removing certain generals and appointing a new COAS. Before the civilian Prime Minister could initiate investigation against military officers to sack them, General Zia sacked Junejo before he landed at the airport in Rawalpindi on May 29 1988, by dissolving the National Assembly.

### 3.3 The Second Democratic Transition

Zia’s sudden death in an air crash on August 17, 1988 remapped the politics of Pakistan by opening space for the democratic forces to emerge again. Then-Chairman of Senate, Ghulam Ishaq Khan was made the acting President of Pakistan and General Aslam Beg was appointed COAS. Beg’s decision to hold elections in the country paved the way to the restoration of democracy and revival of open political system in Pakistan.

The third general elections of Pakistan were held on November 16, 1988. After the elections, PPP secured 92 seats and emerged as the majority party; on the other hand, the ISI-sponsored IJI could secure only 56 seats. After the elections, the military and the President used various tactics to stop Benazir Bhutto from coming into power. The President intentionally delayed to invite her

---

to form the government. On the PPP front, the leadership of the party was adamant to form her government. Threatening interviews of Benazir were published in internal and international media to influence the military and military-backed interim president”.

During this critical time, the US Ambassador Robert Oakley played an important role by mediating with the military. Before Benazir took oath, the military put forth three conditions for handing over power to her. The DG ISI conveyed these to her. He made clear that Benazir would stay away from Pakistan’s foreign policy and nuclear policy and that her government would not target Zia’s family just because her father Bhutto was executed during Zia’s regime. For her part, Benazir chose not to take the conditions laid down by the Army, ISI and the President so seriously. Benazir took oath as the first woman Prime Minister in the Muslim world on 2nd December 1988. Post-military democracy was weak and controlled by the military and powerful civilian President who enjoyed the power left by Zia. Bhutto had no control over foreign and national security policies. Before coming to power, Benazir had agreed to work with the President. She announced that she would repeal the 8th Amendment, which raised doubts about her loyalty to the President and the military leadership. Benazir intervened in military’s affairs, knowing that she had no power to exercise on that front. Deciding to remove DG ISI General Hameed Gul, she appointed retired General Shamsur Rehman Kallu in his place. Benazir also tried to remove Admiral Iftikhar Sarohi. Benazir was reminded by the then President that only the President could exercise these powers. She decided to promote Lt. Gen Jan Mehsud, to be the next army chief after Beg retired. Traditionally, in the armed forces, the transfers and promotions or extensions of officers are made by the selection board on merit and are never based on political affiliation. The Selection Board rejected Benazir’s recommendations in 1990. General Beg also ignored the Prime Minister’s wishes and immediately posted Asif Janjua, as a new core commander in Lahore and thus Lt. General Mehsud retired before Beg, leaving no threat to the previous leadership of the ISI. On the whole, the military was visibly displeased at Benazir’s interference in military’s affairs. They believed that the Prime Minister was violating the conditions and commitment, which she agreed upon before taking her oath.

134 Interview of Retired Lt. Gen. Amjad Shoaib
135 Interview of Major Gen. Rashid Quraishi.
Problems with the military were not the only troubles the Benazir government faced. Myriads developed into major image problem for her. Benazir’s political rival and the security establishment did not like Zardari’s presence during meetings of high national importance. He remained a controversial figure throughout Benazir’s era. Zardari influenced her on economic and investment policies and convinced her to accumulate wealth through corruption in order to compete effectively with the political rivals. Zardari used the Prime Minister’s office to make deals by selling permits and licences for industries for his own commission. Within a year, Zardari became famous by the nickname ‘Mr. 10%’ in Pakistan’s political discourse. Zardari also used several tactics to harass his rivals in Sindh that increased resentment against Bhutto. In fact, Zardari’s intervention in political and economic affairs cost Benazir her premiership eventually.

In a Corps Commanders meeting chaired by COAS in July 1990, the panel decided to ask the President to use the power of 58-2 (b) to dismiss the Prime Minister and the assemblies by using the Article58-2b, which was a strong instrument for both the President and the military to check the civilian governments.

After Benazir’s dismissal, the next democratic government was led by Nawaz Sharif under a political alliance of Islamic Jamhori Ithad (IJI). His government was also unable to sustain itself, despite the fact that IJI had been funded by both the ISI and the President. The IJI alliance secured 106 seats in National Assembly and formed the government whereas; PPP could only secure 44 seats in 1990’s elections. A second government was formed within a period of about two years. Former DG ISI Asad Durani, serving as ambassador in Germany at the time, disclosed in his affidavit to the Supreme Court that ‘the COAS instructed him to provide logistical support in the disbursement of donations made by the businesses men of Karachi for the election campaign of IJI. The main objective in supporting the IJI was to protect the ‘great national interest’, as the security establishment privately regarded Benazir as a ‘security risk’. This made Nawaz Sharif the first political leader in Pakistan to have the military’s support to run Pakistan democratically. However, Nawaz disappointed both the President and the military when he

---

137 Interview of Shafqat Mahmood.
138 Shafqat Saeed, 233.
139 Anjum Shoaib
140 Islamic Democratic Alliance
refused to be dictated and eventually attempted to use his constitutional powers much like Junejo. Nawaz Sharif, however, wanted to establish his autonomy as an assertive leader, which the military did not want him to exercise. The imbalance in the civil-military relations was not conducive for the emergence of a civilian power centre. Consider this episode as an example. During the Gulf War of 1990, America had decided to send its forces into Iraq and sought Pakistan’s support. As the country’s Prime Minister, Nawaz wanted to send in Pakistani forces and become a coalition partner of the US. On this issue, General Beg intervened to show solidarity with Iraq, a Muslim country, by articulating a doctrine of ‘strategic defiance’, meaning that there would be resistance to the American forces and the Americans will not be able to sustain their dominance. This became a cause of embarrassment for the Prime Minister. Benazir Bhutto, whose government was dismissed by the President in 1990, had developed cordial relations with the President and the military however, relations between Nawaz Sharif and the establishment worsened. Nawaz Sharif’s authoritative style annoyed the president. Eventually, the President dismissed his government by levelling charges of corruption and mismanagement of the country.

As the political game of musical chairs began to unfold, another round of general elections was held in October 1993, in which Benazir’s PPP secured 86 seats in the National Assembly emerging as the majority party. Nawaz’s party, PML-N, could only secure 72 seats. After assuming power, Benazir exhibited maturity and experience in political appointments. She was confident, as she was supported by the military that had accepted her as prime minister without any conditions. After Benazir assumed power, she nominated Farooq Khan Laghari as the president. Benazir trusted Laghari as President, as he had a long political affiliation with the PPP. After being elected the President from her own party, she devised a political strategy to silence her coalition partners, while simultaneously maintaining the coalition’s support to her policies at the federal and provincial level. In her second term, Benazir had learnt how to bargain and accommodate both her political partners and the opposition. After a year, she initiated a campaign to target her opposition party PML-N and its top leadership, the Sharif brothers. The resulting confrontation between Benazir and Nawaz led to a deterioration of the political climate.

142 She appointed senior politician Nawabzada Nasrullah as Chairman of the Kashmir Committee, Molana Fazal-u-Rehman, Chairman Foreign Affairs, and Malik Qasim, Chairman of the Anti-Corruption Committee in NA.
in Pakistan. Nawaz started levelling allegations against the establishment for engineering the 1993 election results.

Benazir’s government persisted in taking legal, administrative and political measures to contain Nawaz’s role in politics. During her second tenure in office, Nawaz and his family faced cases in courts, which adversely affected Nawaz’s businesses and industries. Benazir adopted an aggressive policy toward Nawaz and his party members in an effort to harass and intimidate them. For instance, Shaikh Rashid Ahmad, a PML-N member of the National Assembly was put in jail by the Benazir regime for keeping an ‘illegal weapon’ at home. During his government, Nawaz had also instituted corruption cases against Benazir and her husband Zardari. It appears that political victimization remained dominant throughout Pakistani politics, as an effective instrument to check one’s opponent.

During her first tenure as Prime Minister, Benazir did not have enough experience to deal with the powerful military establishment. In her second term, however, she was more cautious in her dealings with the powerful institution and kept out of the military’s internal affairs. In fact, she got a long well with General Kakar. When Nawaz Sharif had opposed General Kakar’s appointment as COAS, Benazir had remarked disapprovingly on Nawaz’s confrontation with the president at that time on this issue. As the Prime Minister herself, Benazir now acted more consciously and rationally in her relationship with the top military leadership. All planned promotions went ahead without any hurdles. After General Kakar’s retirement, the next COAS to take over was General Jehangir Karamat. For the first time in Pakistan’s military and political history, a senior general was appointed as the COAS. In the past, the COAS were almost always the personal choice of the Prime Minister without any regard for seniority. The merit-based appointment of General Karamat was a positive sign for democracy and the one, which was welcomed by all political parties in the country.

Even the second tenure was not without problems – it had many lingering legacies of General Zia’s rule. The rise of ethnicity and the MQM was one of these. Ethnic politics in Sindh had aggravated the security situation in Karachi where MQM had developed a very strong constituency of support. During Benazir’s first government, the army had gained control over some areas of Karachi, which became a source of political differences between MQM and the federal government. The COAS General Kakar, who had remained supportive of Benazir
politically, decided to withdraw his army from Karachi, to which she had no objection. The army’s withdrawal had been MQM’S demand and this decision made by then-COAS served Benazir’s policy of appeasing her strong political rival in Karachi, the MQM. Consequently, the army supported the civil government’s policy to establish a paramilitary force in Sindh. This force was shaped to counter the supremacy of MQM in Karachi.

The military’s corporate interests remained a priority of the Benazir government. The military elite believed that Benazir had friendly ties with America. She visited America and convinced the former president Bill Clinton to lift sanctions on military equipment. She portrayed a positive and liberal face of Pakistan in the US, resulting in the Clinton administration to pass the Brown Amendment in 1995. Considered a major achievement by her government, the Brown amendment paved the way for economic assistance. Now, Pakistan could receive military equipment worth $368 million that has been withheld. The US also continued parallel interaction with Pakistan’s military for reviving regular, high-level discussions on regional and international security.” Bhutto played a critical role in defusing threat by the United States to declare Pakistan as a terror-sponsor state, a threat that Nawaz Sharif government had faced and was not able to convince the Americans about the non-involvement of Pakistani militants in the Indian-held Jammu and Kashmir. Civil-military relations had showed a remarkable degree of trust and political maturation during Benazir’s second term. Both the military and the civil leadership avoided intervening in each other’s domains. Moreover, the military and the Benazir government were on the same page regarding the Afghanistan and Kashmir policies. This can be better understood in view of the fact that Bhutto had made a compromise with the security establishment in giving the latter control over foreign policy and national security issues.

3.3.1 Political Turmoil and Benazir’s Dismissal 1996

As we know, Pakistan is a multi-ethnic state and all political parties as well as the military regimes have used ethnicity for political objectives by promoting certain groups on the expense of others. Sindh presents one of the most complex networks of ethnic groups and Karachi, the mega metropolitan city of the country, has remained a contested urban centre among

---

143 Zahid Hussain, 215.
144 For detail see Haqqani, Pakistan: Between Mosque and Military.
145 Interview of former Foreign Secretary and Ambassador, Riaz Khokhar.
all the major ethnic groups—Baloch, Sindhi, Pashtuns and the Mohajirs. The city has been in turmoil over the decades with some periods of uneasy calm. During the second term of Bhutto, her party, the PPP, and MQM formed a coalition government, but it did not bring peace and stability to the city, as it was expected. The law and order situation in Karachi remained a persistent problem. The PPP was unable to maintain peace in Karachi, as incidents of violence committed by so many different groups increased significantly. Target killing of opponents, gang warfare among criminals, turf battles among ethnic militants and terrorist activities rose at an alarming level. It is reported that roughly six thousand people lost life in two years.\textsuperscript{146} Anarchic conditions prevailed in the country’s commercial hub. Altaf Hussain, the leader of MQM, had always held great influence over a large majority of Karachi. The people of Karachi were always a call away from a strike, whenever Altaf Hussain called it. It gave rise to tensions between the two coalition partners. Direct confrontation between the PPP and MQM in Karachi in this period deepened the crises in 1996.

While the PPP was confronting the MQM, by and large, the civil-military relations in Pakistan were cordial. However, there were other issues that created problems for Benazir, like poor governance, nepotism and shady investment and financial deals. Rampant corruption in the country, courtesy of Zardari’s notoriety, coupled with Benazir’s ineffective policies became a cause of resentment within the security establishment. A sign of this frustration was a conspiracy of a coup against the government and the top military leadership of the military in September 1995.\textsuperscript{147} Four days before this coup was to be carried out, the secret plan was discovered by the intelligence agencies. Forty conspirators were arrested when the COAS, General Karamat was away on a foreign trip. The accused were tried under the Military Act of 1952. However, that did not end the threats to the Benazir government.

There were problems within the government of the PPP itself, between the President and the Prime Minister. Both Benazir and Laghari were considered to have a good working relationship. Laghari was her confidante, her nominee and had a position as a member of her party. She was the chief executive of the country and chairperson of the party. It was her political and constitutional right to run the country according to her own political preferences and interests.

\textsuperscript{146} \textit{The News}, June 22, 2015.
While in the position of President and armed with the 8th Amendment, Laghari wanted to curtail powers of the Prime Minister. The appointment of judges by Benazir was one of the major issues, which exacerbated the conflict between the Prime Minister and the President. Both President and Prime Minister wanted to assert their authorities. Both sides failed to compromise, as the President appeared determined to assert his constitutional authority to stop the erosion of the state institutions at the hands of reckless, corrupt politicians and the bureaucracy that in his view had collectively played a part in bringing parliamentary democracy into disrepute. Although the President had persistently been airing his concerns about corruption and lawlessness in the country, Benazir did not address these issues. Until then in the political history of Pakistan, no COAS had played a role in mediating conflict between the President and the Prime Minister. General Karamat was the first in this respect who offered himself as a go-between the President and the Prime Minister to resolve the emerging political and institutional clash. Benazir refused to accede to the demands and admonitions of President Laghari. It was her right to exercise her powers as the Prime Minister but Laghari was empowered with the authority of the constitution to dismiss her government by dissolving the assemblies wanted to push his agenda of ‘clean’ politics against a recalcitrant prime minister.

It is unfortunate that democratically elected leaders in Pakistan have not exercised their powers according to the Constitution and democratic norms. Patrimonialism has long been a part and parcel of Pakistani politics, which means working closely with family, friends and established political clans more than the political party. As a reflection of the same tradition, Benazir relied heavily on her husband and selected political comrades. Zardari was the federal minister of investment at the time, when it was revealed that he had bought ‘Rockwood’ mansion in Surrey, UK. Zardari was naturally not undertaking these projects without Benazir’s consent. Zardari forced Benazir into corrupt ways and she was his helpless victim. By now, Zardari had also acquired a lot of influence in Sindh and was using the government machinery to harass his rivals in his home province. The high command of Sindh Police reported to Zardari, instead of the Sindh Chief Minister.

148 Hamid Hussain, Judicial jitters in Pakistan, *Defence journal*, (June 2007).
149 Najam Sethi. “Ladies and Gentlemen, the President”, *Friday Times*, October 3, 1996.
150 Shafqat Mahmood.
In the first decade of the independence in 1950s and later in the first democratic transition in 1970s, democracy had failed due to patrimonial and authoritarian style of governance. Such a style produced pattern-client relationships bordering on corruption and nepotism. In Benazir’s second regime, corruption and lawlessness in Sindh were two major factors that brought soiled her reputation and delegitimized her government. Benazir’s corruption became the hot topic of discussion in the national and international print media. Zardari became an example of greed and corruption around the globe. The role of Zardari and his use of state institutions for his corrupt activities was the cause that provided an opportunity to the President to dismiss Benazir’s government. Since she was unable and unwilling to contain her husband, she had to go because there was no other option to prevent Zardari from use of state institutions for his personal interests. He in fact turned out to be a serious cause of dismissal for Benazir’s second democratic government. Before her dismissal, Laghari held a meeting with General Karamat and later dissolved the government on November 5, 1996. In doing so, he levelled the same charges of corruption, political chaos and nepotism against Bhutto that had been used before in such dismissals.

3.3.2 1997 Elections: Second Term of Nawaz Sharif

In continuation of the circus that Pakistani politics had become, the next general elections were held on February 3, 1997. It was 4th general election in less than a decade. The blunders committed by the Bhutto regime provided a heavy mandate for Nawaz to form his government. When the election results were out, PML-N had won 137 seats in the NA. PPP could secure only 18 seats. PML-N had taken over all the provinces, except Balochistan. This time Benazir supported Nawaz’s move to repeal the 8th Amendment. The reason was that the president had dismissed both of them under this clause. Before placing, the bill in the Parliament Nawaz consulted the army chief. Sharif’s government introduced the 13th Amendment, which removed the article 58-2b and restored the parliamentary character of the political system. The Prime Minster now had constitutional power to appoint judges and services’ chiefs of the armed forces.

Empowered by the constitution and having two-third majority in the Parliament, for the first time ever any party had, Nawaz Sharif’s began to demonstrate authoritarian tendencies that alarmed

151 "Asif Ali Zardari Case History".
certain factions in the country including the Judiciary and military. He even decided to introduce Islamic laws and new courts system for ensuring speedy justice under the proposed 15th amendment, but his idea was brought down by the Supreme Court. The Court also rejected an anti-terrorist act passed by the Parliament in 1997 terming it incomplete and it suggested several amendments to the bill. Direct conflict between judiciary and executive began to develop. The Chief Justice Sajjad Ali Shah sent a letter to the Prime Minister reminding him to fill the five vacant posts of judges. Nawaz Sharif refused to comply with the court orders. Moreover, Nawaz also asked the President to de-notify Sajjad Ali Shah’s appointment, but the President refused. With the benefit of hindsight, it seemed the Chief Justice and the President were working closely to trim the powers of Nawaz Sharif and in case he resisted, which he did, to remove him from power. Once again, Pakistan witnesses clash of individual interests where the individuals used the constitutional power of the institutions that they held to bring down the rivals.

Democracy is nurtured when the institutions respect each other and do not interfere in the jurisdiction of others. Instead of making efforts to resolve differences, the Prime Minister started maligning the judges in his speeches. On this count, the Chief Justice Sajjad Ali Shah issued a ‘contempt of court’ notice to the Prime Minister. Nawaz was the first democratic leader who had been served a contempt of court notice by the SC. This serious conflict between the Prime Minister and the Chief Justice paralysed the judicial system in the country and political chaos ensued. Nawaz and the CJ were both in need of the COAS’s help to defuse the issue. Although Karamat tried, the issue of court of contempt could not be resolved simply through mediation.

A direct conflict between the executive and the judiciary created political uncertainty in the country. The situation worsened when a pro-government mob, including PML-N parliamentarians, attacked the Supreme Court on 27 November 1997 during the hearing underway at the Supreme Court against the Prime Minister for the contempt of court, which could potentially end in the disqualification of Nawaz, if the Court decided to hold him in contempt. This attack on the Supreme Court was a threat to the personal safety of the judges and against the respect of the Supreme Court. Under attack from the Executive, the Chief Justice wrote a letter to the COAS to protect the judges. Nawaz Sharif also wanted the help of COAS and the President in sacking the Chief Justice. Nawaz wanted to punish Justice Sajjad Ali Shah
for attempting to disqualify him and to put him in jail. However, Laghari did not want to act unconstitutionally. This made Nawaz rather unhappy. He sent a message to the President asking him to quit or face impeachment. Therefore, the President decided to resign. The next elected President of Pakistan was Rafiq Tarar, who was a nominal head. Now the Prime Minister was more powerful to assert his authority. He got a petition registered in Balochistan registry of the Supreme Court against Justice Sajjad Ali Shah pleading that he was appointed in violation of the decisions of the Supreme Court—which was not according the famous judges case. The SC declared his appointment as illegal in December 1997 and Justice Saeed Zaman Siddiqi took over as the new Chief Justice of the Supreme Court. Knowing fully well that Nawaz was hostile towards Benazir; she exiled herself to avoid being dragged into the courts of Pakistan. Zardari was not fortunate enough to escape. He was rounded up and put in jail to face corruption charges. He spent the next eight years in prison without having been convicted in any case.

Nawaz’s democratic government confronted many challenges domestically. Repealing of the 8th amendment, Nawaz’s confrontation with the judiciary and ultimately Laghari’s resignation under pressure endangered the democratic regime. Now, the Prime Minister exercised absolute authority without any check or balancing power of the President. Consequently, political arrangements were out of balance. After Zulfiqar Ali Bhutto, Nawaz was the second Prime Minister who emerged as the most powerful civilian ruler. Nawaz wanted to modify the legal system and introduced the Sharia bill, as alluded to above. This bill became a topic of heated debate in the Supreme Court and the military elite also started having serious reservation about Nawaz’s political style. The military wanted a well-balanced political system in the country, where power was checked and balanced by other institutions. During this internal crisis in the country, the military elite felt that the NSC could play a significant role. General Karamat was reluctant in communicating that the military would henceforth be involved in politics, but he was forced to do so in a meeting of the Corps Commanders on September 19, 1998 at the GHQ. Discomfort between the military and civil government rose high when the COAS floated the idea of NSC in his lecture at Naval War College in Lahore on October 6, 1998. At that time mainly

---


153 Benazir Bhutto ignored two senior judges and appointed Sajjad Ali Shah.
due to the professionalism of Karamat, the military thought it was not right for it to directly step into the political domain because it deemed governance and politics as civilian affairs.\textsuperscript{154}

Nawaz was protective of his powers that even the idea for NSC was considered a political intervention on the army’s part. The COAS was invited to explain his ideas on NSC to the prime minister. In the meeting, Nawaz was not convinced by COAS’s explanation, which compelled Karamat to resign. In a letter to his colleagues, Karamat mentioned, “I did explain my point of view to the PM, but he felt that such a statement was not warranted. I have, therefore, decided to step aside and make way for fresh leadership with best interest of the security of our country.”\textsuperscript{155}

On October 7 1998, Nawaz appointed General Musharraf as the next COAS, bypassing the senior Lt. General Ali Quli Khan. Musharraf was in reality an over-ambitious soldier, hence not suited for the highest post. Nawaz made a grave error of judgment in appointing Musharraf as the COAS and later paid a heavy price for it.\textsuperscript{156}

Musharraf, the new COAS decided to continue the same policy on Kashmir regarding the Line of Control (LOC) as Pakistan had held previously. Within the military, he made a clear policy for the senior commanders ordering everyone to stay away from politics and politicians and only the COAS would interact with the government.\textsuperscript{157} Nawaz’s regime wanted to strengthen the administrative structure of the country. The new army chief was asked to help the government to assist civilians in checking WAPDA meter readings and exploring the full extent of ghost schools in Punjab. Musharraf provided the requested cooperation to the civilian leadership and this working relationship continued for a year. Beyond one year, the civil-military relations began to deteriorate.

Relations became tense after the Kargil incident in 1999. Musharraf went on an undeclared war with India in Kargil. He did not bother to get an approval from the government. Nawaz and his team were not briefed on the offensive prior to its initiation, which was a fundamental requirement of starting a war.\textsuperscript{158} The one miscalculation made by the military elite, though, was

\textsuperscript{154}Shuja Nawaz.498.
\textsuperscript{156}Amjad Shoaib.
\textsuperscript{157}Shuja .Nawaz, 501.
\textsuperscript{158}Amjad Shoaib states that it is the government to launch war and core team is always on board that includes Finance minister, interior minister, and foreign minister.
the unprecedentedly strong response from India. Musharraf was still determined to continue war with the Indian forces in Kargil. Unfortunately, Pakistan could not get any diplomatic support from China or America. China stressed on bilateral dialogue and on the other hand, the Clinton administration was unhappy and concerned about the Kargil operation, fearing a nuclear fall-out in the region. Internationally, Pakistan had failed to achieve diplomatic sympathies, let alone help. China disapproved and the US government felt it was a very irresponsible act coming from a nuclear power that could lead to full-blown war. Nawaz had no choice, but to agree to withdraw Pakistani troops from Kargil as per US demand.\(^{159}\) The Kargil conflict became a bone of contention between Nawaz and the military leadership. Nawaz’s decision of withdrawal from Kargil was perceived as ‘betrayal’ by the army and created unrest and resentment among them.\(^{160}\)

In fact, Nawaz made a rational choice to withdraw from Kargil, as both Pakistan and India were nuclear powers and a local conflict had the potential to spiral out of control. After their nuclear tests in May 1998, Pakistan had faced sanctions internationally. Nawaz’s efforts for normalization of peace with India were derailed by Musharraf, the then COAS, with the Kargil misadventure. The military’s image had been tarnished and it had suffered heavy loss of life of its soldiers due to the unexpected withdrawal of forces. After Nawaz’s apparent non-cooperation with the military elite, civil-military relations became fraught with hostility and mutual mistrust. Musharraf could guess that Nawaz was capable of removing him from office any time, so Musharraf and other senior military officers had already decided that any move made by Nawaz against the military would be reverted and the military would takeover.\(^{161}\) On October 12, 1999, as Musharraf was on his way back from Sri Lanka to Pakistan, Nawaz decided to sack him and appoint DG ISI Lt. General Zia-u-din Khawaja as the new COAS. Assuming too much power and ruling without constraints cost Nawaz his regime. Riding the high horse of power, he had not expected a negative reaction from the armed forces and assumed that they would readily accept Zia-u-din. However, the Commanders decided to take over before Musharraf’s plane landed in Pakistan and that reversed the second democratic transition. After this, the military controlled Pakistan and its politics for the next decade.

3.3.3 Fourth Military Regime

\(^{159}\) Riaz Khokhar.
\(^{160}\) Rashid Qureshi.
\(^{161}\) Ibid.
One of the sad facts of Pakistan’s political history is that whenever a strong civilian prime minister had attempted to assert his constitutional supremacy, he paid a political price. Nawaz wanted to exercise his constitutional powers over the security establishment and so he lost his office. The fourth military coup, which brought Musharraf into power, was the first of its kind for having taken place in the absence of COAS in Pakistan. The senior Generals Sayed Zafar, who was also acting COAS, General Aziz Khan and General Mehmood Ahmad, executed the coup. Musharraf, who feared that he might be sacked by the Prime Minister, had already planned this coup.

Musharraf did not make any promises to the nation of holding elections to transfer power to the peoples’ representatives, like his predecessors. From the first military ruler Ayub Khan to the fourth (last one) Pervez Musharraf, all military rulers have spoken from the same script, about why they took over and how bad the economic and political conditions of the country were prior to their take-over. The military has been projecting itself as the saviour and the “guardian” of the state, intervening ‘only to put the country back on the rails’ and push it forth towards economic progress and better governance.

As discussed earlier, judiciary in the past validated and legitimised military takeovers and military leaders themselves used to seek help from the state’s legal custodians to protect and legitimize themselves. However, a section of the judiciary during Musharaf’s time refused to validate his takeover and preferred to lose their jobs than to validate unconstitutional acts. When Musharraf issued the Provisional Constitutional Order (PCO) in December 1999, six out of the nine judges including the Chief Justice, refused to take fresh oath of office and therefore, were removed from office. The two-thirds of the new judges of the Supreme Court comprised of judges who had been handpicked by General Musharraf for himself. Justice Riaz Ahmad Shaikh was appointed as the Chief Justice of Pakistan (CJP). Justice Shaikh validated the military coup and SC granted three years to bring about reforms and even amended the constitution for this

---

162 Rashid Qureshi.
164 *Dawn*, October 18, 1999.
purpose. With this order, the fourth military regime was given a constitutional cover, repeating the familiar pattern of military takeover of the past and judicial validation.

Musharraf had done much to consolidate his stranglehold over power, but the re-insertion of an article through the 17th Amendment was perhaps the most fundamental to his programme of guided democracy. Musharraf restored Article 58-2 (b), which empowered him to dissolve the elected Prime Minister and the Assemblies. Moreover, Musharraf wanted to bar the entry of Bhutto and Nawaz Sharif into politics and the 17th Amendment was the perfect solution. This amendment stopped both the politicians from becoming Prime Minister a third time. Musharraf had political support to prolong his rule.

It had long been a desire of the military to establish the NSC. Civil-military relations strained in 1998 when COAS Karamat proposed the formation of NSC. Musharraf created NSC in 2004 with greater representation from the Armed Forces, along with the provincial chief ministers and the Prime Minister as its members. NSC was to guide, control and supervise the elected governments in the future and had the power to recommend the dismissal of a government at the provincial or federal level. PPP and PML (N) opposed the bill but pro-Musharraf parties supported the bill.

3.3.4 Problems to Musharraf Regime: End of the Military Rule

Like his predecessor Gen Zia, Musharraf also held elections to pave the way for democracy. The pro-Musharraf PML-Q emerged victorious, winning 118 seats out of the 342 in NA. The new alliance of religious parties, Mutahida-Majlis-e-Amal (MMA) also scored a substantial number of seats in the National Assembly, sweeping most of North Western Frontier Province (NWFP). Zafarullah Khan Jamali was nominated as the Prime Minster of Pakistan by PML-Q. Later the internal political crises over Musharraf’s constitutional amendments and a deadlock between the opposition and government developed distrust between jamali and President Musharraf. This civil-military tiff led to Jamali’s resignation in June 2004 and his cabinets were dissolved. Thus,

---

Jamali was first victim of National Security Council headed by the military ruler and was believed as another attack on democracy though that was a ‘controlled democracy’. 

Musharraf wanted the next prime minister to be a likeminded man, so he selected Shaukat Aziz for the job and had him flown in from America. Aziz was a technocrat with absolutely no prior experience of running the government. In this new regime, Musharraf and Aziz were both the main decision makers on external and internal issues. Musharraf and his democratic government used power against Akbar Bugti in Baluchistan and Clerics in Islamabad in 2006-2007. These two incidents increased extremism and terrorism in the country. Politically, he was weakened when he dismissed CJ Iftikhar Chaudhry in March 2007. Anti Musharraf parties were united to support Chief Justice in 2007 and the movement of restoration was successful.

To curtail the military’s power in future, for the first time, two major parties agreed to work for democracy. In May 2006, Nawaz and Benazir decided to sign a Charter of Democracy (CoD), which among other things, called for the restoration of the 1973 Constitution, a new election under an interim setup, removal of General Musharraf and an independent Election Commission. This was a bold political move and was to strengthen the opposition forces and put greater pressure on Musharraf to re-examine his political ambitions.

3.3.5 National Reconciliation Ordinance (NRO): A Political Compromise

Ironically, Pakistan’s political history is full with political compromise but NRO had changed the political map. The basic purpose of NRO was ‘political reconciliation’ but it appeared as a ‘political deal’, a compromise between President Musharraf and Benazir Bhutto. The political environment eventually became too challenging and troubling for Musharraf as political parties were putting pressure on him to quit as COAS. However, Musharraf wanted another term as president. On August 8, 2007, he decided to impose Martial law in Pakistan, but the US Secretary of State Condoleezza Rice and Richard Boucher, the then Assistant Secretary, intervened. They played a pivotal role in suggesting a political deal with Benazir, who was in exile. The credit of bringing Musharraf and Benazir on the same page and to sign the political agreement goes to Rice. The US had sensed that both Musharraf and Benazir were suitable to

---

A senior military officer shared his view with author that Jamali was reluctant to introduce bill for NSC although bill was passed Musharraf decided to get rid of Jamali who was considered ‘yes boss man’. But Jamali asserted himself and not fully supported his policies that annoyed Musharraf.
moderate and share power in Pakistan.\textsuperscript{168} In addition to the US secretaries, the ISI DG Lt. General Ashfaq Pervez Kayani also played a key part in mediating between Benazir and Musharraf. Benazir wanted to participate in the coming elections of 2008 and also wanted the cases against her and Zardari to be dropped before she reached Pakistan Musharraf wanted Benazir’s support. NRO was issued a day before the presidential election; in return, Musharraf got political support from PPP.

On 6 October 2007, Musharraf was elected president for another five years, but to obtain his powers he had to obtain legitimacy from the Supreme Court. The frequently wronged judiciary challenged Musharraf on holding dual office.\textsuperscript{169} Impatient to resume power, Musharraf did not wait for the SC’s decision and imposed emergency on 3 November 2007. The sixty judges who could nullify his act of emergency were sent home, including CJ Iftikhar Chaudhry. After this monumental move, Musharraf declared that upcoming election for the transitional democracy would be held on 15 February 2008. Before the elections, he appointed General Ashfaq Pervez Kayani the new COAS, on 29 November 2007. Strategic politics of reconciliation paved the way for Benazir and Nawaz to return home from exile and participate in their elections campaigns. After a decade, Benazir returned to Pakistan. She strongly criticized the Taliban and their policies in FATA, where they had challenged the writ of the government. She was killed on 27 December, 2008 during election campaign. Benazir’s death changed the face of politics in Pakistan, giving way to a new era of civil-military relations under Zardari’s leadership between 2008 and 2012. The following new democratic regime will be discussed in the next chapters.

\textsuperscript{169} Declan Walsh, 2007.
Chapter Four

Politics during Zardari Regime: Internal Factors

This chapter explains political developments after the 2008 elections. The focus is on how Zardari assumed leadership of the PPP and developed consensus with the Pakistan Muslim League Nawaz (PML-N) to remove Musharraf from power. Pakistan’s post-military politics always takes a new shape because the party leaders succeeding the military rulers wanted to implement their own agenda. In facing old challenges, they offered new solutions, but never brought about any fundamental change. Not all post-military leaders were powerful political figures. Zardari was very different. Having lived in the shadow of Benazir Bhutto, his spouse, Zardari emerged and assumed the mantle of leadership of the party after Benazir Bhutto’s death. He proved to be pragmatic deal-maker. He used good tactics to formulate a coalition government by winning support of other political parties. Zardari worked with Nawaz Sharif to oust Musharraf from power. He inherited internal and external challenges after coming into power, but getting rid of Musharraf, whom he accused of being responsible for the murder of Benazir was one of his political priorities. Musharraf was elected President equipped with the constitutional power to dissolve the assemblies and remove elected governments. His election was facilitated by the PPP as a bargain over the National Reconciliation Ordinance that Musharraf had issued and made it part of the constitution to put an end to corruption cases against the leaders of PPP.

The lawyers’ and civil society’s movement for the restoration of the judges of the Supreme Court that he had removed and put under house arrest weakened Musharraf. There was a strong public sentiment for an independent judiciary. Stability and better economic conditions had added great numbers to the middle class, energised civil society and free media emerged under Musharraf’s liberal policy. Institutional conflict, like in the past had destabilised the military-driven political system. But military continued to retain dominance in important policy areas, including security and defence issues and foreign policy. Like other military or democratic leaders in the past, Zardari government’s interest in escaping accountability conflicted with the movement for the restoration of an ‘independent’ judiciary.’ The executives of every regime in Pakistan have attempted to assert their supremacy over the judicial and bureaucratic organs of the state. Despite
challenges, Zardari made concerted efforts to establish civilian supremacy. Never was this assertion of civilian authority in pursuit of public interests; rather it was meant to strengthen his power position in the system. He used state resources to patronise coalition partners, his party and cronies that led to massive corruption, inefficiency, lack of policy and decline of the governing capacity of the state institutions. The serious crisis of governance that the Zardari government created enhanced the military’s capability to intervene in politics without directly taking over power.

Under the Zardari regime, the military developed a new doctrine, which may be termed as the “Kayani doctrine”. The underlying assumption of this doctrine is that the military can, and should, dominate some vital areas and influence the direction of the government instead of directly taking over the country. The military found Zardari caving in under pressure when it was enough and consistent.

4.1 Background of Zardari

Zardari has always remained a controversial figure in Pakistan’s politics, mostly for corruption and dubious financial and political deals. He was never popular with the Pakistani public. The sympathy vote for the PPP after the assassination of Benazir Bhutto facilitated his position in PPP to emerge as a party leader and thus his rise to power. Reluctantly, the state institutions, including the military accepted him as the 11th President of Pakistan and constitutionally, the Supreme Commander-in-Chief. Zardari’s politics of reconciliation had brought all politicians on the same page that they would not accept any military ruler, Also, the Supreme Court of Pakistan was determined that any military rule would be denounced and judiciary would not issue any verdict, validating martial law under the ‘doctrine of necessity’; a relief the military was provided in the past by the superior judiciary.

Before we discuss the Zardari regime, it is important to know Zardari’s own background in order to understand his regime properly. Zardari hailed from Baloch Zardari tribe from Nawab Shah, Sindh. His marriage with Benazir Bhutto provided him a political base, though his father Hakim Ali Zardari had been in the ‘left’ politics. He was an elected MNA and was made Minister for

---

170 Interview of Major General Athar Abbas.
171 Interview with Tariq Mahmood, Retired Justice Supreme Court of Pakistan.
Environment by Prime Minister Benazir Bhutto during her second tenure (1993-97). Benazir Bhutto knew about Zardari’s involvement in corruption and nepotism but she turned a blind eye to her husband’s illegal and corrupt affairs and his misuse of her position and office. The man whose background was known as “corrupt” received millions in kickbacks from a gold importing company, involved in money laundering and accumulated 40 million dollars in Citibank in the United States. It was not only corruption that occurred at a massive scale, but also employment of state power to harass and victimise political opponents in Sindh in particular.\(^{172}\) Zardari’s qualifications remained a question mark. He himself was unaware about his educational degrees. Once he said that he had attended the London School of Business Studies and he thought that he had earned a B.Ed. degree.\(^{173}\) Neither had he been in public service or done any political work as an activist. His qualification was that he was spouse of the Prime Minister. Because of his deep influence over Benazir, he dictated the choices of vital administrative postings and transfers and even selection of members of cabinet in the provincial administration. After the military takeover by Musharraf, Benazir left for Dubai and remained in exile. Benazir returned as a part of political bargain with Musharraf in the fall of 2007 to participate in the 2008 elections, something Musharraf claims he had advised her against because of the domestic security situation and to keep the promise of staying out of the electoral run. The tragedy struck and she was assassinated in December 2007. Under Musharraf, Zardari remained in jail facing tens of corruption cases. He was released as a part of Benazir-Musharraf secret pact.

Released after eight years of prison, Zardari went to Dubai and returned after Benazir’s assassination. Indeed Bhutto’s assassination provided him an opportunity to fulfil his political ambitions. He emerged as a powerful politician after Bhutto’s assassination and used Bhutto’s slogan “democracy is the best revenge.” Shafqat Mahmood sates, “Zardari had least concern about people’s welfare or national interest. Knowing where Zardari’s heart and mind was focus on—corruption—the military decided to restrain him by not giving him a free hand to run the country.”\(^{174}\) Even before entering into President House, it was widely speculated that Zardari would use his office for nepotism and corruption.

### 4.2 General Elections 2008

\(^{173}\) Jane Perlez.
\(^{174}\) Interview of Shafqat Mahmood.
The 2008 elections were unique because these elections changed Pakistan’s political history. Benazir Bhutto’s assassination had dramatic impact on voters’ behaviour and the outcome of the elections. The PPP won more seats in the Parliament than its close rival, the PMLN, and hence, formed the government. Internal political environments paved the way for Zardari to emerge as a powerful political boss, and later, as a very powerful President of Pakistan. General elections were announced by Musharraf to be held in January 2008. Musharraf had made a political deal with Benazir Bhutto under NRO and wanted to be re-elected with Bhutto’s support. In fact, General Musharraf had made plans to win the general elections but the new COAS would not support him and detached the ISI from politics that was unexpected for Musharraf. It was unfortunate for Musharraf that his compact with Benazir Bhutto did not hold ground either. Serious differences occurred between Musharraf’s government and Bhutto on two counts. First, was her return before elections and second, when she escaped a suicide bomb blast attempt in Karachi. Benazir blamed Musharraf government that had announced that it would not be in a position to provide security for her arrival. Benazir became more popular in Pakistan after deadly attack on October 18, 2007. Musharraf’s party PML-Q lost its popularity and also elections later on. The former Prime Minister Yousaf Raza Gillani said, “we did not claim to come for change. Benazir Bhutto was the victim of terrorism and people gave mandate to her party and we formed the government and military dictator and his party was defeated by the people of Pakistan.”

Musharraf was reluctant to hold elections and had feared to lose his power, which proved to be true. The Bush administration had quietly pressurized Musharraf to be “back on the democratic path” and reconcile with Benazir. Pakistan’s elections and democratic changes have always remained important for the US to ensure that its interests would be protected. In brokering an agreement between Benazir Bhutto and Musharraf, the Bush Administration had promised Benazir that elections would be fair. To ensure this, the US government sent its observers to oversee the election process in Pakistan in February 2008 to ensure transparency. The United

---

175 General Mirza Aslam Beg.
176 Gillani and Gilani, both are spelled in Pakistan.
177 Interview of Yousaf Raza Gillani.
178 Interview of Ishtiaq Ahmad, Secretary, Election Commission of Pakistan
179 Ibid.
States had been helping Pakistan to develop democratic institutions. To this effect, it provided $26 million of aid to democracy program, including 430,000 transparent ballot boxes.\textsuperscript{180}

Opposing Musharraf’s action against the judiciary and judges, Benazir Bhutto was committed to restoring the judges ousted by Musharraf. Against his wishes, she wanted to implement Charter of Democracy that she had signed with Nawaz Sharif. She had made it clear that she would take decisive action to bring peace to Federally Administered Tribal Areas (FATA) and in the country by eliminating Talibanization from Pakistan. Internal and external militants groups perceived her as a serious threat for their existence, so they planned to assassinate her on December 27, 2007. However, Bhutto’s assassination remained controversial. Zardari continued to blame the then ruling party, the PML-Q presenting itself as a political front of Musharraf, but he himself could not investigate during his Presidency. Bhutto’s assassination had changed Pakistan’s internal political environment and public opinion. Her party gained sympathy vote in general elections 2008 and incumbency factor did not even affect the PPP now controlled by Zardari.\textsuperscript{181} Not even his image of the most ‘corrupt’ political figure hurt PPP’s constituency. Except in Punjab, PPP and its electoral alliance won elections in Khyber Pakhtunkhwa (KP), Sindh and Balochistan.

Musharraf held general elections in Pakistan on February 15, 2008 under the ruling party PML-Q, guided by him. Three major national political parties had mixed-mandate and not a single party was able to form the government without political alliance. Zardari made alliance with PML-N, MQM, and ANP. It was the first time in Pakistan’s political history that all political parties did not want to give space to the military so they supported Zardari in forming a new civilian government after a long military rule. Zardari and Nawaz Sharif, in the first year, worked together under the general spirit of the Charter of Democracy.

4.3 Politics of Compromise

Disagreement and differences are natural part of the political process. The reason is that factions within the parties and the parties themselves compete for power and influence. All of the actors have their own interests to pursue. Therefore, clash of interests is a normal part of the politics, as parties and groups promote and protect their respective interests. This requires

\textsuperscript{180} K. Alan Kronstadt, (2008), 21.
\textsuperscript{181} Tahir Mehti, (2013).
compromise, reconciliation and a tradition of give and take.\textsuperscript{182} In transitional democratic period, it was the first time that two major political parties, which never had been political partners in the past, made a political compromise to settle their differences and jointly resist the influence of the military. Both the PPP and PML-N agreed on a political deal—the League will not destabilise the federal government of the PPP and the PPP will not undermine the power of the PML-N in the Punjab. Since the days of heavy party mandate were gone, the parties had to work together to keep the military at a distance. Zardari’s party, PPP, could not achieve heavy mandate despite people’s sympathy vote in general elections. As the following table shows, Zardari’s party was able to secure only 88 seats in the National Assembly.

\textbf{Table no.1}

\textbf{Elections 2008: Outcome}

<table>
<thead>
<tr>
<th>Party</th>
<th>National Assembly</th>
<th>Punjab Provincial Assembly</th>
<th>Sindh Provincial Assembly</th>
<th>NWFP</th>
<th>Balochistan Provincial Assembly</th>
</tr>
</thead>
<tbody>
<tr>
<td>PPP</td>
<td>88</td>
<td>77</td>
<td>66</td>
<td>18</td>
<td>7</td>
</tr>
<tr>
<td>PML-N</td>
<td>66</td>
<td>102</td>
<td>0</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>PML-Q</td>
<td>38</td>
<td>64</td>
<td>10</td>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>MQM</td>
<td>19</td>
<td>0</td>
<td>36</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>ANP</td>
<td>10</td>
<td>0</td>
<td>2</td>
<td>29</td>
<td>2</td>
</tr>
<tr>
<td>MMA</td>
<td>5</td>
<td>2</td>
<td>0</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>B NP</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Independent</td>
<td>41</td>
<td>39</td>
<td>11</td>
<td>16</td>
<td>10</td>
</tr>
</tbody>
</table>

\textit{Source: Election Commission of Pakistan}

\textsuperscript{182} Compromise becomes the essence of politics because interest impels men. For detail see T.V. Smith, \textit{The Ethics of Compromise and the Art of Containment}, (Boston. Starr King Press 1956),44-45.
With a low mandate, Zardari was unable to form his government without political support and Nawaz Sharif was the best option to annoy President Musharraf who had dismissed his government in 1999.183

The only factor which brought Zardari and Nawaz Sharif so close, was General Musharraf’s presence in the Presidency possessing with the power of 58-2b. It compelled the mainstream political parties that their survival and consolidation of democracy depended on their unity, while polarisation and confrontation would work against their common interests.184 Nawaz Sharif returned in politics after a long time and many politicians had spent their lives in jail during military regime. Major political parties had learned from the past and reached a consensus that they would not give opportunity to the military to rule again. This political approach changed the political map in Pakistan and both Zardari and Nawaz Sharif decided to make a political agreement at Bhurban in Murree, which is called Murree Declaration (see annexure -1), to share power at the centre and take a path of compromise and accommodation.

4.4 Personal Preferences for Premiership

By the standards of developing democracies, the 2008 elections were comparatively fair and transparent. The PPP had emerged as a major party in National Assembly when Musharraf was still the President. He did not want Zardari to be the next Prime Minister of Pakistan. Before the elections, he had rejected Rehman Malik’s proposal to make Zardari a next Prime Minister.185 Zardari was not acceptable to Musharraf and the military because of his corruption, character and the fear that he could be manipulated by the foreign powers. President Musharraf’s preference was late Makhdoom Amin Faheem, one of the top leaders of Zardari’s party. He was the Vice-President of PPP and the most senior member in the party and hailed from Sindh, the home province of Zardari. He was acceptable to the military. Fahim had a meeting with Musharraf that alarmed Zardari and other party members. Zardari could not trust Fahim because he had Musharraf’s support.186 Nawaz Sharif also opposed Fahim’s candidacy because of his contact with Musharraf. As Chairperson of the Party, Zardari wanted Prime Minister from Punjab to gain vote bank for future elections. Therefore, he nominated the former speaker of the National

183 Interview of Zahid Hussain. Senior journalist and author
184 Interview of (Retd) General Hameed Gul.
186 Ibid.
Assembly, Yousaf Raza Gillani. Gillani was elected the 23rd unopposed Prime Minister of Pakistan with every party supporting him in the National Assembly.

Gillani was acceptable to Musharraf as a compromise candidate. Soon President Musharraf and Prime Minister Gillani found themselves on opposite paths on many issues. Gillani was never an independent Prime Minister, he was his master’s voice—the voice of Zardari to whom he owned his power and could retain it as long as the boss was pleased with him. Since coming to power as a result of coup in 1999, Musharraf had to work with opposition governments at the centre and in the Punjab where PML-N had formed the government. Prime Minister Gillani was the political target during Musharraf regime and had been in jail in corruption cases. The PML-N and its leader, Nawaz Sharif were not only ousted from power by Musharraf but were humiliated, jailed and tortured by Musharraf. Javed Hashmi a senior PML-N party leader was put in jail when he criticized the military rule in Pakistan. PML-N did not want Musharraf to continue as President. Zardari however, declared that he would work with Musharraf and would introduce new political culture in Pakistan’s history—a culture of compromise and reconciliation. That alarmed the party leadership, but no one in his party could dare to challenge his position or power.187

4.5 Domestic Politics and American Influence

There has been a widespread perception in Pakistan that the US has exercised great influence over political developments in Pakistan, directly and indirectly. It is believed that the only exception was late Prime Minister Zulfikar Ali Bhutto. President Musharraf, like former heads of military regimes, aligned with the United States whenever they found an opportunity and Musharraf found it in American-led war in Afghanistan in 2001. Musharraf supported the American War on Terror in Afghanistan and the region by providing bases, transit route, intelligence support and active involvement in arresting Al Qaeda and some Taliban leaders and handing them over to the US. In return, President George W. Bush supported Musharraf’s military regime. Encouraged by the White House, Musharraf met secretly with Benazir in Dubai to see if they could reach a deal.188 After elections, the US Ambassador in Islamabad had frequent meetings with politicians which established an impression in Pakistan that the US government was supporting Zardari and his party. The US ambassador had a meeting with

187 Interview of Farhatullah Babar
188 Ibid.
Zardari on the same day when PPP and PML-N signed the agreement in Murree. Zardari assured the US ambassador, Anne Patterson that he would not restore CJ Iftikhar Chaudhry. Also, the Chief Justice Hameed Dogar, an unscrupulous judge with a long history of loyalty to Zardari, would not be removed. Zardari also assured the US ambassador that he would continue to work with President Musharraf and his party PML-Q but excluding Chaudhry Shujaat and Chaudhry Pervaiz Elahi. Justice Tariq Mahmood is correct in arguing that, “in fact the US wanted President Musharraf to continue but it was unfortunate that his party lost and the two major rival parties PPP and PML-N had to determine his political fate”.189

Musharraf was the third partner of the US in the 4th military regime (1999-2008). Musharraf did his best to continue his partnership with the US government and satisfied the Bush Administration by providing every support at the expense of displeasing his own nation. It was demonstrated by the defeat of his party in the 2008 elections that witnessed the victory of his opponents into power. This political change after a decade provided an opportunity to the US government to help the new civilian government so that they could collaborate against war on terrorism, which has been a primary interest of Washington. The US wanted free and transparent elections in Pakistan to ensure that democratic system in the country be restored but also making certain that it would not change Pakistan’s support to the US in its war on terror. Many American observers monitoring the elections process certified it as impartial, free and fair elections. They appreciated the role of army and the Elections Commission.190 After the elections, Bush Administration was keen to develop relations with the new civilian government, now under the control of Zardari. The US government did not support Musharraf when Zardari and Nawaz Sharif decided to impeach him. Also, the US did not ignore the role of military and continued its strong partnership with the army and ISI until the Abbottabad and Salala incidents happened.

Under the guise of Kerry-Lugar Bill (discussed in Chapter six), the US Administration wanted to change the security architecture of Pakistan. There was a thin veil of supporting the civilian government on the pretext of non-military economic assistance to subvert the national security of Pakistan. Clauses related to this purpose annoyed the Pakistan’s military. It feared that that Zardari regime will acquire power through American support to interfere in the internal affairs of

189 Tariq Mahmood.
190 Ishtiaq Ahmad.
the country and the security establishment.\textsuperscript{191} The Pakistan military has defended its professional autonomy, merit and influence over national security matter.\textsuperscript{192} It was able to build up lot of pressure through the cooperation of media and the opposition political parties, and also on the US to get those sections of the Kerry-Lugar Bill changed. In this whole episode from conception of the Bill to its realization, the military remained very watchful and was able to prevent Zardari from gaining influence over the internal affairs of the military.

4.6 Political Games of Zardari and Musharraf

Contrary to this behind the scene political bargain that he would collaborate and cooperate with President Musharraf, Zardari had other ideas on his mind. He conveyed his inner feeling of contempt for Musharraf when he refused to attend the oath-taking ceremony of Prime Minister Gillani because Musharraf was going to administer it. PML-N also declined to accept the ministries because PML-N members did not want to take oath by Musharraf. This was a first sign of political defiance of the two major political parties against the military ruler. Two members of the PPP, Raza Rabbani and Shah Mahmood Qureshi also refused to take oath. In spite of the differences with mainstream political parties and their leaders, Musharraf vowed to continue to work with the new government for stable democracy, a contradiction in itself, as he had destabilised democracy in 1999. However, Prime Minister Gillani was not comfortable to work with him because Musharraf believed civilians are incompetent and Prime Minister belonged to a rival party, the PPP. On the other hand, he knew that the elected government had power of the people behind it. But the real power, which Musharraf could exercise was of article 58-2b, which in fact was a real threat to the government, as he had the power to dissolve the assemblies.

Therefore, Zardari and Nawaz Sharif agreed to remove Musharraf to continue democracy without any interruption. General Kayani supported democratic process and did not allow the intelligence agencies to intervene in elections but he could not stop President Musharraf to use his constitutional power. In the past, the PPP and PML-N both were dismissed under 58-2 (b). In1990s, political rift and strong opposition to each other was one of the main causes of

\textsuperscript{191} Jane Perlez, (2009).
\textsuperscript{192} Interview of Talat Masood
military’s intervention and removal of civilian government. Print media reported that General Kayani had distanced himself from Musharraf as much as possible in order to isolate him from the security establishment. He also directed the generals to seek his permission to meet Musharraf.

From the actions that Zardari took after assuming power, it is not difficult to draw one conclusion that he was impatient in exerting control over the entire state apparatus. He appeared to be impatient in controlling the security establishment. Zardari wanted overnight dominance over the ISI and the military.

The ISI is the most powerful intelligence agency and has been recognized by the world as such. It has played a key role in Afghanistan during and after the Cold War. However, its role in internal politics to ‘protect’ the national interests has been controversial. All civilian governments in the past attempted to control the ISI, which formally is under the control of the Prime Minister of the country. But for the first time, as being a party Chairman and without holding any formal public office as such, Zardari wanted to bring the ISI under his control through his government headed by Gillani. Theoretically, Zardari wanted to implement the political agreement, which was signed between Benazir Bhutto and Nawaz Sharif, [both were exiled and had been failed to complete their tenure in London] in 2006, but practically he wanted to secure his politics and operate without any checks by the ISI that the agencies has applied indirectly. All civilian governments that came into power in the past tried to take control of the ISI, which the army would never allow to happen fearing that the agency would become politicized and ruined like Police and Intelligence Bureau (IB). In the past, all military rulers and one civilian Prime Minister Zulfikar Ali Bhutto used ISI for political purposes.

A brief account of the ISI is necessary here. The ISI is considered as a “semi-military ” organization it was created in 1948 to focus on India. After the martial law of 1958, three agencies IB (Intelligence Bureau), MI (Military Intelligence) and ISI were directly controlled by General Ayub Khan. These agencies worked to compete with one another to please the military ruler. Zulfikar Ali Bhutto, the first powerful civilian Prime Minister had created a political cell in the ISI through an executive order and used ISI to rig the elections of 1977. For doing this, he

---

193 Hamid Gul.
194 Athar Abbas.
appointed Lt. General Ghulam Gillani who was more loyal to General Zia than Bhutto. These two decisions caused Bhutto’s downfall. Another security agency MI played its role to dismiss the two Benazir Bhutto’s led governments in 1990 and 1996. First direct confrontation between the government and the military establishment occurred when the Benazir Bhutto changed the DGISI General Hameed Gul and appointed General (retired) Abdur Rehman Shams Kallu who had been close to her father. The ISI officials refused to work with the newly appointed DG”.

On the other hand, General Kallu was not invited in the Corp Commanders conferences, thus the COAS General Beg isolated by keeping it out of the institutional loop. Several tasks on internal and external policies under the jurisdiction of the ISI were transferred to the MI”. Former DG ISI General Hameed Gul stated the power of DG ISI and COAS as follows:

The DG ISI is considered the most powerful ‘spy’ man in the country but he has to collaborate with COAS. If the appointment of DG ISI is not endorsed by COAS, it creates a gulf between the military and the civilian government. There was a similar problem when Prime Minister Nawaz Sharif appointed Lt. General Zia-u-din Khwaja as the DG. He was ignored by COAS Musharraf. Khwaja was not part of any Corp Commanders Conference. As a result Nawaz could not know the military’s policy about Kargil conflict in 1999. In this respect Musharraf as COAS continued Beg’s policy i.e. ‘ignore the civilian leaders’.

The ISI has played a very significant role in politics during transitional democracy. The civilian governments tried to control but they have never been successful in such an endeavour. Ironically, the same politicians have sought patronage of the ISI to access power, and the ISI facilitated them to play the political game as puppets. For instance in the 1990 elections, the ISI provided funds to the politicians and supported the formation of the IJI alliance led by Nawaz Sharif, the most powerful political rival of PPP.

Knowing the historical political role of ISI, every Prime Minister has tried to replace the DG ISI whenever they assume that the internal, external, political and security dynamics were favourable to them for such a move. At the end, they saw every effort failing. The powerful agency has

---

197 Fredric Grare, (2009), 18.
199 Grare, 37.
200 Hameed Gul.
never been controlled by any civilian government despite the fact that agency comes under Prime Minister. The contradiction is that it essentially works with army for the nature of its job. The DG ISI has direct connection with COAS and briefs him on intelligence and security matters. Although the DG ISI is constitutionally bound to report to the Prime Minister but during Memogate scandal, General Pasha who was heading the ISI ignored Prime Minister Gillani and submitted his report to COAS (discussed in Chapter six). Zardari attempted to bring ISI under the interior ministry because he and his government knew that the ISI had played a role in removing Benazir’s government twice in the past, and it feared that it could destabilize the PPP’s government again. Zardari complained that he was tortured by the ISI when he was in jail. But the problem was that he wanted to reform this institution without any comprehensive policy or political consensus with other parties. 201 On 26 July 2008, the government notified that ISI, and Intelligence Bureau (IB) would work under Interior Minister Rehman Malik who was a close friend of Zardari. The letter issued with Prime Minister’s approval on the same day when Prime Minister was leaving for the US on an official visit. Behind this decision both Husain Haqqani and Zardari worked to please America and the COAS was not consulted regarding this policy. 202 Thus, the first drastic step that was taken by the PPP government was to place the ISI under the administrative control of the Ministry of Interior. This adventurous move of the PPP was obviously bound to fail because of the problem of imbalance in the civil-military relations. 203 Zardari consulted Husain Haqqani on security issues but not the party leaders, whereas on internal political crisis he relied on Rehman Malik. The moves that Zardari made reflected his intent to establish a pure civilian control on the government free from agencies’ influence. 204

Institutions collapsed in Pakistan because personal desires of civilian governments to prevail over national interests. Reports published by the Dawn newspaper 205 shows that there was another personal reason to control the ISI by the party leader. Zardari was not happy with Lt. General Nadeem Taj, the then-DG ISI. During his meeting with US Ambassador Patterson, Zardari said that the DG ISI had tried to embarrass him. Zardari claimed that agency was behind

---

201 Shafqat Mahmood.
202 Athar Abbas
203 Hameed Gul.
204 Interview of Rehman Malik.
the shots fired at his home in Karachi and that the DG ISI said he had no idea. For Zardari “it was unbelievable that head of ISI had no idea. He was incompetent and must be changed.” The military officers believed that Zardari was convinced by Husain Haqqani to have upper hand on ISI before he came into power. They planned to destabilize the ISI, which has been regarded as the core defensive line of Pakistan. Zardari also knew that both the army and ISI were functioning as a ‘check’ on him. For the ISI and the army, Pakistan’s national interest is important, not Zardari or any other civilian leaders. Zardari as an outsider had no knowledge about the security agency. Whatever he knew was second hand information. When he issued the order of placing the ISI under the Ministry of Interior, it backfired. The army pressurized the government, and within less than 24 hours when the Prime Minister was in London, the notification was withdrawn. In a face-saving move, the Cabinet Division issued the statement that “it was misunderstood” and that the ISI would work under the Prime Minister not the Interior Minister.206 The Prime Minster was informed that the army and the ISI were trying their best to stay out of politics for the past many months but this decision to place the ISI under the Interior Ministry would be seen as an attempt to politicize the ISI for achieving certain political objectives and this will create problem”.207 It was Zardari’s personal decision and not of Interior Minister’s desire.

Zardari became more suspicious through his actions. One of senior retired military officer stated that “military and ISI became more vigilant and had never been happy with Zardari who was known as ‘corrupt’ man. For military he was not trustworthy and could harm state’s security if the military would not keep eyes on his activities. The government destroyed all civilian institutions. Thus ISI could not be transferred to Zardari.”208

4.7 The End of Musharraf’s Rule

The tragic events of 9/11 changed the security outlook and the policy framework of the United States toward Pakistan and the region. Actually, the event caused a major shift in American policy on Afghanistan, Pakistan and on terrorism. It was no longer concerned about the nature of regimes, as it wanted to get support of every state that could be relevant and

---

206 Govt forced to withdraw ISI decision”, *Dawn*, July 28, 2008
207 Omar Waraich, 2008
208 Interview of Rtd.Maj. Raja Basharat
supportive of its new strategy. After 9/11, Bush Administration supported the military regime in Pakistan because Musharraf supported the America’s war on terror in Afghanistan. However, after the general elections of 2008, the US government did not support Musharraf rather; it looked toward the newly elected government for support, while maintaining parallel relationship with the security establishment of country. Post-Musharraf regime introduced new democracy and new political change in Pakistan. First time in the political history of Pakistan all political parties were on the same page to support the new democratic process. To protect civilian rule from the military, the political parties developed a consensus to impeach Musharraf. Zardari publically declared that he would not work with Musharraf terming him as a ‘relic of past’. Zardari’s statement came after all the cases against him were successfully dropped on the basis of NRO between Musharraf and Benazir Bhutto. After his anti-Musharraf statement, General Kayani and President Musharraf had a meeting for three hours to discuss the working relationship. After the conflict between Musharraf and Zardari becoming an open affair, a reshuffle occurred in 111 Brigade, which is known as coup-maker and also responsible for the security of two cities, Rawalpindi and Federal Capital Islamabad. The media began to assume that the military would take over. Also, Musharraf did not want to relinquish his power and could dissolve the assemblies that alarmed the civil government.

Both Zardari and Nawaz did not trust Musharraf who could use his power to sack the elected government. Through his loyal aide Rehman Malik, in May 2008, Zardari persuaded Musharraf to quit the presidency but Musharraf refused. In August, after three days of talks between the representatives of Zardari and Nawaz Sharif, the two parties announced that they would impeach Musharraf. Despite their political rivalry in the past, the “two major political parties wanted a new Pakistan” free from Musharraf who was considered as a great threat for the new democratic government. Musharraf’s intentions alarmed the coalition government when he said “I won’t resign. I will not act like to be a reduced to a ceremonial head of state and will

209 Shaheen Sehbhai.
210 Najam Sethi, “Will the crisis end”? Friday Times, xx.no 16, (June 6-12, 2008).
211 Ibid.
212 Athar Abbas.
213 Rashid Quraishi.
keep watching the government”.

Musharraf’s announcement came after the approval of the constitutional package, which was approved by Zardari to curtail the President’s power in future. President Musharraf believed that his loyal top army officers would support him whereas Zardari trusted General Kayani’s pledge to support democratic change because Kayani had proved himself to be neutral during the general elections.

For the first time in Pakistan’s political history, the President had to face a credible threat of impeachment by the political parties. No president faced such a threat in the past. The PPP and PML-N drafted a charge sheet against Musharraf. President Musharraf had to face the serious allegations as follows;

1. Illegally suspending the Constitution
2. Imposing emergency rule in November 2007
3. Dismissing 60 judges

President Musharraf had lost support within the army, which had brought him into power and kept him in power. After handing over the command of the Army to General Kayani he was dependent on his good will. Contrary to Musharraf’s expectation, Kayani had pledged that he would stay away from politics. General Kayani continued to follow General Aslam Beg’s tradition of not imposing martial law after Zia’s death that paved the way for the restoration of democracy.

Former Prime Minister Gillani defended the impeachment movement, by saying “in reality, Pakistani people did not want Musharraf to stay in power. He had lost popularity and legitimacy when all four provincial elected assemblies voted against him. Then there was no reason for him to live in presidency”. Musharraf was a threat for the new democracy because he was holding constitutional power to sack an elected Prime Minister and the assemblies.

---

217 Constitutional package was approved first by party chairman Zardari and later, it was presented in the Parliament. Constitutional package was passed as 18th amendment and deprived the President of 58-2(b) that was used in the past to remove elected Prime Ministers.
218 Interview of Farhatullah Babar.
219 Ibid.
220 Mirza Aslam Beg.
221 Yousaf Raza Gillani.
222 Ibid.
decided to face impeachment movement changed his mind after the assemblies passé d anti-Musharraf resolution. By that time Musharraf realised that the army neither would help him or would the Army support the impeachment of Musharraf. General Kayani had a one-on-one meeting with Musharraf and politely asked him to resign.223 The same move occurred after elections 1971, when the generals asked General Yahya Khan to resign, though in very different national circumstances.224 Musharraf was the second military President who resigned; General Ayub Khan had resigned when all Pakistani political parties and civil society were united against him. He also had lost legitimacy and support within the Armed Forces. This was the second time when the political parties had developed consensus against General Musharraf.225 The military disassociated itself from exercising direct power in 1988 and opted for working from the shadows and influencing policies of the civilian government from behind the scene.226 General Kayani followed the same policy during the Zardari era. Despite his pledge to stay out of politics, General Kayani did not extricate himself from power and politics of the country.227

Military retained influence during the internal and external crises because Zardari’s government remained ineffective.228 Pakistan’s military has always remained credible and popular in society. During the Musharraf era, the Pakistan army had lost its credibility in the eyes of people. Musharraf had engaged the army against war on terrorism, in Baluchistan, FATA, and against religious extremism and had conducted a deadly military operation against Lal Masjid (Red Mosque) in the heart of the capital. These actions had spoiled the image of the military. Kayani successfully restored the military’s image by taking credit for holding free and fair elections in Pakistan in Musharraf’s presence.229 Seeing the political noose tightening, Musharraf had no option but to resign to escape humiliation.

After Musharraf’s resignation, Zardari was elected as constitutional President by the Parliament on 11 September 2008. He was the 11th President of Pakistan and first powerful civilian president who was also the Party Chairman and had power to nominate the Prime Minister and cabinet

223 Rehman Malik.
224 Shuja Nawaz (2008), 322.
225 Hameed Gul.
227 General Kayani played his role to resolve political issues e.g resignation of Musharraf, and restoration of judiciary.
228 Interview of Ayesha Siddiqua.
229 Ibid.
members. On 12 September 2008, the COAS declared support to the democratic government. In his statement he said “all elements of the national power under the new democratic leadership will safeguard the territorial integrity of Pakistan with full support of the people. In this regards, there is a complete unanimity of views between the Government and the Army”. In addition to the political support to the new civil regime, the army also extended its cooperation to stop its major project only to improve economic condition in the country. Army also shared the nation’s desire for economic stability, his policy infact restored distorted image of the army. “General Kayani decided to suspend building of new GHQ in sector E-10 Islamabad.” The army realised the fragile financial conditions faced by the government due to internal and external security environment required this decision. But President Zardari, as mentioned earlier, would not keep the national interest on priority and contradiction in his words and actions was well known to every political leader and institution. He rewarded his friends and ejected unwanted old party members and selected ministers on the basis of loyalty not on their ability. Zardari approved 62 cabinet members and all were granted ministries or high positions in the federal government. After 18th amendment, the Prime Minister downsized his cabinet retaining only 22 ministers. The majority of them were from the same pack but were allocated different portfolios.

In his speech to the joint session of Parliament, Zardari committed in front of the armed forces, parliamentarians, media and the nation that “he would make Pakistan a Parliamentary democracy by giving back all the extra powers to the Parliament and committed himself to supremacy of rule of law and the Constitution.” It was quite a contrasting situation to the fact that General Musharraf did not address the Parliament for four years, fearing he would be booed and humiliated. President’s annual address to the Parliament is a constitutional requirement. President Musharraf made his last address to the joint parliamentary session on 18 January 2004 where opposition criticized him and he was greeted with hostile slogans. Military ruler, General Musharraf, had suspended the Constitution, therefore, he ignored constitutional

---

230 Naheed Kahn was Benazir’s close friend. Khan and her husband both were removed from party after Bhutto’s assassination.
233 All services chiefs were present in the Parliament
requirement during his Presidency because he was elected President of Pakistan through a controversial and unconstitutional referendum, which is not the way to elect a president.

Zardari was elected by the parliament for five years. He became the first civilian president to address to the joint parliamentary session sixth time in Pakistan’s history.\(^\text{236}\) During his first address to the joint parliamentary session, he announced to repeal article 58-2b from the 17th Amendment, to fight against terrorism, to provide provincial autonomy, and to protect Pakistan’s security. But he did not mention “restoration of the independence of judiciary because many of his corruption cases” were pending in the courts. During his presidency, he could not be tried under the Constitution, which provided him immunity\(^\text{237}\) thus he could not be tried when the SC nullified the NRO. Zardari ignored the Court’s judgement about NRO and he completed his term as the President of the country.

Zardari was not capable for presidency and he had no calibre to run state affairs. He spent his time in jail and learnt how to make money. He was the man who compelled his wife (Prime Minister Benazir Bhutto) for corruption. He punished his rivals and rewarded his friends during Bhutto’s era. His policy of reconciliation with political parties and in politics was in fact to protect himself and his personal interests and not the political norms and values. His politics of reconciliation, which meant no action against corrupt or corruption, jeopardized and paralyzed the state institutions.

Politics of patrimonialism has destroyed democratic values in Pakistan and it had long been characteristics of Pakistan’s politics.\(^\text{238}\) Zardari promoted patrimonialism in politics like Zulfikar Ali Bhutto who glorified his friends and removed his rivals from politics and the armed forces.\(^\text{239}\) Zardari appointed his loyal on the core political positions. For instance, he made Yousaf Raza Gillani Prime Minister, Rehman Malik Interior Minister, Husain Haqqani—one time supporter of Zia ul Haq, was appointed ambassador to the United States, Sherry Rehman was given Ministry of Information, and corrupt yet another doubtful character, Pervaiz Raja Ashraf was appointed as a Minister for WAPDA. Later, Raja became the Prime Minister when the Supreme Court disqualified Gillani as the Chief Executive of the country. The man who always defended

---


\(^{237}\) Justice Tariq Mahmood.

\(^{238}\) Heeger. 254.

\(^{239}\) Ibid. 25-257.
Benazir and Zardari in corruption cases, Babar Awan was given the Ministry of Law and Justice. Later he was dismissed when he failed to defend Gillani in the contempt of court case. Shah Mahmood Qureshi was given the portfolio of Foreign Minister. He was also changed after the incident of Raymond Davis killing two Pakistanis, which became a point of conflict between the government and the army. Zardari assigned his sister Faryal Talpur to deal with Sindh’s provincial matters; in reality he gave her all the powers to govern Sindh. The most important portfolio was given to Zardari’s personal friend, Husain Haqqani, who was not liked by the military due to his personal relations with President Zardari.

Despite so-called politics of reconciliation, Zardari fired those would challenge him or could be problematic. Naheed Khan, one of old and close friends of Benazir Bhutto, and her husband, Safdar Abbasi, were ousted from the PPP when they demanded probe of Benazir Bhutto’s assassination.  

Another senior and old leader Aitzaz Ahsan was expelled from party when he also demanded investigation of Benazir’s murder and led lawyer’s movement when Zardari refused to restore CJ Iftikhar Chaudhry. Aitzaz was recalled in the party after judges’ restoration, but Zardari did not pardon Benazir’s close and loyal assistant Naheed Khan who was a strong critic of Zardari.

4.8 Political Power and Corruption

Corruption by the powerful sections of the elite in Pakistan has been endemic. Pakistan defies a general logic that no government can exist with corruption for a long time in democracies. Pakistan is not perhaps a different case because it has a procedural democracy with undemocratic and dynastic leaders calling the political shots. The civilian and military governments have used corruption as means to getting into power and staying in power. For this reason, in Pakistan, corruption has been a constant feature of democratic governments. In 1990s, Bhutto’s and Sharif’s governments were levelled with serious corruption charges. But over the decades the parties and their leaders have survived because of weak accountability process and institutional paralysis that these leaders have intentionally caused to stay free of legal accountability of their corruption.

Efficiency and competency of a government is judged by the way it manages crises and is responsive to the needs of the society. During any kind of crisis the whole nation looks toward its government for relief and help. In July 2010, the worst floods hit the whole country from Khyber Pakhtunkhwa (KP) to Sindh. The natural calamity created a gulf between the government and public as the Zardari regime failed to respond effectively to the disaster. The military was quicker in responding and was there to provide relief to the flood affected people. It increased the popularity of military. On the other hand, Zardari regime disappointed the people when they were in need of government’s support; it was not there on time. As usual, military leadership came forward to provide relief to the people and once again proved itself to be the strongest and most effective state institution”. The army had regained its lost prestige whereas the democratic government lost its legitimacy, which was already very weak.

People’s representatives in democratic regimes serve their voters, but in Pakistan, it is the army, which provides urgent relief in every crisis thinking itself as the ‘saviour’ of the people and this thing is key in building army’s good image among the masses. In contrast to this popular image, corruption and inefficiency remained a defining feature of Zardari’s regime. Widespread corruption under the Zardari rule was one of the many causes of tension between the civil government and the military. General Kayani handed over a list of corrupt and incompetent ministers to Zardari’s government and demanded their removal to bring reforms.”

These ministers were poor in their performance and a burden on the national exchequer. While the Army and innocent people were sacrificing their lives in floods and under attack from terrorist attacks, the political elites ruling them were busy plundering them and causing a big damage to the national image. When the country was in a chaotic situation, the President was enjoying foreign trips more than dealing with the national problems. This never happens in truly democratic countries. Head of the State was absent during the worst flood crisis of 2010. President Zardari was visiting his family in Chateau in France and then went to United Kingdom (UK) to participate in his son’s political rally. Pakistan has paid a heavy price in the War against Terror - both in the form of lives and capital. But these sacrifices were often disregarded by the world. Prime Minister of UK David Cameron during his visit to India, instead of recognizing the

242 Declan Walsh.
243 Rashid Quraishi.
244 Zahid Hussain.
contribution of Pakistan in war against terrorism, blamed it as ‘exporter of terror’. Giving such derogatory remarks about Pakistan, India meant to discredit the state which has been fighting against terrorism over one and half decades. Zardari ignored Cameron’s remarks and visited UK while on the other hand ISI Chief had cancelled his official trip to UK as a protest against Cameron’s remarks about Pakistan. During internal crisis, the COAS was seen as a first person to visit affected areas and families while the public office holders of the elected government remained engaged in political campaigns of by elections. Elected governments govern by taking practical steps to resolve their issues and problems, but PPP’s government safeguarded its personal interests and priorities that influenced decision of the military to push important policy matters through the elected government. Military enhanced its institutional capacity and international and domestic standing by dealing with internal and external challenges of the country.

In March 2009, the Corps Commanders expressed their serious concerns about the Zardari regime as it had neglected Pakistan’s economic and security challenges. The ISI Chief General Pasha had serious concerns about Zardari. Zardari regime was unique in a sense that several members of it kept facing allegations of corruption. Even the Ministry of Religious Affairs, including the Minister heading it, was involved in corruption in the infamous Haj scam of 2010 that embarrassed Pakistan in the world. Minister Ahmad Saeed Kazmi was then convicted and is doing his term in the jail. The military and its intelligence agencies had their concerns about the corrupt politicians and conveyed to the government but in vain. Although the military as one the largest institutions of the country is not free of corruption but there is a process of accountability in place to bring the corrupt elements to justice. That keeps the corruption under control.

During this study, the author received unanimous views from serving and retired military officers that the democratic government should deliver and perform according to the true democratic norms. They say “the future of democracy is determined by the political leaders not by the

246 Adrian Croft, “UK’s Cameron, Zardari try to repair relations”, Reuters, August 5, 2010.
247 Interview of Ayesha Siddiqa.
military.” Thus, civil-military relations, particularly in Pakistan, are hinged on the performance of civilian governments. As Huntington says:

Future problem of civil-military relations in democracies are likely to come not from the military but from the civilian side of the equation. The military will come because of the failure of democratic governments to promote economic development and maintain law and order. They will also stem from weak political institutions and ambitious political leadership may enlist the military as their accomplices and undermining or destroying of democracy.  

4.9 Politics of Zardari and its Institutional Effects

In countries like Pakistan with feudal social structures, personal leadership matters more than institutions. Political system is determined by political behaviour and personality of a leader at the top counts a lot in determining the direction of the country. Any change of regime, particularly in democracy, requires reorganization of the state institutions, their development and orientation to serve the society and the people. As Huntington observed “institutions are valued and recurring patterns of behaviour”, The political system established by Zardari after assuming power in 2008 was potentially and politically chaotic and unstable. Zardari faced same problems as the Musharraf regime had, such as crisis of judiciary (lawyer’s movement) and the wave of militancy created by Tehreek-e-Taliban Pakistan (TTP). Moreover Zardari’s political behaviour to accommodate his loyal friends and associates in the government promoted patrimonialism “where objective interests of the state meld with subjective interests of the regime in power”.

In the past, civilian presidents have never been as powerful as Zardari was. Being a ceremonial President, they could not influence Prime Minister’s policy and decisions, as in parliamentary form of government; the Prime Minister is considered to be the Chief Executive of the country. Zardari was the only civilian powerful president after Musharraf and inherited the same powers which Musharraf had. Though after the 18th Constitutional Amendment, Zardari handed over powers to the Prime Minister but being a virtually party head, he remained the most powerful...

251 Huntington, (1971), 12.
252 Ohlsons.T ,Soderberg.
President because of his control over the members of the National Assembly from his party. He not only controlled the cabinet ministers but also influenced and replaced them if and when circumstances required that. For instance, Firdous Ashiq Awan was asked to resign from the portfolio of Information Minister when she failed to defend government during the Memogate scandal. Zardari and not the prime minister took such decisions.

The post-military regimes in Pakistan, like elsewhere, had to deal with the legacies of the military rule. One of which is placement of military officers in the bureaucracy, public corporations, media and in other places of power and influence. This has been one of the objectives of a praetorian state, which Pakistan has been to dig deeper into the power structure of the country. General Musharraf interfered in political institutions and also engaged army officers in public offices but General Kayani adopted a policy directly opposite to it and called back all serving army officers from civilian institutions with strict instructions to maintain a distance from politicians. According to Inter Services Public Relations (ISPR) 166 army officers and 499 junior commissioned officers were reverted in September 2008. It was a mutual desire of the military to disengage itself and for the civilian government to increase its political and administrative space.

Post-elections scenario became critical and chaotic for Zardari when he began to renege on his pledges made with Nawaz League in Murree Accord (see annexure-1). Smith points that ‘compromise requires that each party to a conflict give up something it ‘values’. After assuming office as a powerful President, Asif Ali Zardari disregarded his promise to restore the judiciary and deposed judges of Apex courts with an excuse that nothing was absolute in politics. Besides, many other cases pending before different courts, Zardari was scared about the fate of NRO against which a petition had already been filed in Oct. 2007 by Dr Mubashir Hassan, a veteran politician and founding member of Pakistan People’s Party—the party Mr. Zardari had captured after the assassination of Benazir Bhutto. For Zardari restoring Iftikhar Muhammad Chaudhry, deposed and former Chief Justice of Pakistan including the other deposed judges was nothing more than a giving a go ahead for reopening of closed cases against him and his family as he was fully aware of questionable constitutional and legal status of NRO. Moreover,

---

253 Hafeez Tunio, “Firdous throws in towel, it takes it back, wipes tears,” The Express Tribune, December 25, 2011.
255 T.V. Simith, 45.
PML (N) had pledged restoration of judiciary in its manifesto of 2008 general elections and though Zardari agreed for the same in Murree Accord but doing it so under pressure from the PML (N) would simply lead to a clear political mileage for the League which was hard to swallow for Zardari. Therefore, in order to dilute this impression and find a face-saving for his party, he denied and delayed the restoration of deposed judges.

Among many upheavals that Zardari faced, some created by others but mostly of his own making, was the resumption of rivalry with the PML-N after a brief period of cooperation. Political rivalry between Zardari and PML-N reached to its limits when Nawaz Sharif decided to quit supporting the PPP government, headed by Zardari because he was ‘compulsive’ liar. In May 2008, Nawaz Sharif won unopposed by-election from his constituency NA-123 Lahore but Noor Elahi, an independent candidate challenged his candidature and as result Nawaz Shareef was declared disqualified in contesting by-elections.

There is enough evidence from the country’s history to suggest that confrontation between the ruling party and opposition always worked as an invitation for the military to take over, which took full benefit of the weaknesses of politicians. This time though army was closely watching changing political environment, but adopted a restrained policy. Meanwhile a surprising decision came from the court on February 6, 2009 for releasing renowned scientist Abdul Qadir Khan (AQ Khan) from house arrest. AQ Khan was put under house arrest in 2004 by Musharraf regime when he confessed and apologized on state television for providing nuclear technology to Iran, North Korea and Libya. AQ Khan appreciated the government and gave all credit to Rehman Malik who facilitated him to convince president Zardari and Prime Minister Yousaf Raza Gillani for his release. Government, by taking the credit of Dr A Q Khan’s release, tried to decrease the pressure of lawyers’ movement but in vain. Dr A Q Khan was released at a time when the US and Pakistan were engaged in a war against terrorism but Zardari’s government did not pay heed to its external relations as the government was more occupied with defusing internal political tensions that could have impact on the stability and survival the Zardari regime.

---

256 Shafqat Mahmood.
257 For instance see “Nawaz barred from by-poll:LHC allows Shahbaz to remain in office”, Dawn, June 24, 2008.
258 Text of Abdul Qadeer Khan’s
Court’s decision to end house arrest of Dr AQ Khan could not slow down the momentum of movement for the restoration of judiciary. On the other hand, rift between Zardari and PMLN on the issue of restoration of independent judiciary reached to a point of no return. Justice Abdul Hameed Dogar, the then-Chief Justice of Pakistan, was very close to President Zardari and the later ultimately opted for Supreme Court to punish Sharif brothers and managed a decision against them. On February 25, 2009, in a short order, the Provisional Constitution Order (PCO) judges of the Supreme Court declared Sharif brothers ineligible for lifetime and barred them to hold any public office.\footnote{Civil petition Nos.778-779 of 2008 Federal of Pakistan vs Nawaz Sharif.pp.86-87.} Shahbaz Sharif was Chief Minister of Punjab and after the court order, he left his office while Zardari, by using his constitutional\footnote{Arti.234} powers as President, imposed governor rule in the province for two months. This political chaos and victimization did not find any support among the civil society, lawyer community and the military. The US was also not happy with Zardari’s decision of political victimization as such crafty moves were thought to divert Pakistan’s attention against War on Terror which had been its primary concern and objective.

During this period of chaos and confrontation between the two leading parties, the military did not disrupt the political system though in past such opportunities were fully availed. One of the main reasons of military’s reluctance to topple the civilian government even under such suitable circumstances was that the civil society and lawyers who were already on roads against the actions of a former military ruler. Any attempt for such misadventure again might have generated more chaos and conflict than calming down the political situation. Moreover, unlike in the past coups where media was suppressed and curtailed, media in 2009 was free and it had already been playing a significant role in the movement for the restoration of judiciary.

### 4.10 Lawyers’ Movement and the Role of Army

One of the political facts of Pakistan is that military withdrew itself from power and handed over it to the civilians but after observing the progress of the civilians, they deemed it fit to intervene when they thought the vital national interests of the state were threatened. That is true for the past, but may not necessarily be the pattern for the future because of the positive developments like the rise of civil society and the media. The transfer of power to the civilians...
by the military was always conditioned by military’s perspectives on security, foreign policy and governance.

During political confrontation between PPP and PML-N, the army had conveyed President Zardari to resign and the latter had nominated his sister Faryal Talpur as President of Pakistan in case of his resignation.\textsuperscript{262} Mistrust between President and the military establishment was growing by the day. General Kayani put pressure on the government to resolve political differences with the PMLN, and he also conveyed to Zardari that if he would not reinstate Iftikhar Chaudhry as CJ, “he would implement the minus-one–formula that was the ouster of President Zardari and while keeping the rest of the government intact”.\textsuperscript{263} The failure of minus-one-formula was described by Farhatullah Babar, the spokesperson of President Zardari in these words; “the army wanted Asfandyar Wali as President of Pakistan but Wali refused because under COD all parties were committed not to be the part of army, and as a head of a political party, ANP (Awami National Party), he was bound to respect the document. Moreover, PPP itself had refused to accept any other president except Zardari and army had accepted the people’s mandate”, despite that fact that army was not fond of him.\textsuperscript{264}

The military, which had extricated its political role, played as a mediator to defuse crisis during the lawyer’s movement in March 2009. Situation became more threatening when a nationwide ‘long march’ was announced and mainstream political parties announced to participate in the sit-in in front of the parliament. The government put Sharif brothers under house arrest and called police and security forces in Lahore, Rawalpindi and Islamabad to prevent the march from taking place. Lahore, the hometown of Sharifs, had become a war zone because of clashes between the police and citizens. On March 15 2009, Nawaz Sharif defied his house arrest and joined the ‘long march’ led by Aitzaz Ahsan and moved towards Islamabad. In fact, PML-N provided funds to the lawyers’ movement only to bring an independent judiciary in Pakistan and the objective was not to derail the Zardari’s democracy.\textsuperscript{265}

The government decided to stop protestors by obstructing their entry into Islamabad. The army was called into the capital to be used against people to avoid bloodshed which in fact was a

\textsuperscript{262} The News, December 2, 2010.
\textsuperscript{263} Aqil Shah, (2014),223
\textsuperscript{264} Rashid Quraishi.
\textsuperscript{265} Aitzaz Ahsan.
dangerous move. According to the then DG ISPR Major-General (Retd.), Athar Abbas the Army Chief put three points before the government:

1. Stop long March in Lahore and defuse tension by restoring judges.
2. Entry of protesters in Islamabad might be serious in case of clash between the security forces and civilians.
3. Do not involve military in the political conflict.

Athar Abbas has argued that General Kayani played his role as mediator and made it clear to Zardari’s government that in case of serious clash, the government would have to pay the cost. That was the moment when army could take over but preferred to avoid and let the new democracy work through the political crisis. The US also wanted the newly elected civil government to be stable. In this respect, the Obama Administration played its role in helping to resolve the conflict over restoration of the judiciary. Ambassador Anne Patterson and Richard Holbrooke met the President and Secretary of State, Hilary Clinton made him a telephonic call to resolve the issue amicably. This time around the two forces “America and Army were trying to protect democracy rather than curtail it”. Gen. Amjad Shoaib states why COAS avoided a military takeover:

A debate started in the army after Musharraf’s departure that whenever military came in power, it promised but never delivered. Finally, the political parties were on board and shared power with generals, whereas military lost the confidence of the people. Now the army should confine its role in national security, should not indulge in politics.

This was a remarkable change from the past pattern of political cycles in Pakistan. As the tensions rose, Nawaz Sharif refused to call off the long-march as the movement had reached a climax. On the other hand, Zardari was not ready to compromise, as he was bent upon preventing the judges from being restored. President Zardari created the same political scene of 1977’s when both Bhutto and opposition were locked into a deadly confrontation and the military walked into hall of power.

---

267 Amjad Shoaib.
268 Aitzaz Ahsan.
269 Zahid Hussain.
When the long march reached Gujranwala (about 70 km from Lahore), the COAS General Kayani made a personal call to congratulate Aitzaz Ahsan and gave him news that shortly the Prime Minister would announce the reinstatement of deposed judges so no more need to continue the long march. The same night Prime Minister gave a short but a historic midnight national speech on state television and announced restoration of all judges from 3rd November, 2007.

4.11 Judicial Activism and Zardari Regime

One of the greatest movements of success in Pakistan was the restoration of judges of the Supreme Court that Musharraf had dismissed because they would not endorse his enforcement of emergency rule in November 2007 and challenge his authority to amend the Constitution through this trick. Politically, it proved to be a fatal mistake for him. His actions gave rise to a popular movement for placing the judges back into their position they lost because of Musharraf’s arbitrary and unconstitutional action. But unfortunately, Zardari had his own interest to follow in the footsteps of the military dictator and did not want to restore judges even in the face of a popular movement. But he had to finally bend with nudging and pushing from the military. The restoration of deposed judges including Chief Justice (CJ) Iftikhar Chaudhry was a landmark victory of civil society and political parties against the government, and their struggle brought an independent judiciary in the history of Pakistan. In the past, judiciary had been a part of the executive (discussed Chapter three) but now “CJ Iftikhar Chaudhry was under pressure to deliver”. During his speech to the New York Bar Association, CJ Iftikhar Chaudhry said that “parliament is no doubt supreme but the judiciary must be equally independent and authoritative. This is how the state and its institutions retain the confidence of the people”. The newly reinstated CJ presented the judiciary as the true guardian and protector of the people of Pakistan. Judicial independence came to be established when CJ Iftikhar Chaudhry declared appointment of all PCO judges unconstitutional including that of CJ Abdul Hameed Dogar. The Supreme Court led by Iftikhar Chaudhry emerged as a powerful actor. As Justice Tariq Mahmood stated,

---

270 Aitzaz Ahsan.
271 See for example, “Govt issues notifications for restoration of judges” Dawn, March 17, 2009; Jane Perlez, Pakistan avoid pitfall, but path a head is unclear”, New York Times, 16 March 2009.
272 Carlotta Gall, “Reinstatement of the Pakistan’s Chief Justice Ends the Crisis, but it Might lead to Another,” The New York Times, March 17, 2009.
273 Chaudhry Iftikhar Muhammad.
274 “Short Order in PCO Judges Case,.”.
the restored CJ returned back as dictator. He strengthened his power in the name of supremacy of law and he misused his constitutional powers”. This appears to be a strong opinion that many detractors of the former Chief Justice hold. He was very different CJ in the Court before and after his restoration. He was the first CJ who defied the generals on several issues, notably on the constitutional eligibility of Musharraf to run for the office of President of the country in 2008. Ironically, he was holding this office since 2002 as a result of a controversial referendum. Musharraf wanted to make sure that when he contests elections the next year; he would get support from the Supreme Court that he had packed with loyal judges when he took over. Chaudhry Ifikhar was one of those. But when elevated to the position of CJ, he began to show independence for which he was sacked.

Defiance put up against the ruling military generals raised the national standing of the CJ to level of a national hero. For his restoration, every section of the society supported the movement of lawyers and civil society. With the national sentiment being with the CJ, he began to act in support of public interest when restored to office as a result of a national movement and popularity that no other CJ had enjoyed. He deemed it fit to take up issues of missing persons, often allegedly held secretively by the military-run intelligence agencies. He often questioned the authority of the police to detain people unlawfully. Corruption was yet another issue along with bad governance on which the Supreme Court became active.

Zardari had tried not to restore the judges sacked by Musharraf, as he had rightly feared that they would take up corruption cases against him. He resisted for a year, but had to eat the humble pie under public pressure and due to the intervention of the military. Former Justice, Tariq Mehmood said as:

Judicial activism somewhat restrained corruption of Zardari, Gillani and their allies. However, they knew the craft of stealing and were able to do whatever they wanted. Supreme Court tried to do so much for public good but also whatever it tried was resisted by the state institutions and civilian government. Zardari regime

---

275 Art. 188
would have been more harmful to the country if it were not faced the counter pressures from the military and the Supreme Court.\textsuperscript{276}

4.12 The NRO Implications

All the military rulers of Pakistan have used excuse of corruption, mismanagement of national resources, political instability and bad governance for overthrowing civilian governments. This is a familiar line taken from the first martial law of 1958 imposed by Ayub Khan to the fourth one in 1999 takeover. The generals justified their interventions in terms of saving the nation, the country and the state from collapse due to corruption, incompetence and bad policies of the civilian governments. In other words, they had a ‘right’ to rule. On similar grounds, three democratic governments were dismissed in 1990s on the same charges through the military-supported presidents empowered by the constitution to dissolve assemblies. Even in the face of such humiliation, no civilian government had made serious efforts to eliminate the menace of corruption. Every government while levelling allegations on its predecessor looted and plundered the national exchequer. It is true of the two major political parties, the PPP and the PMLN and their junior regional partners that have ruled the country in the post-military transitions.

National Reconciliation Ordinance (NRO) signed in 2007 was not offered to stabilize the political system and facilitate the poor people; instead it was drafted to protect the corruption of the PPP leaders.\textsuperscript{277} As indicated earlier, the NRO was a concession that Musharraf had made to secure support of the PPP for his own survival. The ordinance had been challenged in the Supreme Court. A case was pending before the Supreme Court since 2007. CJ Iftikhar Chaudhry constituted a 17-member bench headed by him to hear the NRO case in 2009. The Court after hearing all the parties in detail announced its verdict on December 16, 2009 and declared the NRO as unconstitutional. The Court ordered opening of more than 8000 cases mainly from the province of Sindh including cases against President Zardari, his family and party leaders. In this respect, the Supreme Court ordered Prime Minster Yousaf Raza Gillani to write a letter to the Swiss authorities for reopening of money laundering case in which President Zardari was

\textsuperscript{276} Justice Tariq Mahmood.
\textsuperscript{277} Hameed Gul.
involved. After the court verdict, a new debate started in media about the fate of President Zardari and implementations of Court order.

The PPP government and Prime Minister Gillani were of the view that being head of the state, President Zardari enjoyed immunity under the Constitution and until he was in his office, no proceedings could be initiated against him. Therefore, writing of a letter to the Swiss authorities for reopening of a case against the sitting President would be nothing more than humiliating him and bringing bad name to the country. On the other hand, CJ Iftikhar Chaudhry constituted a bench to pursue the implementation of NRO judgment. On non-implementation of its orders, the court summoned Prime Minister Gillani in person to explain his refusal to send the letter. He repeated the same stance of immunity to the President and referred Article 248 of the Constitution to support his position. The Court while rejecting the argument of Prime Minister Gillani initiated contempt proceedings against him for disobeying the Court orders. Charges were framed by the Attorney General of Pakistan against the sitting Prime Minister Gillani and after lengthy proceedings, the head of bench Justice Nasir ul Mulk announced the judgement and symbolically sentenced the Prime Minister till rising of the Court. The Court order was sent to all the concerned offices including that of speaker of the National Assembly. This practically ended the tenure of Gillani as the Prime Minister of the country.

In the past, Prime Ministers were removed by the Presidents (discussed in Chapter three) but it was the first time in the history of Pakistan that the Supreme Court disqualified a Prime Minister in contempt case and removed him from his office. Prime Minister Gillani argued that “he did not commit the contempt of court but disobeyed the Court’s decision and obeyed the book (Constitution of Pakistan)”278 which, in his view granted immunity to the President. This case generated tension between the government and the Supreme Court. Gillani, while showing his loyalty to President Zardari who was also a virtual head of the PPP, paid the price. Even after being convicted by the court in contempt case, Gillani continued to perform his functions as Prime Minister believing that will of the Speaker of the House and the Parliament could overrule the court’s order. Indeed, it proved to be a misconception that Gillani could continue by rigging the jurisdictional ambiguities of institutions. The government was of the view that since the Election Commission did not disqualify Gillani, he could hold his office. On the other hand, the

278 Yousaf Raza Gillani.
Election Commission was reluctant to de-notify the Prime Minister since it had received no reference from the Speaker of National Assembly. Since Dr Fehmida Mirza, the Speaker was instructed by the PPP bosses not to do so, the matter rested with her. And she refused to issue such an order. The decision of Speaker of the National Assembly was challenged in the Supreme Court by the PMLN that did not recognize the Prime Minister as constitutional chief executive anymore, since he was convicted by the Supreme Court of Pakistan.

On June 19, 2012 the court disqualified Prime Minister Gillani and barred him from politics for 5 years. On the same day, the Election Commission de-notified Gillani as member of the National Assembly.  Retired Justice Tariq Mahmood pointed out that “Prime Minister undermined the power of CJ who was acting like a ‘dictator’ and paid the price. He had trust in Zardari that he would protect him by using his power to pardon but in fact Zardari also wanted his removal as Gillani acted as powerful Prime Minister”. Prime Minister Gillani himself said that during the crisis he was standing with President Zardari and the party but President and party did not stand with him and let him go. Gillani said that in a parliamentary system, Parliament is considered as the most powerful institution but in Pakistan along with the Army, Supreme Court had become powerful and the elected government became powerless.

The judicial activism and *suo motu* actions of the Supreme Court of Pakistan displeased CJ’s old friends and supporters. Aitzaz Ahsan, one of the top leaders of the Lawyers’ movement was not happy with Iftikhar Chaudhry when he disqualified PM Gillani. Aitzaz Ahsan reacted by saying that “judiciary is crossing its limits.” Aitzaz distanced himself and finally terminated his personal and long relationship with Iftikhar Chaudhry. A widespread view emerged that the restored CJ acted as a judicial dictator. He strengthened his power in the name of supremacy of the law. He pulled bureaucracy and the military intelligence official before the court to answer questions about missing persons. He appeared to be very keen to establish supremacy of the Court, but in fact it was viewed as his personal imprint and domination of the Supreme Court of the country. Gillani’s removal created a constitutional crisis in the country as his conviction on contempt of court basis and disqualification for office was unprecedented.

---

280 Justice Tariq Mahmood.
281 Yousaf Raza Gilani.
On June 22, 2012 Zardari appointed Raja Pervez Ashraf as the new Prime Minister of Pakistan. He was known for receiving kickbacks in awarding rental power projects. Ashraf was the worst face of bad governance and corruption during the Zardari era. As a Minister of Power and Water, he failed to control energy crisis; rather by his corruption he further deepened it. After assuming the office of Prime Minister Raja Pervaiz Ashraf, like his predecessor, faced the same problem by the Supreme Court about writing a letter to the Swiss authorities against President Zardari. Raja Ashraf and Law Minister Farooq H. Naek handled the issue tactfully and took a long time in preparing a draft of the letter to submit to the Court. The Ministry of Law and Justice was empowered to prepare a draft for the Supreme Court. Naek who was authorized to send the letter lingered the process on to avoid confrontation with the judiciary. The Court directed the counsel of Prime Minister Ashraf to produce the draft of letter before it and after the court’s satisfaction, the same would be sent to the Swiss authorities.

The government sent two letters to the Swiss authorities. One was sent with the approved draft by the Supreme Court and the other one was sent by the government with different context that “there are no proceedings pending against the President of Pakistan in money laundering case and therefore no need to reopen the same”.

4.13 Poor Governance and Political Incompetence

Inefficiency and poor governance have been major problems associated with the civilian governments. A government with low IQ, low level of institutionalization, and poor governance is not only a feeble but also a bad government. Every government sets its priorities before elections and implements them when it comes into power. Zardari government inherited grave issues, which included poverty, inequality, power crisis, circular debt, downward economic trend and terrorism. Zardari and his political allies were neither competent nor serious to address these issues. The only task which Zardari’s government did effectively was a nationwide Benazir Income Support Programme (BISP). The Programme has proved so popular that the PML-N government has continued it. The objective of the Programme is to pay monthly stipend to the poor families to sustain themselves. Although it is not significant, it does provide some monthly

---

283 Zahid Gishkori, “
cash to the lowest rung of the society. The idea to eradicate poverty was approved through an act by the Parliament in July 2008. Thus; the programme got political consensus and legitimacy by the legislators.\textsuperscript{285} But this programme could not achieve its targets as millions of rupees were spent on media campaign by its Chairperson Farzana Raja. A big chunk of money was spent, thus bribing the media houses and on the publicity of the party in power on the public expense.

One of the factors behind bad governance under Zardari was that he relied on coalition parties for maintaining majority in the National Assembly. As a consequence of this compulsion, he strived to please all partners by giving them free hand in corruption. The means and ends of power remained within the traditional feudal families whose members occupied important portfolios in the national and provincial governments. This promoted patrimonialism, nepotism and bad governance. The main difference between the civil and the military governance is always about their commitment to public interest and competence to deliver on policies. During the Zardari regime, the military was not only engaged in fighting insurgencies, but also was building institutions in Baluchistan and FATA, providing relief to the people, whereas Zardari’s priority was limited to his personal publicity and popularity instead of managing national crises. While the insurgencies in FATA and Balochistan as well as ethno-political violence in Karachi were posing big challenges for the military as it received little political support from the ruling party under Zardari.

Zardari’s conduct in power, systematic corruption and apathy towards national problems were consistent with the past political pattern of civilian leaders in power. At least Zardari or his government did not appear to have learnt from the past.\textsuperscript{286} As always they put their personal gains before the national interests. This has been a public perception about the political class. When they are pushed on issue of corruption or incompetence they often resort to using the ‘ethnic card’ being singled out for corruption and bad governance. The PPP has played this card quite often within Sindh to cover up its wrongdoings in that province or at the federal level. During Zardari’s tenure, the military strived to defuse conflicts created by politicians for the survival, security, and stability of the country. According to Lt. General Amjad Shoaiab, “corruption, mismanagement, poor governance and incompetency were at their maximum during Zardari


regime and Sindh was worst in this regard”. General Kayani conveyed Zardari about military’s serious concerns over the deteriorating law and order situation in Karachi. Political and social conditions in the country were so bad that Kayani had an option to impose martial law but remained restrained as overall public opinion would not support such an action. The military’s leadership played a tactful role in pushing the civilian government to do things that it wanted it to do without imposing any direct rule. This also restored the prestige of the military and confidence of the people in the institution. General Kayani was also able to convince the world powers that he was committed to supporting democracy in the country.

4.14 Accountability—Civilian and the Military

As indicated above, the military governments have accused the civilian governments of corruption and have projected their own image as clean and above board. They have asserted that democracy without rule of law cannot function. It is true that in democracy, supremacy of law prevails and state institutions, including those of army, perform their functions as defined by the law. Majority of people do not have any idea about military’s embezzlements and scams because in Pakistan, “military operates outside the purview of the civilian legal system with impunity and considers its internal accountability system as far more effective than the civilian ones”. The National Logistic Cell (NLC) scandal proved that corruption in Pakistan was not confined to the civilian-controlled institutions. This was one of those rare cases where the Public Accounts Committee of the National Assembly which investigates whether the public funds are spent according to law or not took up the case of corrupt practices in the military-run NLC. This transport cell has been one of the many business operations and institutional interests of the armed forces, which the military has defended and maintained its monopolistic control over it. Nordlinger, one of the scholars on military affairs that we have quoted before, is of the view that “the military is evoked whenever its business interests are threatened or hurt.”

References:

287 AmjadShoaib.
291 Eric A. Nordlinger, (1977), 75.
In 2009, the government provoked the military by opening the case of irregularities by senior retired officers and loss of PKR 1.8 billion in NLC, run by the army. Military knew that both PPP and PML-N remained victim by the military rulers so both parties would not ignore any mismanagement done by the military personnel. Chaudhry Nisar, Chairman of Public Account Committee, raised the issue. Before the PAC issued its findings Gen. Kayani announced an internal inquiry. When the accused were not punished, PAC referred the case to the NAB in November 2010. Meanwhile the COAS reinstated the accused army officers so they could be tried under the Army Act of 1952. The ISPR issued the statement saying “the Chief of the Army Staff has ordered a high level inquiry into alleged NLC scam. A serving Corp Commander was nominated to head the inquiry along with two Major Generals as members. Appropriate action would be taken on completion of the court of inquiry as per relevant Army rules and regulations”. During General Kayani’s tenure, these officers were not punished and cases remained pending. But Kayani’s successor, General Raheel Sharif, instructed to complete the inquiries for speedy justice. After few months the inquiry was completed and two army officers and a civilian were found guilty. According to ISPR the guilty officers were punished. The statement says “the army will continue to maintain highest standards of accountability, justice and fair play”. The army, in fact, gave a signal to the civilian government to proceed against corrupt elements without any discrimination.

On the other hand the cases of corrupt ministers of Zardari regime are still pending before various courts. It is pertinent to mention that 200 files relating to corruption cases of PPP leaders went missing in 2010 from NAB offices. These files contained investigations record of the top leaders of the party. A case started by the civilians at the end exposed corrupt practices of the political class and their capacity to rig the system of accountability. The military under Raheel Sharif, the next COAS, after General Kyani, proved that it could keep the institution clean and those found guilty of corruption not to be spared no matter what the level of their rank and standing in the armed forces.

293 Amjad Shoaib.
294 Two lieutenant generals, one major general and two civilians
296 Maj Gen (rtd) Khalid Zaheer Akhtar.Lt Gen. Muhammad Afzal Muzaffar
298 200 o corruption files of PPP leaders missing: PML-N” The Express Tribune, October 2010
Chapter Five

Internal Security Challenges: Convergence and Divergence of Policies

Throughout the period of this study, Pakistan faced numerous security challenges internally and externally with two of its neighbours, Afghanistan and India. There were problems of extremism, sectarianism and militancy continuing from Zia-ul-Haq’s period (1977-88). These was some of the major consequences of Pakistan’s support to the Afghan Mujahedeen. During the Afghan-Soviet war, Pakistan fought a proxy war that was supported and sponsored by the US. After the collapse of the Soviet Union, the US left the region and left Pakistan alone to face the consequences. Post-Zia civilian governments continued their policies that were supportive of pro-Pakistan Mujahedeen. Indeed, the policy was designed by the military to be implemented by the civilian governments. Afghan Mujahideen failed to provide stability, order or security and by their infighting, they created a space for the Taliban. The Taliban fighting the Mujahideen factions on their way established their government in Afghanistan in 1996. Pakistan was the first country to recognize their government and provided diplomatic and material support.

Pakistan’s political and security support for the Taliban during 90’s era was navigated by strategic essential. However, later the Taliban’s worldview neither matched the Islamic world nor that of the Western state system. The events of 9/11 placed Afghanistan and the Taliban regime at the world stage and US demanded answers from Pakistani government for the protection of Al Qaeda leaders as US wanted to arrest them and put them on trial. The then President Musharraf sent messages and diplomats to Mullah Umer to cooperate with the US and handover most-wanted Al Qaeda leaders. Not only he rejected the message but also warned the Musharraf regime against such efforts.299

Pakistan took a U-turn and shifted support from Taliban to US. Musharraf’s support for the US to ouster the Afghan Taliban’s regime and his decision to assist US in its long war not only strengthened the old practices but also produced a new wave of Jihadi sentiments in the country.

299 Amir of the Taliban Mullah Umar said, “Afghanistan is not your problem, we will also impose Sharia in Pakistan”, after this message Musharraf revisited Pakistan’s policy toward Taliban’s government and he took opportunity to eliminate them because they were posing serious threat for Pakistan’s security. Dr Mahmood Ahmad Ghazi, Minister for Religious Affairs (during Musharraf regime) discussed in a seminar in International Islamic University September 2007.
which lead to the Talibanization in Pakistan. Balochistan, Federally Administered Tribal Areas (FATA) and Karachi, the major city of Sindh, saw an escalation of violence. This chapter explains the role of civil-military leadership during internal crisis which the government inherited from Musharraf’s regime. The new democratic government faced serious security problems in FATA and Balochistan. On the other hand, law and order in Karachi deteriorated because political parties began to organize and patronize militant wings that would lend them political support.

Before we go any further, let us make a reference to an old pattern of ‘indirect’ intervention that developed in the post-Zia era. Since 1988, the military has played a pivotal role in domestic and external affairs. It is the COAS who plays significant role in power structure and he has the support of his Commanders. This chapter describes convergence of views in implementing military’s policies in the troubling areas particularly, FATA and Balochistan. During military operation in Swat, Zardari regime and the military were on the same page. Military retained its wider policy space and the civilian government also accepted it as is. It designed the national security policy for FATA, Balochistan and against the militant groups. The Zardari regime developed political consensus to legitimate the military action in Swat and in collaboration with army in Balochistan “because he knew the art to protect himself and his government”. Sindh, the hometown of President Zardari remained unstable due to crimes and ethnic conflict. Why did the military design national security policy for troubled areas and how did it achieve its objective? This chapter will investigate these questions.

5.1 Militancy in FATA

During the Zardari regime, militancy immensely affected Pakistan’s domestic and external policies. It was the resolve of the civil-military leadership to eliminate this menace from Pakistan. As we know, Pakistan has maintained many of the colonial legacies in the Western borderlands—autonomy of the tribes, Frontier Crimes Regulations (FCR) and direct control of the tribal agencies, generally known as FATA. FATA is the most backward area of

---

300 Seven Agencies are located in FATA that included; Bajur Agency, Mohmand Agency, Khyber Agency, Orakzai Agency, Kurram Agency, North Waziristan Agency and South Waziristan Agency
301 Ayesha Siddiqua.
302 Hameed Gul.
303 For while the military and civil government both were on the same page. See for instance. Zahid Hussain
Pakistan and it also happens to share its border with Afghanistan. It has its own traditions, social and political system. The central government cannot force any tribal area to follow the government policies. The people are more religious than other parts of Pakistan; they have a different culture and were never been able to assimilate with other cultures for purposes of development or modernity. The wave of terrorism that hit Pakistan in the past decade affected this region the most. Majority of the terrorists emerged from FATA and they targeted the local people who opposed their ideology. FATA was more challenging and troubling area for both the military and the newly democratic government.

After the NATO forces attacked Afghanistan in 2001, FATA’s security became more vulnerable and volatile. Many Afghan Taliban and foreign militants crossed the border to hide in tribal areas of Pakistan. Baitullah Mehsud, who was a pro-Afghan Taliban, was also the chief of Pakistani militants in South Waziristan. He vowed to fight against the US forces and Pakistani security forces. While such militant Islamic groups were emerging, Musharraf had political support of Mutihidda Majlis-e-Amal (MMA), a coalition of religious political parties. This, he thought was necessary to get political strength to legitimise his rule and policies. He allowed negotiations with the militants in FATA and reached a settlement that did not hold very long. It was one of the Musharraf’s biggest mistakes because he recognized the extremists as a force. The militants got recognition this way and began to hoist their flags over tribal territories. Pakistani flag was not allowed to be hoisted in Khyber Agency until military operation was launched in North Waziristan, which served as a nursery of Pakistani and foreign terrorists. Consequently, Khyber Agency and the surrounding areas were controlled by the militants and the government had lost its writ. Baitullah Mehsud was killed in drone attack in 2007. His killing further strengthened the militants and extremists belonging to the TTP in the frontier regions. The TTP was founded by

---

304 An alliance of six religious parties, the leading party was Jamaat-e-Islami (JI) they made formed their government in FATA and they supported Musharraf in the parliament and provided legitimacy by endorsing 17th amendment in constitution that increased Musharraf’s power. 17th amendment re-inserted clause 58-2 (b) which was repealed by Nawaz Sharif’s government. Musharraf did not to lose his support; he did whatever MMA wanted in FATA. Musharraf did not take action against militants in FATA because MMA a major political alliance could create political problems. See for detail, Kamran Aziz Khan, “17th Amendments and its aftermath: The role of Mutahida Majlis-e-Amal (MMA),” Pakistan Vision 9, no.2 (2008):101-121.

305 General Raheel Sharif and Prime Minister Nawaz Sharif decided to launch military operation to eliminate Taliban from every area of Pakistan. Military operation named as ‘Zarb-e-Azb’ has successfully eliminated terrorists from Tribal Agencies in FATA. Since 2013 top TTP’s leaders have been killed and the writ of government has been restored in all Tribal areas. Interview of Major Khan Khalil.

306 Interview of Col. Saqib Shuja. Col Shuja was deputed in tribal areas during Swat operation
Baitullah after military action was taken against the Lal Masjid in Islamabad. Musharraf used force against the militants hiding in the mosque when they refused to surrender and challenged the security forces surrounding them. They had been demanding implementation of Sharia in the country and harassing neighbours.\textsuperscript{307}

Elections of 2008 changed FATA’s security and political environment. ANP replaced MMA that acted as Musharraf’s strong political ally. MMA did not allow military action and Musharraf would not lose a political ally by going against their interests. Their political interests made North Western Frontier Province (NWFP) the most vulnerable and fragile province. It is and was the most targeted province by the militants and it had become a safe haven for the TTP. As we know democratic governments generally hesitate to go on war and before doing so; they exhaust all peaceful means first. In a decades’ time, Zardari became the first civilian President who believed in politics of reconciliation. Therefore, his government gave an opportunity to the TTP’s leadership to live with peace. Zardari’s regime wanted peace instead of war with Fazlullah who had emerged as a security threat in Swat. By aligning with religious parties Musharraf had promoted extremism and militancy in Pakistan’s troubled areas. Zardari, on the other hand, engaged in dialogues with his political rivals and succeeded to form his government. In that spirit, he also wanted to negotiate with TTP, a group that Benazir Bhutto had declared Pakistan’s enemies. They were responsible for her assassination. Zardari believed in dialogues, not in the military action. In fact, some religious factions in the Parliament and political parties like Pakistan Tehreek-e-Insaf (PTI) led by Imran Khan did not want military action against Taliban either. They rather wanted the Taliban to be included in the political process.\textsuperscript{308}

Pakistan army moved in FATA, after US, collaborating with NATO forces, attacked Afghan Taliban. The military leadership was reluctant to make deal with TTP but the civilian government was pressurised by the political forces. They wanted a political solution because military operation in Balochistan could not resolve the issue of angry Baloch nationalists. The military action there had fanned a separatist movement and Pakistan’s rival neighbour, India, funded and supported Baloch separatists. President Zardari decided to choose a peaceful course instead of war against TTP. Against the military’s reservation Zardari government signed a deal with TTP’s Commanders in February 2009. Both, the federal and provincial governments, were on the same

\textsuperscript{307}Islamic teachings according to Quran and Sunnah, but they had their own interpretation which was not according to Quran and Sharia so majority people from FATA and Pakistan opposed them.

\textsuperscript{308}Dawn, October 6, 2012; “The Express Tribune, September 25, 2013.
page on a peace deal with Sufi Muhammad to impose Sharia in Malakand Division. Reluctantly, the military leadership accepted the government’s policy of peace in FATA because it was a decision taken by the democratic government. This deal restricted the law enforcement agencies in remaining defensive and not offensive against the TTP. This deal was criticised by an American newspaper during General Kayani’s visit to US, but Kayani defended the government’s policy saying that the agreement was not wrong as it was perceived by the US.

The peace deal did not last very long and soon tensions increased between TTP and the government when Sufi Muhammad refused to accept Pakistan’s Constitution and declared Quran and Sunnah as the constitutions of the country. He declared that TTP would continue its struggle to implement Sharia and would expand its drive throughout the country, which was being run on un-Islamic Western laws, institutions and values. Since Sufi had a big following in the Swat region and had earlier launched similar movements, the government could not ignore his threat. Actually government of Zardari and its coalition partner, the ANP in KP, capitulated. The coalition partners reached consensus to resolve the conflict on 13 April 2009. They offered a comprehensive ‘peace deal’ in the form of Nizam-e- Adal Regulation (NAR) that was passed by the Parliament. This was the first deal between the state and militants, which was passed by an elected democratic Parliament. Under this deal, the government accepted two more important demands of TTP: withdrawal of the army from the region and release of Taliban prisoners under the guise of prisoners’ exchange. The military had objection with the deal because army’s withdrawal meant the militants had their own state within the state. The army was reluctant to withdraw and to exchange prisoners. To overrule the army, Zardari’s government used the Parliament that left the armed forces’ leadership with a little choice but to go with the deal.

Theoretically speaking, “for Prime Minister Gillani and President Zardari, Parliament was the only supreme institution and they did not need approval from any other institution”. Similarly, President Zardari wanted to introduce reforms in FATA, which were not acceptable to the army.

---

311 Text of Swat deal.
312 Athar Abbas.
313 Farhatullah Babar.
When President was about to announce FATA reforms, he was pressurised by GHQ at eleventh hour not to do so.\textsuperscript{315}

Major General Athar Abbas the then DG ISPR explained military’s position by saying:

The military could not accept any reforms in FATA which would endanger country’s security. Furthermore, there were two parallel systems running which again was not acceptable. The deal between the government and Sufi Muhammad proved to be a temporary affair. However, Sufi Muhammad and his followers violated the deal and they took laws into their own hands, running the region as the fiefdom. Only the army knew of the critical situation evolving in Swat and in FATA, not the new civilian government. Later, the government realized its mistake and supported the military’s position on the issue when the militants violated the deal. They [the militants] were becoming bolder by the day, even challenging the federal government in Islamabad.\textsuperscript{316}

The home-made strategy of peace with TTP was criticised by the US government. The US envoy Richard Holbrooke criticised this deal and said, “you cannot deal with these people by giving away a territory as they creep closer to the populated centres of Punjab and Islamabad”.\textsuperscript{317} In fact, both Pakistan army and the US wanted operation against Taliban because Pakistani and Afghan Taliban both had the same policy against American and Pakistan’s forces. It was in Pakistan’s interest to eliminate the TTP.\textsuperscript{318} It was under such calculations that the Swat operation was launched. It seems Pakistan was first reluctant and wanted to explore other options, but under foreign pressure it moved in to launch one the biggest military operations in the country. The Swat region had been practically lost to the Taliban. The Taliban had enforced Sharia in Swat. Although it was not the first case of a local militant doing so and later it has posed a bigger threat in terms of other groups taking inspiration by their gains and recognition and taking up arms and controlling other thinly governed regions of the country. What was happening in Swat and FATA was against the will of the local populations, as they have been abandoned by the government and taken hostage by the militant groups. The people of Pakistan have never

\textsuperscript{315}Farhatullah Babar
\textsuperscript{316}Athar Abbas.
\textsuperscript{317}Fahan Bukhari and Demetric Savastopulo, (2009).
\textsuperscript{318}Interview of Col. Saqib Shuja.
supported Talibanization. Pakistani society is moderate in general. The political parties, despite their divergence of opinion, were united to eliminate terrorism to its logical end.\textsuperscript{319}

5.2 The Swat Military Operation

It is ironical that Pakistan lost control over Swat under the military regime of Musharraf, which was once the best governed and relatively a developed princely state. He allowed the religious parties that had formed government in KPK after 2002 General Elections, to resist military intervention to stop the takeover of the area by the local Taliban movement led by Mullah Fazlullah. The military leadership had serious concerns about NAR, which was misused by the militants because the people of Swat found themselves helpless when government decided to concede bigger space to the militants. Mullah Fazlullah, TTP Commander, adopted aggressive policy in Swat and in the surrounding areas. He began to oppress his opponents and government personnel who he thought might stand up to his ‘Islamic’ rule. Pakistan’s security and survival was at stake and the military did not want to compromise under any circumstances. The military shared its concern with the civilian leadership directly and indirectly. Talat Masood mentions the army’s strategy of conveying its message to the civilian government as:

It is not necessary that the army conveys its message to the political leadership via one-on-one meeting- the message is delivered indirectly through different channels and the best forum is the Corps Commanders’ Conference where the Army Chief has the institutional support from majority and all top generals give their output to the Army Chief. Sometimes COAS’ statements on different occasions are released to convey his concern to the political leadership.\textsuperscript{320}

While Zardari regime was caving in the TTP pressure, both the public and media played a key role against TTP’s policy that created a legitimate environment for the military leadership to use force. Army wanted political and public support before it had launched the operation. Military had a heavy baggage of using force in Balochistan against the Baloch insurgents. General Musharraf’s use of force against Baloch nationalist, Akbar Bugti, had brought bad name to the military and it was highly criticized by the people and political parties for unwanted action against a veteran Baloch leader. Consequently, army’s image got tarnished. The Swat operation

\textsuperscript{319}Hasan Askari Rizvi, (2009).
\textsuperscript{320}Interview of Talat Masood.
proved to be a turning point for the military, as the liberal sections of the society, the media and the political parties wanted to end the menace of Talibanization and only the military could do it.

There was however, a big difference between the policy of the military under Musharraf and when he had left the command of the Armed Forces. The post-Musharraf military had decided not to use force against any group without political consensus and that was the reason the army wanted political leadership to be on board to eliminate militancy from FATA and Swat. The National Security Council would have been an effective instrument to build political and military consensus, but Zardari had dissolved the Council in 2008. The military would not take any decision on its own to go on war against the Taliban. It needed legal cover, political support and the budget to meet its cost. Elimination of NSC did not develop the civilian supremacy over the military; it eliminated an institution that could provide a forum for the military and the civilian government to settle policy difference. By experts, it was a wrong policy of PPP’s government.321

The militants have used divisions within the political parties to their advantage. The problem is that the party system in the country has been weak and ineffective and that reflects itself when the parties form the government. The political parties never played constructive politics that could be useful for the development of democratic system and which might have balanced the powers between the military and the civilian institutions. Political parties are divided on the basis of ideology and ethnicity. Their frequent confrontations have not allowed democracy to consolidate in Pakistan. Some political parties have had soft corner for extremists.322 They have often defended militants and have shown resistance to any action against them. Zardari’s government was caught between two opposite pressures. It faced criticism from opposition parties that pressed for negotiations with TTP. On the other hand, the military leadership pushed the government to take action against the Taliban. From the military’s point of view, state sovereignty was at stake. The Zardari regime finally went with the military to retrieve the Swat region from the rule of the Taliban. Prime Minister Gillani made televised address to the nation and announced army’s action against the TTP in Swat, which was termed as Operation Rah-e-Rast (Straight Path).Prime Minister Gillani said that “ in order to restore dignity and honour of our homeland and to protect people, the armed forces were called to eliminate militants and

321Amjad Shoaib.
terrorist from FATA"). The government supported Swat military operation because it had no option except to legitimise the military’s policy against internal and external militants in FATA.\textsuperscript{323}

Civil-military relations during Swat operation remained cooperative and cohesive. The government, mainstream political parties and people of Peshawar, in particular, supported military action against Taliban. People provided shelters and food to Internally Displaced Persons (IDPs). The whole nation and the military leadership greatly appreciated the resilience of the people of Swat and hospitality of the people of KP. Swat Operation in fact provided an opportunity to the military to regain its image that was destroyed by Musharraf regime. Though the government supported military action but it could not establish its positive image as the ‘government for the people’ and “the writ of government was established in Swat due to the army’s professionalism and people’s support”.\textsuperscript{324}

During the Swat operation the military and the US personnel were more visible than the civilian leadership. Chairman Joint Chiefs of Staff (CJCS), US, Admiral Michael Mullen visited Swat to appreciate and acknowledge the military’s struggle against the Taliban. For the military, it had two positive effects. Internationally, it got recognised as a strong and effective force in the war on terror; domestically, it’s rating among people of all shades and opinion went high. While the military restored its positive image during Swat operation, the image of the government was badly affected due to poor governance. During crisis people helped each other disregard to different political associations, faith and sect. An old citizen of Peshawar said that people loved the army and not the government because the army protected them and helped them when they were homeless and helpless as refugees”.\textsuperscript{325} A general democratic norm in the world is that elected governments provide facilities to their people without discrimination. In the case of Pakistan, Zardari government refused to set up refugee camps outside the KP because of security reasons. In fact, \textit{Operation Rah-e-Rast} in Swat strengthened the military’s position in two core areas; firstly, it renewed its claim to be the protector of the nation and secondly, it restored its

\textsuperscript{323}Amjad Shoaib.
\textsuperscript{324}Mirza Aslam Beg.
\textsuperscript{325}Interview of Senior Citizen of Peshawar, Muhammad Usman.
credibility with American critics who were questioning its commitment and effectiveness to the war against terrorism since 9/11.\textsuperscript{326}

In facing the challenge of militancy, the military acquired legal and judicial powers, which in a way recognised inefficiency and weaknesses of the civilian institutions.\textsuperscript{327} Musharraf had empowered the military in 2007 by amending the Army Act 1952 that empowered the military courts to try civilian for committing offences against the security and defence of Pakistan.\textsuperscript{328} After Musharraf departure, the army urged Zardari to approve the Action in Aid of Civil Power Regulation 2011, which is the only constitutional mechanism to use the military power in any areas disturbed by terrorism and militancy. This Act authorized the military to detain terror suspects during operation in Swat and FATA. Practically, it curtails the power of the civilian authority and increases the power of the military. For years now, the military has retained its assertive, dominant position in FATA and Balochistan.

The post-Musharraf political developments paved the way for unity among all political parties for rebuilding democratic institutions that were destroyed by the military ruler. This spirit of cooperation was reflected in greater agreement to end militancy in the country. The parties that had raised objection against the military action came to accept the position of the government on the necessity of military action in Swat. The All Parties Conference convened by the government endorsed the military action, which created a sense of national unity and proved much greater support to the military.

In addition to domestic support across the party lines, the military got international support, particularly from the US to end militancy in the country because of its linkages with the situation in Afghanistan and negative effects on the security of the region.\textsuperscript{329} America and the Pakistan army both had an understanding to destroy the Taliban in FATA; for the US, it would help it fight against the Afghan Taliban those were hiding on across the border. President Obama had made clear that extremists were threat to the people of Afghanistan and Pakistan. He had been urging Pakistan to eliminate terror by categorically stating that the US “will not give a blank

\textsuperscript{326}Aqil Shah, (2014), 23.
\textsuperscript{327}Ibid.
\textsuperscript{328}Dawn, July 11, 2011.
\textsuperscript{329}Hussain (2009).
“cheque” to Pakistan without meeting this condition to its satisfaction.\textsuperscript{330} Pakistan’s government and the military both needed American aid for effective pursuit of goals in the war on terrorism. The American pressure in reaching the decision on military action cannot be discounted, as the military feared that the US might stop economic and military assistance. In essence, it realised that such an action was in Pakistan’s national interests, as its national image and international standing along with adverse effects of terrorism on national economy were hurting the country and the people.\textsuperscript{331}

Regaining control of the Swat valley was the priority of the army and protecting the people was also the military’s responsibility. Since 2007, the army got its first victory against militants and in less than three weeks the army recaptured the Valley. During army operation the majority of Taliban, including their local leader Mullah Fazlullah successfully escaped and went to Afghanistan. Pakistan did not get cooperation from the Afghan government and the NATO forces, as they did not stop the fleeing Taliban fighters and leaders. Apparently the NATO forces were collaborating with Pakistan army in FATA insurgency and they were controlling major security check posts on the Pak-Afghan border.\textsuperscript{332} They were supposed to serve as the anvil with Pakistani hammer falling on the terrorists. It was either bad faith or the mutual suspicions that marred the ‘strategic’ partnership of Pakistan with the United States. Mullah Fazlullah continues to hide in Afghanistan and operates against Pakistan from safe places provided by the Afghan and Indian intelligence.\textsuperscript{333}

In dealing with many of the security challenges in Swat and FATA, the military kept the initiative with itself. In planning and executing the military operations, it held some discussion with the civilian leaders but kept most of the information to itself. It has always guarded its turf against any influence of the civilian governments. In managing its internal affairs, it has always acted with a degree of autonomy, not seen or practiced in any other democracy. For instance, General Kayani granted extension to the Corp Commander Peshawar Lt. General Masood Alam. The extension of Corp Commander Peshawar by the Army Chief irked the government because the COAS did not consult both President and Prime Minister. Similarly, Kayani extended the

\textsuperscript{330} James Traub.
\textsuperscript{331} Interview of Yousaf Raza Gilani.
\textsuperscript{332} Col. Saqib Shuja.
\textsuperscript{333} Ibid.
tenures of DGISI Lt. General Pasha.\textsuperscript{334} He bypassed the Prime Minister and President by granting extension to these two generals. The ironic part of the story is that the government came to know about extension only through the newspapers. Gillani was of the view that “they (generals) thought civilian bloody were incompetent”\textsuperscript{335} so the civilian leadership was not consulted by COAS and he kept granting extension to his loyal soldiers.

5.3 Balochistan Insurgency and Civil-military Cooperation

Balochistan has always been handled with force by the civilian and military regimes. Musharraf mishandled situation in Baluchistan. Before his takeover, the province had an elected government and the Baloch nationalist parties were part of national coalition at the centre and conditions were peaceful in the province. His politics and polices alienated the Baloch leaders. Several points of conflicts emerged in Balochistan because of its troubled history, rich natural resources and intervention by neighbouring states. Balochistan is rich in mineral resources such as coal, natural gas and copper. However, it has been the most underdeveloped province due to the neglect of the successive governments, both civil and military. Its strategic location has made this province very significant. Afghanistan, Iran, India, China, United States and the Gulf States have been watchful and interested in the political developments of Balochistan, each for its own economic, security and political reasons. The Baloch nationalists have never been happy with the federal government. The list of their grievances runs as follows:

1. Absence of political participation.
2. Economic backwardness.
3. Lack of control over natural wealth of the province.
4. Exploitation by outside elements.

The Balochistan province has remained deprived for decades under the civil and military regimes. As their demands for equality and justice increased and some Baloch elements took up arms, the federal government whether civilian or military tried to suppress. The state policy toward Balochistan increased ethno-national movement against the central governments. General

\textsuperscript{334} Pak Tribune, February 21, 2010.
Aslam Beg, former Chief of the Army Staff, describes the reason for massive deprivation among Baloch people as follows:

The major reason of Baluchistan’s grievances and hate for the federal government is visible due to their non-participation in the Armed Forces. For years, Balochi nationalists did not accept the Pakistan Army. Like East Pakistan, the sense of deprivation was deeply rooted among the people of Balochistan. Even in the Baloch regiment non-Baloch were recruited, who were either Punjabi or Pashtuns; the Baloch people disliked both and they themselves were considered as alien to those at the helm of affairs.\textsuperscript{336}

The province lost its peace and stability because of repressive policies towards the Baloch by the Musharraf regime. Musharraf had alienated Baloch leaders and the people of the province. As a reaction to his policies, insurgency started and the armed groups began attacking the security forces and public installations. Bugti opposed the creation of cantonment area in Sui and Dera-Bugti, the hometown of Akbar Bugti. He did not want army’s presence in Balochistan which was signified by his demands of army’s removal from the province and abandonment of the plan to establish cantonment areas. Bugti went into a confrontation in 2003 when he challenged the military regime and declared Balochistan for the Baloch only. The situation further worsened as a cycle of military operations and insurgency started. Nawab Akbar Bugti went to the mountains with his fighters. Bugti was killed in an alleged military action in 2006 when he refused to negotiate with military regime.

The post-Musharraf regime and the military both realized the historical injustice done with Balochistan and subsequently, took initiatives to develop the region. The civil and military leadership agreed on the same policy regarding the development of the deprived province. Balochistan was fundamental bedrock of the Army’s policy because the public there was generally unsatisfied with Pakistan Army due to Musharraf’s military action. Therefore, General Kayani acted differently than Musharraf in case of Balochistan; he did not use force - instead he involved local people in development programs. Now, Baloch youth is being recruited in the Armed Forces and consequently, perceptions about the military have begun to change.\textsuperscript{337} The post-Musharraf Balochistan was a big challenge for civil and military leadership to settle. Zardari

\textsuperscript{336} Mirza Aslam Beg.
\textsuperscript{337} Ibid.
himself tried to pursue the major political groups in Balochistan but without much success with the insurgents. The policies and tactics of Zardari were not very helpful in calming down the situation in Balochistan. Practically two authorities have functioned in the insurgency-ridden climate of Balochistan; the civilian authority to handle civilian matters and the military to handle the security situation.

In the 2008 elections, the PPP formed its coalition government in Balochistan and Aslam Raisani was made Chief Minister who was a controversial figure who expressed no interest in Balochistan’s development programs. Military thought development of the province was the key to integrating the province with the national mainstream. Therefore, the military monitored all development projects in Balochistan because Raisani was unreliable, corrupt and ineffective.

Political development and socio-economic progress go hand-in-hand when it comes to establishing peace and security. These are also the essential tools which any democratic system must exhibit. They were greatly needed in Balochistan to silence the propaganda of Baloch nationalists. Zardari government made promises and offered economic packages to Balochistan but all remained ineffective because of his poor choice of alliances and allowing his political allies to enrich themselves on public expense. While the positive gains of development were too little, the military operations annoyed the Baloch leaders. Some of the Baloch leaders demanded that Zardari’s government must withdraw the army from the province and decrease powers of Frontier Corps, a paramilitary force was engaged to fight with insurgents. They expected a different policy from a democratic government than the one Musharraf had pursued. As far as Zardari is concerned, he as President of Pakistan had no control over national security and defence policy. It was military’s domain and the military leadership had to decide about army’s withdrawal. Zardari government, however, offered an economic package in 2009 which was rejected by the Baloch leaders because they demanded full autonomy under the Constitution of 1973.

The 18th Amendment has given lot of autonomy to the provinces, including Balochistan, but the political and security issues of the province have become too muddled. The military has its concerns about security of Balochistan because both India and Afghanistan have been very

338 Interview of Muhabbat Marri, former Senator from Baluchistan.  
339 Art, 175.
active in destabilizing the province by giving assistance and refuge to the Baloch insurgents. The military believes that jobs, economic development and political participation would remove the sense of deprivation among the Baloch youth and integrate them with rest of the country.

The military took a good number of actions to satisfy the demands of the Baloch nationalists. In 2011, General Kayani made historic announcements that the army would be withdrawn from Sui and Dera Bugti — the most troubled districts. Second, the military leadership decided to convert the cantonment plan into a cadet college to recruit the Baloch youth in the Pakistan army. Military also took up large-scale, mega projects of road and highway construction in the province. In contrast to this effective role of the military, the provincial government led by Raisani was poor in governance. The worst law and order situation, corruption and sense of insecurity continued to prevail. Zardari government ignored Raisani’s incompetent cabinet, which had absolutely failed to introduce social and economic reforms and he also failed to reduce alienation of angry Baloch people in the province. Raisani proved himself the most ineligible chief minister of Balochistan. Zardari was the Head of the State and Raisani was representing his party, the PPP, as Chief Minister. After all, it was PPP’s government in Balochistan too. Zardari continued to tolerate his incompetence because he did not want to displease his political partners in Balochistan. It was finally, the Supreme Court of Pakistan that took notice of poor law and order situation there. The question of missing persons—those suspected of involvement in insurgency and allegedly held by the security agencies in Balochistan, became a glaring example of loss of power by the civilian authority. For the first time, the CJ called a regional officer of ISI to the court to report about the missing persons. The government also received a warning from CJ for not improving law and order situation in Balochistan. He said that a “state of emergency would be declared” if the government failed to resolve crisis in Balochistan. According to an ISI officer, “agencies were not involved in the case of missing persons - they were either killed by rival groups or were hiding in Afghanistan, as was admitted by the President of Afghanistan”.

The intelligence outfits captured those who were involved in anti-state activities purely on the basis of evidence. They claimed that these elements had been working for external powers.

---

341 Khan Khalil.
There is considerable evidence to suggest that the civil and military leaders made their best efforts to resolve political and economic problems of Balochistan. However, despite the hefty “Balochistan Package” offered by the government, situation on the ground kept on deteriorating. It was with the intention of normalizing relations with Baloch leaders and people that the government offered Rs. 120 billion-worth economic development package in 2009. As mentioned earlier, the Baloch separatists rejected it. By 2011, Rs 20 billion were spent by the government and a good number of development projects started off, though much of it was lost in the cycle of corruption. But the Balochistan package still failed to remove the old grievances. The Baloch nationalists termed it ‘charity’ for the people of Baluchistan and instead demanded autonomy of economic aid.

The democratic government failed to develop trust among the people of Balochistan. As a consequent of these failures, Sardar Akhtar Mengal, leader of the BNP, presented his six points before the Supreme Court of Pakistan in 2012. His main points included: the military operations should be stopped and missing persons be presented before the Court. His demands did not get any approval from the military leadership because it found involvement of India in Baluchistan. The civilian government was utterly helpless in shaping the security policy on Balochistan that increased a prerogative of the military establishment to retain its dominance on security policies. The author has found that the military prerogatives, like in the previous regimes, in shaping internal and external policies, remained high (see Annexure-4).

In February 2009, unrest occurred in Baluchistan when three prominent political Baloch leaders were found dead. It is alleged that they had been arrested by an intelligence agency. Massive protest and violence erupted in the whole province and some members of the United Nations also raised serious concern over the murder of three Baloch leaders. The ISI was blamed for killing the Baloch nationalists, which the military denied and defended the role of ISI in Baluchistan.

Balochistan’s situation further aggravated as the Baloch separatist leaders self-exiled in UK and Switzerland. They became more aggressive and less reconcilable in their approach. Balochistan is an attraction for the external powers to be active in for covert activities. During Zardari regime, the Balochistan issue kept simmering at home and abroad. Because of the

---

342HiarbyraMarri and Brahmmdagh Bugti both operating nationalist movement from abroad.
lobbying efforts of the Baloch leaders and their foreign backers, the US Congressman Dana Rohrabacher raised the issue of Balochistan in the US Congressional Foreign Affairs Subcommittee by conducting a hearing, where he demanded Balochistan’s independence. Some see the hand of the US administration behind this move. In fact, the US was angry with the Pakistani establishment and security forces, which failed to do enough to help the US and her allies succeed against the Afghan Taliban insurgency. The American Congressmen ignored the fact that every state has a right and responsibility to protect its security.

Because of the insurgency in Balochistan, the military remained as the powerful force and the initiative to take major decisions has been with it. The case in point is helplessness of President Zardari in settling the Balochistan issue. Zardari himself belonged to a Baloch tribe, Zardari. He wanted to remove the old grievances of Baloch people and sought apology for Musharraf’s policy against the Baloch people but could not confront the powerful military. Balochistan faced complex issues of political, security and ethnic nature. These issues needed political will to be resolved but provincial and federal governments did not enforce rule of law and rather relied on the security agencies in Balochistan.

There is also the problem of institutional decay of the state institutions, both at the federal and provincial level. The police forces in particular have declined in their capability to meet the complex challenges of new waves of extremism and terrorism. In the absence of professional police in Balochistan, the banned religious outfits took opportunity to attack Hazara community. Balochistan was the gravest of the challenges for the Zardari regime. His government, like other civilian governments in the past, was unable to provide a civilian security order to the province. Much like them, “he relied on soldiers for managing civilian affairs of the troubled province”. Only soldiers have the capacity to counter insurgency as they proved it in Swat. In Balochistan, the military succeeded better than the civilians in bringing the local people into development projects that has begun to change their lives.

---

343 See for detail C. Christine Fair, (2012).
345 Sanaullah (2011).
346 Interview of Bashir Ahmad, Retd. Army officer.
347 Ibid.
The military worked hard to build its trust and image in Balochistan by initiating development project from roads to a major port at Gwadar to mega communication networks. People began to participate in development programs initiated by the Armed Forces. Since Balochistan has been neglected socially as well, the military decided to set up educational institutes. Education is the first step toward progress and development. General Kayani inaugurated the first military College at Sui and that was a symbol of progress for Balochistan and its youth. Each troubled and far-flung area of Balochistan, which had been neglected by the previous civil-military regimes, was developed by the military and it was a great help for the civil leadership as well. Consequently, human development and socio-economic projects have changed the perception of local poor people about military, which was shattered during Musharraf regime. General Kayani was the first COAS who achieved some of the highest benchmarks of socio-economic programs in Balochistan. In entire history of Pakistan, the military has played a pivotal and critical role in the progress and development of the country. Even when military has not been in power it has provided assistance to the civilian governments in dealing with natural disasters and extending cooperation for the maintenance of law and order.

The development projects initiated by the military in Balochistan were a part of comprehensive strategy to compensate for the negligence of the political leadership. In fact, these projects were an achievement of civil-military cooperation at provincial level. Balochistan was one important issue where the interests of Zardari regime and the military converged. They acted together in support of national interest and security of Balochistan. The military needed political support to legitimize its policy and projects in Balochistan because Musharraf’s policy had promoted hate against the military.

5. 4 Sindh: The Quagmire of Ethnic Politics

The coastal province of Sindh with Karachi as the commercial hub of the country has remained ethnically polarized for decades. There is another dimension of polarization in Sindh and that is in the form of the immigrants from India who came to Pakistan in 1947 have populated the urban areas. They are more educated, generally belong to different layers of the

---

348 Interview of Zahida. Quetta University, Balochistan.
349 Interview of Mirza Aslam Beg.
350 Interview of Athar Abbas.
middle classes and happen to pursue modern professions. In contrast, the rural areas of Sindh are under the influence of land owning class. This class dominates society, economy and politics. The old feudal has stronghold over power and promotes patronage politics to stay in position of influence. Patronage has bordered on corruption, which is not confined to Sindh. The culture of graft is visible from Karachi to KP. Corruption, misuse of power, violence and manipulation are some the features of this culture.\footnote{Rasul Bakhsh Rais, “Pakistan, never ending crisis, “The Express Tribune, November 22, 2010.}

Sindh, which was Zardari’s province of domicile, remained badly governed. Even the welfare programme in the name of Benazir Bhutto—BISP—was misused.\footnote{Zahid, Gishkori, “Rs 4.2billion corruption unearthe d in Sindh BISP,” The News, May 24,2016.} Sindh was important for Zardari’s political survival, as his party had lost support in other provinces. In Sindh, several regional and national parties challenged his position. Notable among them were the MQM, ANP, PML-N, JUI, Pakistan People’s Party (Ghinwa Bhutto faction) and Sindh National Front led by Mumtaz Bhutto. To face the challenge of these parties, Zardari focused more on Sindh, his political centre, at the expense of neglecting other provinces. It seemed Zardari had a deal with the military that “he would leave larger national issues of security and foreign policy to the advice of the military, if he were allowed free hand in the affairs of Sindh.”\footnote{Athar Abbas.} Zardari had his wish fulfilled—he gave real power to rule Sindh to his foster-brother Owais Muzzafar who protected criminals and used them against the rival groups. Along with questionable tactics, Zardari wanted to use ethnic card to curb his political rivals. Against this, the military wanted to prevent any ethnic conflict in Sindh but gave a free hand to Zardari’s clan to administer Sindh.\footnote{Ibid.} The military was an arm of the state was bound to protect the state, but at the same time, it was also required to cooperate and work with the civilian regime.\footnote{MazharAziz,(2008),51.} As discussed in Chapter five, Zardari had trust in his sister Faryal Talpur who was running all the political affairs of the province that has a history of ethnic conflict. Her mishandling of affairs played a part in increasing the militancy. As usual, the political parties began to blame each other. Politically, MQM and PPP have been dominant parties in Karachi, the capital city of Sindh. These parties had militants wing\footnote{The Express Tribune, November 19,2012.} and their members were involved in target killings, kidnapping and extortion. The MQM was an ally of PPP’s government in Sindh with Ishrat Ebad (MQM
member) being the Governor of the province. The ‘Altaf Husain’ factor always made peace and stability in Sindh a complicated affair, as he ran the MQM from his perch in London. His party, the MQM, has been a major element in destabilizing peace in Sindh.

In 2011, violence increased in Karachi. The city suffered several target killings of political activists, journalists and religious scholars. Police failed to protect the citizens. The conditions turned so bad that MQM and ANP both demanded that Karachi be taken over by the military where the military rangers have been providing security in addition to police for decades. In the Corp Commanders Conference, General Kayani raised concerns about Karachi’s bad situation and highlighted its implications on national economy. On Sindh’s government request, Rangers were deployed in Karachi on 8th July 2011, but violence did not stop. The Supreme Court took suo motu notice when Tahir Sadri’s letter was published in the newspapers in which he urged the Court to take action on Karachi’s situation. In fact, People’s Aman Committee (PAC) and MQM both have conflict in Karachi. The PAC was founded in 2008 by gangster Rehman Dacoit after his death in 2009. Uzair Baloch another gangster and a member of PPP, patronized this Committee under PPP’s guidance. Both MQM and PPP were patronizing their militant wings. The government needed MQM’s support in Sindh and centre and MQM needed power in affairs of Sindh government. Their respective compulsions pushed to them cooperate politically but their militants continued to fight turf battles. When MQM quit the alliance, Zardari brought it back. On the insistence of the MQM, he removed his own man Zulfikar Mirza, one of the most powerful persons and then a close confidante of Zardari. Mirza was the only person who knew the real face of MQM and its fascist tactics in Karachi. During hearing of the case in the Supreme Court, the DG Ranger Major General Rizwan Akhtar told the court that all political parties in Karachi had weapons and militant wings.

Political parties are the representatives of people and people elect their representative to protect them and their fundamental rights. During Zardari era militant political wings were the means through which politics in Karachi and Sindh was conducted. The militant wings obviously

---

359 Khawaja Umar Farooq, 2013.
360 Senior officer of ISI who was conducting operation against PPP and MQM in Karachi in 2011-2012.
361 General Akhtar was appointed DG.ISI by COAS General Raheel Sharif in November 2013
worked against the national interest, stability and peace in Karachi. The militant wings had ethnic orientation and had entertained hatred against the other communities. The sad part is that they acted on the instruction of political leaders of their parties. It seemed that the Pakistani political leaders did not learn from the past in using ethnic card at local and regional level. These problems in Sindh added to the task of the military. It was already countering insurgencies in FATA and Balochistan. While the political class promoted conflicts, the military strived to defuse them and fight them off when necessary. However, politicians were not alone in using ethnicity to advance their interests. In the past, all rulers, civil and military have used ethnic factionalism in their power games. In the opinion of General Amjad Shoaib, corruption, mismanagement, poor governance and incompetence were rife during the Zardari era, but these evils hit Sindh the worst. The situation in Sindh was critical because of the militant wings of the political parties and their role in disturbing peace of the region. General Kayani conveyed the military’s serious concern to Zardari over deteriorating law and order in Karachi several times, but the rot continued.

Owing to the questionable role of the political parties and their leaders, the military has acquired dominant position in national security, which it is reluctant to give under the control of the civilians, fearing that they mess up the security of the country. Therefore, it is the military which designs the strategy to cope with internal and external issues and not the civilian government in power. Talat Masood is of the view that “General Kayani had an option to impose martial law but the army had decided to watch over and nudge them to take a right direction and let the people identify good and bad politicians and make their own choices.”

The military’s leadership plays tremendous role in developing moral image, “Gen. Kayani masterfully restored the people’s confidence in the army and convinced international actors that he was a dedicated democrat.”

**5.5 18th Amendment: A Political Strength**

---

364 Amjad Shoaib.
366 Talat Masood
One of the remarkable developments in Pakistan is settling of the issue of provincial autonomy by consensus of all the political parties by amending the Constitution, which is considered as the supreme document of any state. But both Pakistani civil and military leadership changed it for their personal political interests. In Pakistan, there is parliamentary democracy where the President is nominal head of the state and he has to act upon the Prime Minister’s advice. Zardari was a civilian President inherited powerful presidency from Musharraf. President Zardari was pressurized by PMLN to follow CoD which was signed between Benazir and Nawaz Sharif. In March 2009, all political parties unanimously appointed Raza Rabbani as the Chairman of the Constitutional Committee. The bill of the 18th Amendment was passed by the Parliament and it became law on April 19, 2010. The 18th Amendment was an achievement of Zardari regime. It restored the parliamentary spirit of the 1973 Constitution in its original shape but added certain clauses to keep the military away from usurping power. President Zardari believed that the door was shut for dictatorship forever and Parliament’s supremacy had been established. Zardari drew his strength from his party, the PPP, which had a considerable mass following back then. As Party Chairman, he was more powerful than the President because he had the authority to replace any minister in the government. Zardari had power to control the government without Article 58-2b which was a strong instrument in the past as it was used against elected democratic governments. Zardari had a loyal Prime Minister who could not challenge his authority and would always act on his advice.

The transitional government succeeded to deprive the military of securing its constitutional tool for having its upper hand in politics which was used in 1990s (discussed in Chapter three). Though presidential powers were curtailed in 18th amendment but it did not make any difference to Zardari as he ignored Prime Minister’s power and he started instructing Prime Minister by using his powers as a Party Chairman. Zardari had a ‘Kitchen Cabinet ‘of sorts to control the government’s policies – it was Zardari’s Central Executive Committee (CEC) that comprised members of his family and friends. Transfer of powers did not affect Zardari’s power; neither had it stopped the military intervention and influence on security and defence policies Yousaf Raza Gillani said:

Under the 18th amendment every institution should remain in its domain and should follow the book (Constitution). But institutions are fragile and require more time to
flourish. This amendment makes the parliament more supreme. By this constitutional change, the Prime Minister brought the agencies before parliament and they are answerable to the elected members in parliament which never occurred in the past.\textsuperscript{368}

5.6 Parliamentary Oversight: Civil-Military Perspective

Prime Minister Zulfikar Ali Bhutto had asserted his authority over the Armed Forces through Parliament (Constitution). Zardari regime also attempted to establish its supremacy to control military institutions but that could not be effective because “the parliamentarians (legislators) did not have sufficient knowledge about defence or security affairs.”\textsuperscript{369} Parliamentary oversight regarding military affairs in Pakistan is not as easy as seen in developed democracies.

Since the fourth democratic transition beginning in 2008, one can discern a trend in Pakistan where the civilian leaders appear to assert their supremacy over all state institutions according to spirit of parliamentary democracy. It was in line with this thinking that the new civilian government asserted claim to control the military budget. After the first National Assembly Session on March 17\textsuperscript{th} 2008, the government constituted the National Assembly Standing Committee on Defence, which was designed to look into defence and security issues. The civilian government did not make any attempt to curtail the benefits and privileges (see annexure-4) that the military as an institution has enjoyed. The establishment of the Parliamentary Committee might be considered as a probe or as one of the basic steps to be taken for achieving civilian supremacy. All governments have been mindful of the power of the military and its influence in the society.

During his visit to the GHQ on May 14, 2008 to discuss security issues with the COAS, Prime Minister Gillani announced that “government will provide all necessary resources to enable Pakistan Army to accomplish its sacred assigned missions”.\textsuperscript{370} In fact, “the United States wanted the army to have greater civilian oversight and the army was ready to submit a brief budget to the Parliament for debate. It had little more than symbolic importance.”\textsuperscript{371} However, the army advised the Zardari government to “streamline wasteful civilian expenditure rather than question

\textsuperscript{368} Yousaf Raza Gillani.
\textsuperscript{369} Ibid.
\textsuperscript{370}“Press Release”. No PR26/2008-ISPR.May 14, 2008
\textsuperscript{371} C. Christine Fair, (2009):83.
the military budget.”\textsuperscript{372} Despite parliamentary oversight, military gained the maximum budget during the Zardari regime (see annexure-3). The civilian rulers must understand the difference between personal desire and national policy. It depends on threat assessment from India, Iran and Afghanistan. Defence budget cannot be made public.\textsuperscript{373} The military gained defence budget as it was demanded and required by the military.\textsuperscript{374} Since Pakistan’s inception, the defence budget has never been compromised by the civilians or military rulers. In 1948, the first Prime Minster Liaquat Ali Khan said, “the defence of the state is our foremost consideration; it dominates all other governmental activities”.\textsuperscript{375} The Parliament and political parties have accepted the security perception of the military and the government and never strive to cut defence budget but criticize at public forum.\textsuperscript{376} The government approved the defence budget because Pakistan has troubling neighbours India and Afghanistan. Zardari’s government comprehended the challenges faced by the military so civilians could not refuse to meet their defence requirement.\textsuperscript{377}

Raza Rabbani, Chairman of Constitutional Committee at the time, said:

I do not believe in Article 6 of 18\textsuperscript{th} amendment is merely a provision in the Constitution. It is the bar against the military takeover or military influence in politics. However, strong institutions would bring civil supremacy over military. The government accepted the army’s demand in terms of budget, material requirement, weapons etc. Basically, they got whatever they wanted. There was very little civilian supremacy. The situation between the military and civil government was slightly better but it was not an ideal situation. Until there is no democracy and strong institutions, there is always a threat of military takeover looming in the background. Democratic forces are political parties but they need to put their house in order.\textsuperscript{378}

General Kayani had shown his determination in conducting counter-terrorism operations in FATA and Balochistan. Kayani rebuilt the image of the military and strived to win the trust of his troops and the people. He raised the salaries of Junior Commissioned Officers (JCOs).

\textsuperscript{372} The ISPR Chief Decries Criticism of Defence Budget, \textquotedblleft The News \textquotedblright, March 14, 2011.
\textsuperscript{373} Rashid Quraishi.
\textsuperscript{374} Information were shared with author by the senior officer at Ministry of Defence.
\textsuperscript{376} Interview of Ayesha Siddiqua.
\textsuperscript{378} Raza Rabbani.
Although Kayani had cultivated to stay away from politics but on issues of security and defence, he took the charge. Kayani was the first COAS who called the meeting of the federal secretaries and presided at GHQ in the presence of a civilian government. General Kayani chaired the meeting before his official visit to the US—a role that is possible only in states where civilian supremacy has yet to be established. The meeting with civil policy makers at GHQ was a message to the civil government that despite ‘constitutional supremacy’ Army enjoys its prerogatives (see annexure-4) and that was exactly the kind of fragile democracy existing during the Zardari regime. In fact, the secretaries could not say ‘no’ to COAS because they knew the real power of the state [Pakistan].

The military remained influential and the budget was not discussed in the Parliament on the pretext that any open discussion of the military budget would endanger the state security and the enemy could get information about Pakistan’s defence apparatus. The budget was however discussed with the Defence Minister and Finance Minister, which was approved according to the requirements of the Defence Ministry. Lt. General Talat Masood has defended the military requirement for the defence budget in the following words:

Despite its military budget, the military also has its economic corporate but it also spends for disaster relief. General Kayani was the first COAS who initiated development projects in Balochistan. The army also constructed infrastructure in FATA which was previously destroyed by Taliban. After 9/11 incident, its requirements changed—the military now faces internal challenges of militancy and insurgency, thereby getting the defence budget to increase. The last budget of Zardari’s government also approved increments in the defence budget.

Despite the fact that the army had its upper hand on defence budget and did not compromise its corporate interest, the President’s spokesperson Farhatullah Babar, however, defended the 18th amendment. He stated:

Zardari’s government made history because the first time in history the allocation of budget to all three forces i.e. Army, ISI and Rangers had been defined. From now onwards every year, defence budget will be discussed in the Senate’ Standing Defence

---

380 Riaz Khokhar.
381 Interview of senior officer in Ministry of Defence who requested not to mention his name
382 Talat Masood.
Committee. President Zardari brought the military in the Parliament to answer the public representatives, making the parliament supreme.\textsuperscript{383}

Lt. Gen. Amjad Shoaib was of the view:

The supremacy of civilian is linked with their governance and their level of sincerity with the country. Zulfkar Ali Bhutto was the most powerful Prime Minister and he tried to control the military through constitutional reforms. Article (6) did not deter Gen. Zia so he imposed martial law. Same was the case with General Musharraf. In future, if military feels that politicians have posed threat to the country, the army would again come to rule. Military has no personal interest – its’ priorities are to defend the state. If the state is threatened, it comes to the rescue. Thus, the political leaders should deliver rather than increasing their power through the constitutional amendment.\textsuperscript{384}

It is true that even in 1950s the military did not like Prime Minister's policy to cut its defence budget. Incidentally, Nazmuddin was the first premier in history to have it cut by one-third.\textsuperscript{385} This probably displeased the then C-in-C General Ayub Khan. Thus civil-military leadership made way for Nazmuddin's dismissal. It is a fact that Pakistani military does not allow any civilian government to hurt its corporate interests and prerogatives.

5.7 Zardari, Gillani Trust in General Kayani

The constitutional changes brought about by the civilian leaders began to shift the locus of constitutional authority in favour of the elected government. The\textsuperscript{18th} Amendment empowered the Prime Minister to appoint the COAS but Gillani did not use that power instead decided to continue with the one chosen by its predecessor a military ruler, General Musharraf. He granted extension to General Kayani. He made an address to the nation on TV and announced Kayani’s three-year extension. Gillani said that after consultation with the President Zardari the government had decided to extend the tenure for three years. Prime Minister Gillani justified the extension of General Kayani by saying that tenure of offices of Prime Minister, President, Chief Justice of Supreme Court was till 2013. The government believed that the continuity with the COAS would strengthen the government. Gillani had faith on the Chief Justice and COAS. He

\textsuperscript{383}Farhatullah Babar.
\textsuperscript{384}Amjad Shoaib.
\textsuperscript{385}Aziz Siddiqi. “Born to Rule?,” 32.
said, “now everyone is in a secure position and they should work under the ambit of the Constitution.”

Civilian leadership ensured its survival. Since General Kayani was pro-democratic soldier the government knew that by this extension the COAS would be helpful in bringing harmony within the major institutions of the state. Kayani’s extension was also in Washington’s interest. Kayani was the second COAS who was granted extension by a democratic elected government. Earlier, Ayub Khan, Field Marshal, was given extension by Iskandar Mirza in June 1958 and in October of the same year, he sacked Iskandar Mirza. It was General Aslam Beg who refused to take extension as COAS and preferred to retire. Similarly, COAS Raheel Sharif also set a precedent by not taking extension and retired on time. Though the civilian government had decided to offer an extension of one year. In the past, both General Zia and General Musharraf had granted themselves an extension and their extension ‘hurt the institutions’ because extension mean denying others their right of promotion in the Armed Forces. When the COAS takes extension from the civil government, he remains obliged and provides the ground to the politicians and political leadership to undermine the Armed Forces as was seen during Zardari regime when the people and media began to criticize the role of the army.

---

387 Yousaf Raza Gillani.
388 *Dawn*, October 8, 2011.
389 Talat Massod.
390 Rashid Quraishi.
Chapter 6

Military Perceptions and External Factors

External factors have always had an impact on civil-military relations in Pakistan. During Zardari regime, particularly from 2008 to 2012, many incidents occurred, which presented grave challenges to the state and raised questions about the civil and military leadership and their working relationship. These incidents increased grievances of the military. For instance, civilian leadership felt quite comfortable in the Parliament, while the military and ISI faced embarrassment after the Abbottabad incident. Apparently, the Parliament supported the military and passed unanimous resolution to defend Pakistan and its sovereignty. Apart from Abbottabad incident, there were particular incidents like post-Mumbai incident policy of the Zardari regime, Kerry-Lugar Bill, Raymond Davis case, and the most serious Memogate, which supported the military’s perception of ‘political leaders’ having no credibility and skills to run the state affairs. In dealing with these problems, the opposition political parties played significant role in siding with the military’s point of view that put pressure on the Zardari regime. It was different from the past when the parties became military’s allies and invited it to take over.

Critical situations were managed with rational approach by both civilian and military leadership that prevented a military coup. This chapter discusses supremacy of the military and subordination of the civilian regime on the issues we have raised above. It also focuses on the preferences of civil-military leadership and convergence and divergence of interests that shaped the new civil-military relations during the Zardari regime. There is enough evidence in all these issues that clearly show a new pattern of civil military relations that is premised on ‘compromise’, which was a positive change in Pakistan’s politics. This chapter discusses why civil-military relations were pernicious and how both civilian and military leadership handled the most troubling situation.

6.1 Chief of the Army Staff, General Ashfaq Parvez Kayani

Before we analyze the external factors and their impact on civil-military relations, it is important to briefly describe Kayani’s personality because COAS has always played a critical
role during political or social crisis in Pakistan. All military rulers had the position of COAS in Pakistan. Most of the COAS have remained well-informed about political activities through agencies (ISI-MI) that report to them. The COAS always relies on Corps Commanders’ output regarding internal and external security environments.\textsuperscript{391} Kayani was very different in terms of setting some new trends in civil-military relations.

The former COAS Kayani served as a military aide of Benazir Bhutto in 1980s and military secretary of Nawaz Sharif in early 1990s but he stayed away from politics. He did not share political affairs at home so his mother called him ‘buffalo’ because he was a reticent person.\textsuperscript{392} He was more interested in his profession instead of politics. Kayani was promoted as Lt. General in 2003 and was given the command of sensitive X Corps, Rawalpindi. Without the X Corps commander’s help, no army chief can stage army coup in Pakistan. Kayani was a man to be easily underestimated.\textsuperscript{393} Kayani investigated suicide attempts made on Musharraf in 2003. General Musharraf had trust in him and appointed him DG ISI. As DG ISI, he played his role between Ms. Bhutto and Musharraf for a power sharing political deal in 2007. Kayani was in a meeting when Musharraf pressurized CJ Iftikhar Chaudhry to resign and terminated him from his job. Kayani never gave any impression about the conflict between Musharraf and Chaudhry; instead he supported Chaudhry to be reinstated by the Zardari regime that had refused to restore Chaudhry as CJ.

General Kayani replaced Musharraf in 2007. Kayani was the first COAS who served as DG ISI. Kayani was not a man of ‘politics’. Kayani discontinued Musharraf’s policy of involving the soldiers in public offices. He recalled them and barred the military officers to meet politicians. In a Corps Commanders Conference, after 2008 elections, General Kayani showed military’s commitment to the democratic process. He carried through his commitment. The new COAS did not intervene when Zardari and Nawaz Sharif were making plan to impeach president Musharraf. He acted according to the political and security environments in Pakistan.

He went after the militants in Swat and North Waziristan, the nursery of terrorists and successfully eliminated them. For the American military officials, General Kayani was the

---

\textsuperscript{391} Amjad Shoaib.
\textsuperscript{392} Azaz Sayed, (2013).
\textsuperscript{393} The News, February 11, 2008.
‘soldier of the soldiers.’ He was heading the powerful institution of the country and had the power to take over when several opportunities were created because of conflictive internal and external situation in the country but he did not. He was not as politically ambitious as the former Army Chief, Musharraf and wanted to allow democracy to firm itself. General Mirza Aslam Beg called him ‘man of tradition’. He followed Beg’s policy who paved the way for smooth political process in 1980s to disengage the military from politics.

6.2 Mumbai Incident: Civil - military Differences

The India-Pakistan rivalry is as old as their independence. Both countries have long-standing dispute and unresolved issues, but Kashmir is the most critical one and at the top of everything from the standpoint of Pakistan. Civil governments always respected military’s point-of-view on Kashmir and India. After Zulfikar Ali Bhutto, no civilian government had an independent policy on India and Kashmir. Stephen Cohen has noted:

Bhutto did not challenge the army’s view that the chief threat came from India. Indeed, Bhutto was indispensable man of the hour, his successor did not have this stature, and when one of them, Nawaz Sharif, attempted his own détente with India, he was bypassed and then removed by an army confident of its own power and its own judgment about what was best for Pakistan.

Constitutionally, elected governments have been given power to run the country, but practically they must take the military on board on security and defence matters because these are considered as the military’s domain.

According to Richard Kohn, “in theory, civilian control is simple; all decisions of government including national security are made or approved by office-holders. The reality is quite different as military establishment have gained significant power.” Indeed, the military establishment is a stakeholder and it has direct stakes on issues which exists between India and Pakistan. Since the beginning of the Kashmir conflict, the military has been playing a pivotal role on defence policy. As far as Kashmir is concerned the people of Pakistan and military have the same

---

396 Richard H. Kohn, 145.
opinion, which is that Kashmir is a “jugular vein” of Pakistan and it is an “unfinished agenda” of the partition. However, it is not to suggest that military rulers have not tried normalizing relations with India. It is evident that military rulers tried to normalize relations with India. From General Ayub Khan to Pervez Musharraf, all of them made efforts, but the generals did not support the democratic rulers when they attempted to develop relations with India. Nawaz Sharif’s diplomatic efforts were derailed by the then COAS Musharraf, but when he assumed power, he made his first visit to India to talk with Prime Minister Vajpayee in 2001.

Pakistani military views India as a potential and permanent enemy. The main reason is the Kashmir dispute. This dispute has created non-state actors in India and Pakistan which promote extremism and terrorism. The phenomenon of terrorism has indeed affected India, Pakistan and the region very adversely. It has sabotaged peace process between the two countries. Serious tension increased between India and Pakistan in November 2008, when twelve terrorists attacked Taj Mahal Hotel in Mumbai in India. They killed 200 people. All terrorists were killed except Ajmal Kasab; he was arrested by Indian officials. India accused a Pakistani banned religious organization, Lashkar-e Taiba (LeT) for the terror attacks. India accused the ISI for supporting the LeT in Pakistan. The Indian Prime Minister, Manmohan Singh, asked the prime minister Gillani to send DG ISI to New Dehli for share and exchange of information. Prime Minister Gillani accepted his request to show solidarity with India during crisis and so he announced to send ISI Chief. It was the first time for an ISI Chief to visit India. It was not only an extraordinary but a bold decision taken by the civilian government to send head of a powerful agency to a hostile state. Civilian government wanted to allay India’s concerns. The government did not consult the army before making the commitment to the Indian Prime Minister. The military did not accept the political decision by the political leadership and forced the civilian rulers to change their decision. Zardari and Gillani both caved in. Under pressure from General Kayani the government decided to send a representative of ISI, instead of DG. Analyzing the past pattern of civil-military relations, the decision to send DG ISI in India was not rational. It proves the point that the military had not given a free hand to the elected government to make

397 Dawn, October 2, 2015.
398 Mirza Aslam Beg.
399 The Hindu, November 29, 2008.
400 Athar Abbas.
402 Ambassador Riaz Khokhar.
decision on foreign issues relating to India. On the other hand, the government remained cooperative with the military leadership for securing democracy.\textsuperscript{403}

The Mumbai incident had far-reaching effects. It affected Pakistan-US relations as well. The US Administration had great sympathy with India and pushed Pakistan to cooperate with India. Zardari government had lost Bush administration’s sympathy. The National Security Advisor (NSA) Mahmood Durrani, in meetings with John Negroponte; Deputy Secretary of State and Condoleezza Rice, found them angry over the Mumbai incident.\textsuperscript{404} The US Administration shared intelligence information with DG ISI General Pasha that linked the incident to the Pakistani group. The military establishment wanted to satisfy the US government that was providing heavy economic and security assistance to the Pakistani military against war on terrorism. Pasha went to the United States to meet his counterpart Michael Hayden, the CIA Chief. The ISI chief denied Indian allegations regarding the ISI’s support to LeT.

The government had denied Ajmal Kasab’s nationality that was captured alive during Mumbai attack but after Pasha’s meeting with CIA chief, the National Security Advisor Durrani, confirmed publically that Ajmal Kasab was a Pakistani citizen. Durrani was authorised by the ISI to issue his statement about terrorist Kasab who was in an Indian jail. Durrani did not share the statement with Prime Minister before he released it. Consequently, the Prime Minister fired Durrani but not General Pasha. Thereafter, nobody was appointed National Security Advisor during the Zardari regime.

The US and the civilian governments have never been comfortable with DGs ISI in the past. In 1993, the US complained to the then-caretaker government of Mir Balkh Sher Mazari in writing against the then DG ISI, Nasir Javed. In response to this complaint, the caretaker Prime Minister notified his retirement before time.\textsuperscript{405} Benazir Bhutto asserted her authority as Prime Minister more than any other of her predecessors. She replaced General Hameed Gul, who had played an effective role during the Afghan jihad against the Soviet Union. After Mumbai case, General Pasha not only remained in his office, but also he got his term extended. In his case, General Kayani used his power without consulting the civilian government. As COAS, he maintained

\textsuperscript{403} Yousaf Raza Gillani.
\textsuperscript{404} Husain Haqqani. \textit{Magnificent Delusion}, 254.
\textsuperscript{405} The Express Tribune, September 20, 2011.
military’s dominance because the view of the military has been that political leadership lacks “adequate knowledge”. The former DG ISI Hameed Gul said:

Zardari government had no idea to handle external pressure. The Prime Minister and President both decided that the timing was inappropriate to send the most powerful chief of spy agency. The government was forced to take her notification back to bring the ISI under Interior Minister and this time democratic leadership was asked to take back the decision to send ISI chief to rival country. That showed that the government was not competent to address the security issues.

Zardari had no experience to run office though he knew the political art to facilitate his political partners. In case of India and Pakistan relations, his threat perception was different than that of the military leadership. Soon after his arrival in the presidency, he made controversial statements which sounded of supporting Indian policy in Indian-occupied Kashmir. His statement on Kashmir was criticised in Pakistan and Srinagar. For the first time Kashmiri people in Jammu and Kashmir burnt the Effigy of Pakistan’s President. President Zardari never analysed issues prior to speaking about Pakistan’s foreign relations, particularly regarding India and Kashmir. He did not consider India as an enemy state. His approach towards India and Kashmir made him unreliable and a non-serious leader in the estimation of military. Zardari increased resentment among the Kashmiri people by declaring them terrorists. His interview with the Wall Street Journal admitted that the military had control over defence and security and it resented him. This resentment was evident when Memogate scandal was exposed.

Three days before Mumbai incident, President Zardari addressed Hindustan Times Leadership Summit via satellite link. He surprised not only the Indian audience but also the military establishment in Pakistan by saying that “we don’t feel threatened by India and India should not feel threatened by Pakistan. He assured them that Pakistan would not be the first country ever to use nuclear weapons against India.” Zardari appeared to be supporting India’s policy over nuclear and Kashmir issues. Why would the military have trust in him then? After General Zia’s death, policies on Kashmir, India and nuclear affairs have not been controlled by the civil

---

407 Hameed Gul.
410 Athar Abbas and Rashid Quraishi shared the same views.
governments. On these issues, there can be no fundamental shift or change without GHQ’s consent. President Zardari as constitutional Commander-in-Chief of the Armed Forces ignored the military’s concerns in articulating his views toward India, which were not seen to be in Pakistan’s interest. President Zardari was not interested in developing foreign policy, and there was no capable person in his team who could do so. He left all these issues to the military to handle.

In 1990s, Benazir Bhutto was declared a ‘security risk’ because of her friendly policy towards India and this was one of the reasons among many for her dismissal by the use of article 58(2b). Her one-on-one meeting with Rajiv Gandhi, Indian Prime Minister, established her image as disloyal, and anti-Pakistan and that was not acceptable to the military institution.411 In Zardari’s case, the military or intelligence agencies did not declare him a security risk though. They simply did not allow him to deal with the national security issues. In early 2009, General Kayani wanted to replace him but the proposed politician, Asfandyar Wali Khan who was supposed to take Zardari’s position, did not agree. There might have been other factors in military’s mind when it came to not pushing Zardari out of power. The military decided to control critical domestic and foreign policies as a better way of ensuring national security than removing the elected government and ruling the country directly.

6.4 The Kerry-Lugar Bill and Civil-Military Relations412

The US-Pakistan relationship is as old as Pakistan itself. Pakistan joined SEATO and CENTO in 1950s and received the US assistance. The purpose of the US assistance to Pakistan was to modernize its armed forces, which would lessen its security concerns vis-à-vis India. It also provided much needed resources for economic development. The US in return received base facility at Badaber near Peshawar during Ayub Khan’s regime. Through military assistance from training to equipment, the US developed direct relations with the military. It found the civilian governments then to be fragile and divided. But we know military had power, prestige and influence. The military leaders still have much power to influence Pakistan’s foreign, defence and national security policies. Three military rulers have supported the US policies since 1950s to 2008. General Musharraf supported US against war on terrorism and Pakistan became non-

---

411 Amjad Shoaib.
NATO ally. During this war, Pakistan paid a heavy price. Internally Pakistan has faced challenge from the Taliban movement and religious extremism in the society. In 2008, when Musharraf was forced to resign, he left Pakistan, which was politically weak, endangered by terrorism and economically fragile at that time. Both the military and the new political leadership, after Musharraf, inherited security challenges and the War on Terror with American forces and their allies fighting next door in Afghanistan.

The US developed double-track relations with Pakistan; one with the civilian government of Zardari and the other with the powerful security establishment. The US policy was in fact the reflection of two power centers in the country. Military was more needed in the War on Terror but the civilian component of the Pakistani state was no less important. Pakistani military and the spy agency ISI both collaborated with the United Sates of America in the war on terrorism. Relations were not only institutional but personal as well. The Pakistan Army Chief General Kayani and Admiral Mullen had friendly relations and a deep understanding on how to eliminate terrorism. President Zardari, being the first civilian President in a decade, was very keen to develop better relations with the US. Zardari as President wanted to assert his authority in military affairs and for this he needed US support. In politics, relationships are based on ‘interests’, therefore, Obama Administration developed their relations to achieve their specific objectives from civilian government, which could not be made possible by the military leadership as it found the generals reluctant to do everything Washington wanted them to do. In 2009, US offered conditional economic aid to the civilian government under the Kerry-Lugar Bill (KLB), which was meant to strengthen the Zardari regime.

The US economic bill included objectionable Section 302 on “Monitoring Report” and its clauses 11, 12, 13 and 15 were criticized by the military. The security establishment saw a threat to its institution in the aid package. Military used media and political parties against civilian government. They questioned Zardari’s loyalty with the country. In fact, the army had showed its serious observations on KLB in the 122th Corps Commanders Conference. The top military leadership discussed KLB and the consequences and proposed the government to discuss the Bill

414 Bret StephensOp.cit..
415 Interview of Ayesha Siddiqa
in the Parliament that is representative of the people. The military knew that political parties had already opposed KLB and debate in the Parliament would strengthen military’s concern on KLB. They opposed this Bill because it served Indian’s interests. The draft had particular clauses about Pakistan’s non-state actors and particular places were mentioned on India’s desire. India was suspicious that Mumbai attack was planned in Muridke. The Indian lobbyists in the United States had added these clauses to support Indian interests.

The following were the objectionable clauses inserted in the KLB:

- **Section 203 (B).** Preventing al Qaeda, Taliban associated groups, Lashkar-e-Taiba, Lashkar-e-Jhangvi, closing terrorists’ camps in FATA, dismantling bases of operations in other parts of country, including Quetta and Muridke.

- **Section 302 (11) (E).** To prevent attacks into neighboring countries, (13) clause added Pakistan’s nuclear program and clause (15) mentioned effective civilian control of the military in the process of promotion for the senior military leaders, parliamentary oversight and approval of military budget, chain of commands.

KLB also indicates that there is a divergence of preferences between the civilian and military governments especially on foreign policy matters. Civilian rulers assumed that bill would strengthen the civilian government and its supremacy and aid will be beneficial to Pakistan’s economic development. However, military felt threatened that it will endanger its corporate interests particularly the national security and will strengthen its enemy i.e. India. Pakistan’s army accepted the draft at first. However, later the draft was amended without the consent of the military which increased the grievances of the military.

According to Athar Abbas:

The army approved KLB draft before it was submitted to the American Congress. The approved draft did not have particular clauses that directly threatened the military and Pakistan’s interests. Later the draft was amended without discussions with the security establishment. The Zardari government attempted to risk security and national interests.

---

417 Athar Abbas
419 Peter D. Feaver (2003), 30.
The military had asked the Zardari government to get approval from Pakistan’s Parliament.420

A national crisis developed on the KLB. During this crisis, Chief Minister of Punjab, Shahbaz Sharif and the opposition leader Nisar had a meeting with COAS in order to get the Bill in the Parliament.421 Shahbaz Sharif was considered the most effective, sensible, and good politician who could meet COAS to show party loyalty.422 Ayesha Siddiqa states that it is the ‘behavior’ which always sets and determines civil-military relations. Civilian is a composition of political parties and individuals in the parties.”423 The meeting of PML-N leaders with COAS proved that military was enjoying political support to defend their stance on KLB against the civilian government. In the past, the nexus between political parties and military leadership was purely interest based and the legislators had supported the military rulers in amending the constitution. Gen. Talat Masood is of the view that this time military and political parties in opposition joined hands against the Zardari regime for the wider interests of Pakistan’s stability, strengthening democracy and national security424 as no political party demanded the military to topple the civilian government. The media also supported the military’s stance on KLB that developed anti-government and pro-military perceptions in the country.425

Under political and the military pressure, the government put the KLB in the Parliament where opposition leader Chaudhry Nisar argued that the Bill “serves only American interests. It does not serve Pakistan’s interest.”426 First time in Pakistan’s history a political party, JI, organized referendum with reference to receiving US aid under KLB and about 45 million ballot papers were printed. The voters rejected KLB. The JI’s referendum in fact was a great support to the military leadership and against the Zardari regime. The JI also supported General Zia’s Martial Law and dismissal of Bhutto’s government in 1977.

KLB generated differences between the government, political parties and the military. The PPP, which considered KLB as an achievement for democratic government, was internally pressurized...
to issue a statement that Pakistan would not accept any aid unless US addresses Pakistan’s concerns. The Government defended KLB as being pro-democratic and supportive of development of the civilian sector. Secretary of State Hillary Clinton said that it was Pakistan’s choice to take aid; America had already provided lot of military aid but KLB offered aid to the democratic government. The government’s spokesperson, Senator Farhatullah Babar also justified the KLB as:

The military has the problem with aid because aid has been directly granted to the civilian government to promote democracy in Pakistan. The concern of the military was that the conditions of KLB would politicize the military institution if President Zardari gets power to promote the military officers. The issue at the time was that the aid was granted to the government and not to the military for military purposes.427

However, military also justified their concern against KLB and commenting on the implication of the Bill, General Rashid Qureshi said:

There will be no difference between the police and the army if the political leaders have the power to transfer the soldiers. The government cannot manage other institutions of the country that have been corrupted; how can the military institution be free from their political influence and corruption? The military is the only institution, which is disciplined and practices merit. Personal influence and political affiliation would have played a role instead of merit and professional skills if the Kerry-Lugar Bill was allowed to be operative in the shape it was passed by the American Congress. That was the reason the military used media campaign against it and mobilized opposition political parties.428

KLB was not only an issue between the government and the military but also between the Pakistan’s military and US Administration. Zardari government decided to resolve differences with the army and sent Foreign Minister Shah Mahmood Qureshi who conveyed the Army’s concerns to the Obama’s Administration. President Obama had signed the Bill after Section302 was removed from the Bill. Also, the US attached an explanatory certificate that the US does not seek any compromise on Pakistan’s security. There was a military to military relation between America and Pakistan. Since 9/11, it was the first case of tensions developing of a unique nature

427 Farhatullah Babar.
428 Rashid Quraishi.
between the two major allies in the war on terrorism. KLB created serious difference between the Obama Administration and Pakistan’s security establishment. After 9/11, both armies and agencies (ISI-CIA) developed collaborative and cooperative relations but the Bill threatened bilateral relations between the two. The Bill was seen by the Pakistan military as a deliberate attempt to undermine its privileged, and role in the power composition of the country. The Obama Administrations realized the trust deficit that Bill had created. In order to address the grievances, top American envoys met with the military leadership, the key partner of the US since 9/11. Removing the conditions from KLB was a victory for the military, media and opposition political parties which had played an effective role. According to Ayesha Siddiqa, “the new media has supported the military where civilian capacity is slow. The world knows the army as serious player in security policies.”

6.5 The Raymond Davis Case

The army and ISI both are powerful institutions in Pakistan and they played their role in resolving the detention of Raymond Davis, a CIA contractor, where the government failed in helping the US. This case created tension between the US and Pakistan, but the US had to rely on the ISI to settle this issue. There were many CIA agents whose visas were issued by the then Ambassador Husain Haqqani but their requests for visa were not cleared by ISI. Davis was one of them who had not been cleared by the ISI. Haqqani misused his power while President Zardari, Prime Minister Gillani, and Interior Minister Rehman Malik were aware of it. They gave a free hand to the ambassador to grant visa to any one, which endangered the country’s security. Haqqani had influence over the President and Prime Minister’s decisions in context of Pak-US relations. It was a rare precedent set by the Pakistan’s embassy in the Unites States during Zardari era that “2800 visas were issued overnight to CIA agents”. Haqqani was granted special power by Zardari in granting visa to Americans which did not require any security clearance from ISI and IB. This increased the tensions between the government and the ISI over the visa issue. The ISI invited selected journalists for briefing to expose the PPP government and its visa policy that had made it possible for the CIA to expand its spy network in the whole

---

429 Ayesha Siddiqa.
430 Athar Abbas
431 Ibid.
432 Zahid Husain.
The purpose of that meeting was to create public pressure against the government policy.

Davis case was the test for the military and the political leadership. Davis had killed two Pakistanis in Lahore on January 2011. The Punjab Police arrested him. Zardari regime faced criticism from public and opposition parties. The level of political tensions rose high as the media, as usual played very critical role against CIA and the American forces in Pakistan.\textsuperscript{434} This case increased more anti-Americanism in Pakistan. One of the citizens of Lahore criticized the government in the following words, which reflected general sentiment in the country. She states that “government provided visa and freedom to CIA’s agents. They live, freely move and murder Pakistani citizens. The government failed to defend its own citizens. It never happened in Pakistan’s history that foreigner came to Pakistan to kill Pakistanis.”\textsuperscript{435}

The public mood was against America and Zardari. As Davis was arrested in Lahore, the Punjab government was handling the case and the federal government could not force the Punjab government to release Davis who was involved in a double murder case. US Embassy issued a statement that Davis was a diplomat and had immunity, but the US Embassy officials did not understand Pakistan’s complex political culture and its judicial system that has deep roots in the society. Common people do not understand diplomatic immunity. The people knew that an American spy had killed Pakistani nationals and he should be treated according to Pakistan’s law. The pro-America politicians and the Zardari government were unable to extend much help to Davis in the murder case because they were answerable to their people. The US is a country where supremacy of law prevails. Contrary to their own tradition, Congressmen and President Obama pressurized Zardari to release Davis.\textsuperscript{436}

Davis case became complex. The army, ISI and the US knew that Zardari had no influence over the Punjab police and Lahore high court which had put Davis’s name on Exit Control List at airport so he could not fly.

The US embassy though issued an apologetic statement for the victims’ families but apology could not work because the public and family had demanded justice from the Pakistani court.

---

\textsuperscript{433} Aqil Shah, (2014), 228.
\textsuperscript{434} Interview of Khalid Jameel. Senior TV Correspondent in Islamabad.
\textsuperscript{435} Interview of Amana Awan, Lahore-based researcher.
\textsuperscript{436} The New York Times Magazine”, April 9, 2013.
Zardari came under pressure emerging from within the country and from US. PTI and JUI warned the government against Davis’s release and built pressure on the government not to release the American agent who had violated the law. On the other hand, the US government increased pressure and Obama made a phone call to President Zardari and discussed the level of anxiety in Washington. When Zardari showed his helplessness, the upcoming talks between the two countries were postponed and it was conveyed that sanctions might be imposed against Pakistan.\footnote{\textit{The Washington Post}, 16 March 16, 2011.} Pakistan was receiving aid from US and military was engaged in fighting the militants in FATA. Pakistan could neither afford sanctions nor was a stalemate in bilateral relations with the US an option. Therefore, the DG ISI General Pasha was given the task to resolve the issue amicably as soon as possible because internal situation was becoming troublesome.\footnote{Athar Abbas.} Owing to efforts of General Pasha, the families were compensated according to the Islamic law. The resolution of this complicated case restored the trust and good relationship between the ISI and CIA and their engagement was normalized.

Athar Abbas explained the nature of Davis case in the following words:

America wanted it to be done and Pakistan did that. The government had no ability to resolve this issue because that was under public pressure. The ISI did its part because Pakistan was at critical stage and could not confront the superpower. The US media had spread the news that Davis might be killed in jail and that was possible. Any security guard, any person could kill him, as Davis had become Pakistan’s No.1 enemy in public’s eye. Making deal with the family was a rational decision to release the American citizen. That was the only option. Acquittal from double murder case would be impossible for Davis if the army and ISI were not intervened to help him.\footnote{Ibid.}

6.6 The Abbottabad Raid

The US and its allies were engaged in War on Terror to eliminate Al Qaeda and its affiliates. Pakistan joined this war under the military ruler, Musharraf, who raised the slogan ‘Pakistan comes first’ and claimed that he would defend and protect Pakistan’s interest. He had
committed to the US that Pakistan would not allow any terrorists to use its soil. On May 2nd 2011 not only the international community but also the Pakistani nation was shocked when Osama Bin Laden (OBL) was killed by the US forces on Pakistan’s soil in Abbottabad, a small city close to Pakistan Military Academy (PMA). This incident brought embarrassment to both ISI and the army. They were collaborating with the US forces and with the CIA against terrorists. It was a case of backstabbing Pakistan, as the Pakistani agencies were sharing information with the CIA and the army was providing logistical support to the NATO forces. Abbottabad raid by the US forces breached trust and put the ISI and army in defensive position in Pakistan. In Pakistan’s context, external factors have played a big role in shaping confrontational or cordial relationship between the civilian and military leadership. In 1999, Kargil war was initiated by Musharraf, the then COAS, that created rift between civilian and military leadership when the government decided to withdraw under the US pressure. The military considered its defeat due to ‘failures’ of the civilian government. A demoralized Musharraf blamed the Prime Minister for low morale in the army and country. Abbottabad incident, though, was a failure of the ISI and the army but civilian government provided all political support to the military. The former Prime Minister Gillani says:

The civilian government fully supported the Pakistani military and ISI in this time of distress as it was a matter of national security. The government was with the army when the US forces attacked Pakistan’s sovereignty. Political leadership did not leave the army to face the world’s criticism alone.440

Abbottabad operation was a victory for the US and a big achievement in the war against terrorism. The US, particularly President Obama, emerged as a victorious leader in the world. But his unilateral action strained relations between the militaries of the two countries. The incident wounded Pakistan’s ‘national honor’.441 America ignored Pakistan’s role that it had played for the American forces. It did not consider the implications for the democratic government. Pakistan’s national image was damaged due to this incident, but it built American honour in the world.

440 Yousaf Raza Gillani.
441 Hilary Clinton.171.
The history of Pak-US relations is marked with shallow trust. Divergence of interest created a trust deficit and impediments between the two old political and security allies. In OBL’s case, the US administration did not trust the democratic government and military elites. President Obama believed that Pakistan’s permission for the raid would make OBL’s escape possible. The ISI shared information with CIA but it never expected that the US would attack unilaterally to kill OBL. This action breached the trust between the two countries. The military admitted that it was an internal shortcoming and reminded the US that it’s this achievement was not possible without ISI’s help. The military’s reaction was full of anger and frustration towards the American forces. This incident cast a heavy shadow over the cooperation between the forces of the two countries. As a reaction, Pakistan reduced number of US trainers.

In international politics, only ‘interests’ are valued, achieved, and respected – not friendships. Both Admiral Mullen, the Chairman of the US Joints Chiefs of Staff, and General Kayani had personal relations but Mullen did not discuss about the possible attack in Pakistan. It shows Americans did not even consider discussing the issue with Pakistani establishment when it comes to their interests. Mullen called Kayani at 05:00 a.m in the morning when operation ‘Neptune Spear’ was already completed. General Kayani was the first person in Pakistan who received the news about OBL’s killing. It was a courtesy call and Admiral Mullen did his job as a personal friend but he had no control over Obama’s policy, neither could he share the intention of his government. However, they kept engaged against invisible enemies for a decade. Obama Administration had no idea that this incident would shatter the image of military and ISI in Pakistan where people already had difference of opinion about military’s partnership with the US. Abbottabad operation increased difference and distance between Mullen and Kayani. Mullen visited Pakistan to justify the position of raid, but Kayani did not meet him rather meeting was arranged with Chairman Joint Chiefs of Staff Committee (CJCSC) General Khalid Shamim at Chaklala Head Quarter not at GHQ.

The US attack tarnished the military’s impression as ‘guardian’, ‘protector’ and ‘defender’ of the state. Pakistan is a state where society changes its perceptions overnight. General Kayani restored the military’s image after decade by playing a constructive and positive role during

---

442 Athar Abbas.
444 Dawn, September 14, 2011.
lawyers’ movement by defusing political tension. This tragic incident however, destroyed the military’s image; particularly the role of ISI was criticized by the people, media and political parties. Abbottabad attack was a violation of Pakistan’s sovereignty; Pakistani public had condemned the US and Pakistani governments but Zardari was happy and emotional after the incident. Zardari’s article was published in the Washington Post where he did not show his concern about the attack inside Pakistan but rather applauded the US victory and his government’s achievement.445

The Pakistani military was humiliated and the society was feeling infuriated by what they viewed as a violation of Pakistan’s sovereignty but Zardari was more sophisticated and not hostile.446 In democracies, such crises are shared with people by the democratic leaders but in Pakistan both military and political leaders try to conceal them from public to avoid criticism. Prime Minister Gillani and President Zardari did not address to the nation to explain the incident. Civilian government released a statement in the press conference on the basis of assumption. Interior Ministry is a core ministry in Pakistan, which directly deals with internal and external security issues, but Interior Minister had no knowledge of it. He said, “trained terrorists were hiding in compound and they were killed at appropriate time. He came to know through media that the US forces attacked Pakistan.”447

In recent times, the media has built a deep foundation in Pakistani society and greatly influenced people’s behavior socially and politically. People are more aware and concerned about security and political changes because Pakistan is a direct target of terrorists. Pakistan never had a free and independent print and electronic media in the past. Former President Musharraf, provided vibrant and free media in his tenure. Today media plays a powerful role in society. During the Zardari regime media exposed every issue relating to domestic and international policies of Pakistan. The military appreciated the role of media during the debate of KLB in favor of the army and ISI but after Abbottabad the military criticized the role of media in discussing security and defence issues. The military shifted blame to the civilian government, which could not

446 Hillary Clinton, 197.
447 Interview of Rehman Malik.
control media and as result media mishandled the case with incomplete information. It further added fuel to the public’s rage that already been simmering after the release of CIA spy.\textsuperscript{448}

Abbottabad incident has changed the military threat perception. In 2007, the Joint Strategic Directive (JSD) declared India as a potential enemy but did not classify the US or Afghanistan as hostile countries. The US was classified as a friendly country. The only major military threat was perceived from India and no agency had ever indicated any threat from the US, Afghanistan or NATO. However, the Abbottabad incident was a surprise and betrayal.\textsuperscript{449} In fact, Abbottabad raid was Obama’s policy that he declared during his presidential election campaign in 2007 that he would use military force against terrorists in Pakistan.\textsuperscript{450} It was the failure and negligence of JSD that did not take serious Obama’s speech against Pakistan.

In Western democracies, governments accept failure and admit their mistakes in case of serious internal turmoil that affect the state and society and offer resignation in case of major failure on their part. In Pakistan, even democratic governments do not accept responsibility of any failure on their part and instead, start a blame game. Abbottabad incident had brought a bad name to the Zardari government, which was already unpopular. The opposition parties demanded resignation from the government. Prime Minister instead of justifying, left for France in such critical times by justifying it as a trip already scheduled, which could not be cancelled.\textsuperscript{451}

Military is a national institution, but after the Abbottabad saga, some of the politicians began to criticize the military and question the military budget. Owing to problematic relations with the US in the aftermath of the Abbottabad raid, some funds for the military were diverted for the civilian aid.\textsuperscript{452}

Apart from divergence of policies, preferences and blame game between civilian and military leadership, Abbottabad incident brought the civil-military leadership on the same page for a

\begin{footnotesize}
\begin{footnotes}
\item[448] Athar Abbas.
\item[449] Ibid., 153.
\end{footnotes}
\end{footnotesize}
while because both needed to send a strong message to the United States and the world. Political support to the military and ISI came at a time when they needed it most from civilian rulers. Military leadership requested the civilian government to develop consensus on security problems in the Parliament. The military wanted to take Pakistani people into confidence that have been supportive to the military.\cite{453} The military asked for the Parliament session because the Chairman of Parliamentary Committee on National Security (PCNS), Raza Rabbani, refused to attend the meeting at GHQ as he was of the view:

> The regulations did not allow the Committee to hold meeting outside the Parliament House. The Army and ISI chiefs appeared in Parliament because they were subservient to the government. The refusal of the Committee was a message to the Army that not the parliamentarians, but the army was subservient to the Parliament.\cite{454}

It was Zardari’s political and historical victory to bring the military leadership in Parliament House to answer the people’s representatives. It was the first time military establishment faced the political parties and their questions in a joint session of the Parliament. The military and parliamentarians had a direct argument in the Parliament session. Nawaz’s party, PML-N was more critical because it had been a victim of Musharraf that had divided the party. The then leader of the Opposition, Chaudhry Nisar categorically stated, “some heads must roll after the US operation in Abbottabad because Pakistan’s honor had been trampled.”\cite{455}

It is a perception among the civilian leaders that the military has made Pakistan a ‘security state’ and however, the military perception is that the civilian governments’ do not understand ‘national interest’.\cite{456} Contrary to this perception, the political forces defended the national interest, as the Parliament passed the resolution against drone attack and strongly condemned unilateral action conducted by US forces in Abbottabad.\cite{457}

Generally, Pakistani people do not support the democratic government when they do not act promptly and take time to investigate any security or political issue. People want speedy justice and inquiries. Pakistani political leadership fails to fulfill the expectations of the people in this

\begin{flushright}
\cite{454} Raza Rabbani.
\cite{455} The Express Tribune, May 6, 2011.
\cite{456} Farhat Ullah Baber.
\cite{457} Ibid.
\end{flushright}
respect. Benazir Bhutto was assassinated in 2007, but her own party’s government, led by her spouse Zardari, could not expose the people those killed her. After one month of Abbotabad incident, Zardari government constituted an independent commission and commission concluded that all responsible institutions should submit apology to the nation and people would decide in the elections to pass their political judgment. No one ever apologized publically and the matter ended there.

6.7 American Attack at Salala Border Post

Pakistan and the US have remained partners during the previous two military regimes of Ayub and Zia. The two partnerships were based on convergence of interests and quid pro quo. The third established in Musharraf’s era was different than the previous partnerships. The 9/11 incidents changed the nature of relationship and despite a visibly close cooperation for eliminating the terrorist threat the trust deficit kept on increasing. This distrust was more visible after NATO forces attacked two security check posts at Salala in Mohmand Agency that killed 26 Pakistani soldiers in November 2011. Consecutive incidents on Pakistan’s soil had changed the nature of friendship, partnership, and coordination between the US and Pakistan. These incidents improved relationship between the military and civil government, though temporarily. This attack was a turning point between Pakistan and the United States. The Pakistani government and the army took drastic decisions because Pakistan felt badly hurt. The Defence Committee of Cabinet (DCC) decided to stop NATO’s supply route and asked the US forces stationed at Air base in Pakistan to leave within 15 days and vacate the base which was used for drone attacks. Further, Pakistan demanded the US to offer an apology officially over its attack at Salala. The civilian government implemented this decision that was of a great cost for the US. The United States quickly offered condolences that did not change the position of the government.

Salala attack was a reaction by the US forces. The US believed that Pakistan supported Haqqani group, which attacked the US embassy and NATO office in Kabul on September 2011. Kabul attack and accusation against ISI triggered the mood of American soldiers that Pakistani army

---

459 Hillary Clinton, 198.
did not take action against Taliban. Admiral Mullen who was working closely with Kayani blamed ISI’s involvement with the Haqqani network in Afghanistan. Mullen said, “Haqqani is a veritable arm of Pakistan’s ISI.” Like Abbottabad incident, this incident also united the civil-military leadership. In an All Parties Conference, a unanimous resolution was passed that stated that people of Pakistan and the Armed Forces would defend Pakistan. Pakistan rejected the US allegations that it was supporting the Haqqani network. To defuse tension between the two armies and spy agencies, the US high command appointed Air Force Brigadier General Stephen Clark to probe NATO attack on Pakistani base but the Pakistan army rejected the report because it said, “NATO attacked in self-defence.” Both Pakistan and the US shared blame for a NATO attack on Salala. In the past Pakistani soldiers did not retaliate when the US forces violated Pakistan’s sovereignty. The post-Salala environment changed the mood of people and political parties, and anti-American sentiments increased in Pakistan. The military was backed by the whole nation that provided strength to the army. General Kayani ordered the Pakistani soldiers to fire back at NATO forces. This was the bold decision by the Pakistan army and COAS’s decision could result into the two armies facing each other on the western borders.

However, negotiations and diplomacy continued to resolve differences. Diplomatic effort worked and Pakistan reopened the NATO supply when the US apologized. Both needed each other and re-engaged after a ‘pragmatic compromise following the US apology’ which was Pakistan’s condition from the US for continuing to be an ally in War against Terrorism.

6.8 The Memogate Affair

Internal and external dynamics remained at play influencing civil-military relations during the Zardari regime. Trust and mistrust both determined the nature of their relations. As discussed earlier, Abbottabad and Salala incidents shaped mistrust between civilians and the military. Post-Abbottabad political environment in Pakistan was not favourable for military establishment as the military needed political support to retain its image as the saviour of the nation.

463 Nation, December 23, 2011.
464 "*The Express Tribune*, December 2, 2011.
465 Hillary Clinton.
Like Kerry Lugar Bill, Memogate mobilized the people and the opposition political parties in favour of the military. Memogate (see annexure-2) was one of those issues that could trigger a military takeover. Memogate scandal strengthened public’s negative perception about Zardari and his party as damaging Pakistan’s image and national interest. These two incidents provoked not only the military but also some of the political parties. Memogate divided the civil government and the military as Zardari’s loyalty with Pakistan became doubtful. Memogate created circumstances of a possible coup but situation was diffused when both the civil and military leadership accepted judicial commission to probe this issue.

Memogate, in fact, changed the security and political discourse in Pakistan. Civil society, media, and mainstream parties, all criticized the government. The military’s image improved and civilian government’s popularity went down. President Zardari and his friend ambassador Haqqani tried to destroy the military institution. He wanted external help against his own country. Zardari took oath to defend Pakistan but he violated the constitution. Mansoor Ijaz, a Pakistani born US businessman and an influential person published article in the Financial Times that proved to be a turning point between the civil-military leadership.

Post-Abbottabad environment was not favorable for the democratic government. The military could remove the Zardari regime to shift its failure. In 1988, Gen. Zia dismissed Junejo government because he decided to investigate against the military officers in Ojhri Camp incident. In Pakistan, the military never allowed the civilians to investigate or hold any inquiry against it or its agencies. The military’s privileged position would be compromised if the civilian government would question their professionalism. This would damage military’s image, as ‘guardian’ of Pakistan and the people would be forced to lower their trust in military.

Zardari became defensive to protect his regime after Memogate scandal. Zardari’s policies created a situation of direct confrontation with the Armed Forces. However, it was not Zardari himself, but his own man Haqqani who worked against the army and ISI. Zardari believed Haqqani, as a man of Washington, would protect his tenure in office. He created an impression

---

466 Interview of Musawar Bukhari.
467 Interview Shafqat Mahmood
468 Financial Times, October 10,2011.
469 Farhatullah Babar.
470 Riaz Khokhar.
within the US that if civilians were forced out of power, “Pakistan would become a sanctuary of Al Qaeda.” In politics and war, timing is very important factor. Memo scandal appeared at the wrong time when IS and army both were in trouble after the Salala attacks. Memogate affair had greater potential for triggering a military coup than KLB. Memo presented six points on how national security would work in Pakistan;\(^\text{471}\)

Zardari was scared, but the army had no intention to takeover when the country was facing challenge internally and externally. Besides, the army was engaged in fighting militancy. It seems there was a consensus within the security establishment that if Zardari and Gillani made any attempt to remove Pasha or Kayani because of the Abbottabad attack the army would intervene.\(^\text{472}\)

External factors and interventions weaken the political system and strengthen the army. Memogate strengthened the military power and weakened the Zardari regime. Before taking action, the military needed to know the crux of the memo that Husain Haqqani had written to the US military command. Kayani and Pasha ignored the President and Prime Minister in making this inquiry. The DG ISI directly approached the main source to verify anti-military memo and went to London to meet Mansoor Ijaz. Admiral Mullen also confirmed the memo and verified the authenticity of it. The Zardari regime became vulnerable after the Mullen’s confirmation about Haqqani’s involvement. This incident decreased the democratic government’s credibility and Zardari regime lost its legitimacy when the military demanded Haqqani’s resignation. With so much evidence of Haqqani’s involvement there, the government had no reason to say ‘no’ to the demand for his removal. The government accepted the army chief demand in the national interest of the country and for saving its power.\(^\text{473}\)

The government decided to investigate memo issue through a democratic process and established Parliamentary Committee on National Security (PCNS) but DG ISI did not appear before the Committee. He had a grudge against Chairman Rabbani who did not attend the same PCNS at GHQ when Kayani called it regarding Abbottabad raid. It has been a dilemma in Pakistan that powerful institutions do not respect difference of opinions and points of view and negate the

\(^{471}\) ‘Confidential Memorandum, \(^{472}\)Athar Abbas. \(^{473}\)Yousaf Raza Gillani.
supremacy of law. The PCNS became dysfunctional because the main actor, the military, refused to turn up. The PML-N filed a case in the Supreme Court to seek an investigation. The ISI declared Memogate a ‘national security threat, but Prime Minister Gillani responded with a firm warning to the army that the government will not tolerate ‘state with in a state’.

Pakistan’s political culture is confrontational. Political parties are opportunistic and exploit the issues when it suits their interest. Mainly martial laws were imposed in Pakistan because the political parties did not accept each other. Zardari’s regime, though united the parties against military takeover, but still some parties wanted him to be overthrown from his office. Benazir Bhutto and Nawaz Sharif both as Prime Ministers confronted the military and judiciary in 1990s. Zardari was the first civilian President who faced a potential threat from the army and ISI. Nawaz Sharif was since targeted by Zardari regime (discussed in Chapter four) so Memogate issue, provided a political card to Nawaz Sharif to use against the Zardari regime. He went to the Court because of his political interest; he wanted to bring the army and Zardari face to face, and he succeeded.

Memogate was the test for political and security establishment in Pakistan’s history, which involved the civilian rulers, military, external actors (Admiral Mullen and Mansoor) and several Pakistani institutions. The CJ Iftikhar Chaudhry constituted a commission to investigate memo issue. All stakeholders; the government, army, ISI, Defence Ministry, Haqqani, and Mansoor Ijaz, were directed by the SC to submit their statements in the Supreme Court. Ijaz refused to come to Pakistan due to security reasons. He recorded his statement via satellite link. Haqqani flew from the US to defend his position because he was accused by the military. Zardari and Gillani both protected Haqqani. Haqqani was barred to travel without the Court orders. After two months he requested the SC for permission to leave Pakistan. He was allowed on the condition that he would come back whenever required by the Commission and his lawyer Asma Jahangir assured the SC to this effect. But Haqqani left for good and never turned up again,

---

475 Pakistan Today, December 22, 2011.
476 Zahid Hussain.
despite the Court orders. Thereafter, he took the plea that he was a US citizen and was not bound to return Pakistan.\textsuperscript{478}

The ISI has been a power broker in the past. Zardari considered the Memogate a mere conspiracy, even a fallacy. In the same context, Prime Minister Gillani believed that Memogate was a conspiracy hatched against democracy and was prepared by some anti-state forces.\textsuperscript{479} Generals Pasha and Kayani had different stance from the government. They submitted their reply to the SC which proved that Memogate was a reality and it was a conspiracy against Pakistan’s Army and national security.\textsuperscript{480}

The position of the government was quite fragile and it needed support from the other institutions to survive against this scandal. Government did not leave army alone in trouble after Abbottabad incident and Salala attacks by the NATO forces and supported the army and ISI but army in return never trusted the government. DG ISI did not discuss his meeting with Mansoor Ijaz to the government. He ignored the Prime Minister and violated rule.\textsuperscript{481} However, DG ISI accepted that he did not get a written permission from the President and Prime Minister for his meeting with Ijaz but COAS, General Ashfaq Kayani, granted him verbal permission. Civil-military relations deteriorated deeply when the Prime Minister Gillani used international media to criticize the army and ISI regarding their response to the Court. The army strongly reacted to Gillani’s statement. The Secretary of the Defence Ministry also defended the army and ISI in the Supreme Court. The Prime Minister asserted his authority and sacked Secretary of Defence who had support of the military. His removal created more tension and the impression developed that the government would sack COAS and DG ISI as well. A midst, media reported that the government was planning to sack the army and ISI chiefs for their illegal actions and a petition was filed by advocate Fazal Karim Butt in Supreme Court seeking to restrain the civilian government from using its constitutional prerogative to remove the two.\textsuperscript{482} An offensive statement was issued from ISPR that was a response to Gillani’s interview with the People’s Daily Online China. The key institutions were releasing statements through media instead of

\begin{itemize}
\item \textsuperscript{478} \textit{Pakistan Today}, March 26, 2012.
\item \textsuperscript{479} \textit{The Express Tribune}, December 23, 2011.
\item \textsuperscript{480} \textit{Telegraph}, November 18, 2011.
\item \textsuperscript{481} Yousaf Raza Gillani.
\item \textsuperscript{482} \textit{The News}, January 21, 2012.
\end{itemize}
meeting and talking to resolve the tension. The ISPR’s statement was considered as a warning to the Gillani government. The army’s statement was as follows:

This has very serious ramifications with potentially grievous consequences for the country. The COAS and DG ISI both sent their replies through proper channel. However, it was the relevant minister’s responsibility to obtain approval not the respondents.483

The elected government appeared to be in trouble. It never faced such a serious situation. In the National Assembly opposition leader, Chaudhry Nisar, who had criticized the army and ISI after Abbottabad incident now warned the government against any move to sack army and ISI chiefs. During the political turmoil Zardari left for Dubai for his treatment. He had suffered a minor stroke. By his absence he gave an impression that he was extremely under pressure from the military, media and political parties. The government used Parliament to show its strength to the military and PML-N. The ANP leader Asfandyar Wali Khan, who was considered a suitable candidate to replace Zardari in 2009, moved a resolution to support democracy. Amongst this civil-military crisis, a special session was called after the SC warned the government to (President and Prime Minister) disqualifies the Prime Minister over non-implementation of its decision against the NRO. Gillani in his address warned the opposition that supported the military’s stance in the Court. He said, “we have to decide, democracy or dictatorship, there will be neither us nor opposition as was the case in1999.484 It was a reference to when Musharraf had removed Nawaz Sharif government. Political parties though criticized Zardari but they did not want the army to derail democracy. The National Assembly passed pro-democracy resolution that ruled out to any political support to military coup. Gillani indirectly taunted the army and ISI by saying, “we don’t need a certificate of patriotism from anyone. We have a public mandate”.485

The pro-democracy resolution was a message to military from democratic government that all political forces were standing behind the government. The top Commanders met the COAS Kayani and they decided to stand behind the SC, which had warned the government that it would disqualify the Prime Minister if the government was failed to implement the decision requiring

---

484 Qamar Zaman, Zia Khan, (2012).
the government to write a letter to the Swiss court to reopen cases against Zardari.\textsuperscript{486} This meeting also confirmed the serious rifts between the civil and military leadership. However, Prime Minister took back his words when he was leaving to attend the World Economic Forum at Davos in Switzerland. At Chaklala airport, operated by the Pakistan Armed Forces, Gillani told the media persons that his statement in which he declared COAS and DG ISI’s response submitted to the court, “unconstitutional and illegal”, was taken out context.

Tensions got defused when the Prime Minister took back his statement given to the Chinese media. Gillani defended his position in front of media that his statement was issued in a particular time about DG ISI and Army Chief, but now the situation is different. The political situation became complicated on NRO issue as judiciary and executive started to be assertive in their respective spheres. Before the SC disqualified Gillani, the Judicial Commission submitted its report on Memogate. The Commission implicated Haqqani and declared him the chief architect of this scandal. According to the report:\textsuperscript{487}

The Commission report was a setback to the Zardari’s government. This report helped to improve military and ISI’s image, which was damaged after Abbottabad attacks by the US forces. After this report the government tried to control the ISI through legislation. To this effect a private bill was tabled in the Senate. Senator Farhatullah Babar introduced Functions, Powers, and Regulations Act in June 2012. The purpose of this bill was to make ISI answerable to the Prime Minister and the Parliament about the agency’s activities. But the political parties in Senate opposed and Zardari’s last attempt to tame the ISI failed, as the bill did not get the necessary support.\textsuperscript{488} In most conflicts with the Zardari’s government “the military was dominated. The government accepted the military’s preferred outcomes to avoid losing power.”\textsuperscript{489}

6.9 Military’s Veto on Foreign Affairs

\textsuperscript{486}Kamran Yousaf, (2012).
\textsuperscript{487}“Original jurisdiction. Constitution petitions” No.77to 85,89 & 92 of 2011  
\textsuperscript{488}Shafqat Mahmood.
\textsuperscript{489}Aqil Shah, (2016),51.
The foreign policy of every country is directly connected to its national interest and ‘national security’.\textsuperscript{490} In formulating national security, intelligence agencies play a vital role. Without their input foreign policy making is not possible. In case of Pakistan, military and ISI both have significant roles to play. The civilian governments cannot do much without military’s feedback or support. On national security issues, “the Foreign Office cannot operate without military inputs in its normal functioning. This is the case in every country. Even in the US, the State Department does not operate without the support of its intelligence network”.\textsuperscript{491}

The history of foreign policy of Pakistan has been complex and has passed through different stages of development during cold War, post-Cold War, 9/11 incident and the War on Terror. Many of these global events have affected Pakistan’s foreign relations. In all stages, security paradigm was influenced by the threat perceptions and strategic vision of the military and it remains a dominant stakeholder. Riaz Khokhar, the former Foreign Secretary states:

\begin{quote}
Foreign policy is situational and based on circumstances; we cannot say that was good in the previous era or bad in present. In Pakistan, the foreign office or foreign minister does not make foreign policy. It evolves from lower office, position papers are prepared and discussions with different people are conducted on certain issues. A summary is prepared by the Foreign Office and sent to the Head and then all stakeholders from agencies and from the army on particular issues are engaged. The GHQ gives its output particularly on India, Kashmir, China, US, Afghanistan and Iran.\textsuperscript{492}
\end{quote}

The Ministry of Foreign Affairs (MOFA) has generally incorporated military’s views on critical foreign policy issues. Benazir Bhutto was annoyed to receive views from military establishment on foreign affairs but she always invited military on critical foreign policy issues.\textsuperscript{493} She could not ignore the military establishment as before taking oath, she was asked by the military establishment not to deal alone the foreign issues particularly India, Kashmir and Nuclear issue.\textsuperscript{494} Eventually, the civilian leaders learn by working with other state institutions for the national interest. Zulfiqar Ali Bhutto was the only civilian Prime Minister who controlled foreign

\begin{footnotes}
\item[490] Shamshad Ahmad, (2014).
\item[491] Ibid.
\item[492] Riaz Khokhar
\item[493] Rashid Quraishi.
\item[494] Hameed Gul.
\end{footnotes}
affairs and seldom consulted GHQ. Military involves itself in foreign affairs if a civilian government does not have capability, like President Asif Zardari, or political leadership is not trusted by the military establishment like Benazir Bhutto.495

When Zardari came in power he tried to exercise real power and give a new direction to the foreign affairs of the country. He made an attempt to change the nuclear doctrine from first use to no first use of nuclear weapons. But then he succumbed to pressures and failed to be consistent with his view. Zardari government wanted to expand trade relations with India but the military wanted first to get Kashmir issue resolved. Military has a major concern in developing political and economic relations with India because both have fought four wars on Kashmir issue and India is fanning insurgency in Pakistan.496 Foreign relations are based on national interest, not on the personal desires. Indo-Pak relations have been linked with Kashmir issue, no matter who has been in power.497 The civilian governments have lacked power to deal with India on major issues and they have to take the military on board before they made any agreement.498 Military is a strong ‘stakeholder’ and without its consideration no civil government can ever establish its relations with India. Zardari’s government decided to grant the status of most favored nation (MFN) to India in 2011 but failed. Shahbaz Sharif did not hesitate to say that “distrust fostered on both sides is by security agencies”.499

Foreign policy during Zardari regime had internal political implications as well. Pakistan was a partner of the US in the war on terrorism. As a consequence of this policy, it faced militancy, terrorism and insurgency in FATA. These challenges provided enough ground to the military to pursue its ‘national security’ based policy. India’s intervention in Balochistan was a major barrier in developing trade relations with India and better political relations with Afghanistan because India had established its intelligence networks in Afghanistan. In contrast to the concerns of the military, Zardari government wanted to establish normal relations with India. Both Foreign Ministers Shah Mahmood Qureshi and Hina Rabbani Khar visited New Delhi during their office but “the military establishment disapproved trade tie with India without

495Rashid Quraishi.
496Athar Abbas.
497Rashid Quraishi.
498Asad Durrani.
significant progress on settling the Kashmir dispute. Their perception was ‘security centric not economic’ and they wanted to talk on Kashmir agenda and longstanding disputes’.

The civilian government cannot ignore military’s feedback on relation with India, as the later has been involved in insurgency in Balochistan. In 2009, Prime Minister Gillani handed over evidence to Prime Minister Manmohan Singh at Sharml-el-Shaikh conference in Egypt about India’s involvement in terrorist activities in Balochistan. It took Zardari’s government some time to be realistic in understanding military’s point-of-view on India. He had no option but endorse military’s perception regarding India. General Kayani’s policy was India-centric which displeased the US. Pakistan-India relations became volatile on Line of Control (LOC) and the Working Boundary. The Indian Army Chief, Norman Anil Kumar Browne, issued provocative statements in which he said that India would consider other options if Pakistan continued violating the LOC.

When tensions increase and conflicts occur, power becomes a dominant factor. It reduces trust and adversely affects conditions of peace and stability. India and Pakistan have been more in power play than settling issues through negotiations. This has greatly contributed to the imbalance in civil-military relations in Pakistan.

The PPP-P’s fourth regime led by Zardari continued Musharraf’s policy against terrorism. The civilian government to its credit initiated Strategic Dialogue with the US. The military remained on board in ministerial level meetings to discuss internal and external challenges with US government. The US continued economic assistance to Pakistan by reimbursing $25 billion, between 2000-2012, to compensate for what it spent in fighting against terrorism. The military had a long partnership with US against terrorism. Both had played pivotal role in Afghanistan. A turning point had come to redefine their relations after KLB and OBL’s death in Abbottabad. The Salala attack was decisive factor in disrupting normal security and political relations. However, after a few months both states recognized the necessity and advantage of mutual cooperation in war on terrorism and re-engaged. The military had to play its role in Afghanistan.

---

500 Farhatullah Babar.
502 Hameed Gul.
503 The Express Tribune, January 12, 2013.
504 Ayesha Siddiqa.
506 Haqqani, Magnificent Delusions, 24.
after NATO’s departure, as it has a long history of involvement in Afghanistan and in dealing with the Afghan factions.\textsuperscript{507}

The army and ISI both continued to curtail the enemy’s (India) influence in Afghanistan but they also restrained the Zardari government from taking any decisive position. President Zardari had strong personal relations with President Karzai.\textsuperscript{508} Contrary to the point-of-view of former DG ISI General Asad Durrani that Zardari era for country was disaster; his record is not that bad. He improved Pakistan’s relations with Afghanistan and Russia. He also took the initiative and signed gas pipeline deal with Iran, which had been opposed by US.\textsuperscript{509} On these policies the military took a back seat.\textsuperscript{510} This was the first time that the military did not have a difference of policy with the civilian leadership. However, India, Kashmir and Afghanistan policies still remain the main domain of the Army where only GHQ has the power to approve or disapprove state policy.

\begin{footnotesize}
\begin{enumerate}
\item[Talat Masood.]
\item[\textit{Dawn}, December 4, 2010.]
\item[Asad Durrani.]
\item[\textit{The Express Tribune}, March 11, 2013.]
\end{enumerate}
\end{footnotesize}
Conclusion

Since 1950s, military has been an important institutional player. All political governments have depended on it for political and security purposes. Internal and regional threats have turned Pakistan into a ‘security state’ that places the military in commanding position. The reasons for Pakistan’s emerging as a security state are well-known. It got independence from Britain but also got into enmity with India on Kashmir issue, which was left unresolved and both states went on to fight four wars. A permanent threat perception from India requires Pakistan to equip and modernise the military with the capability to meet internal and external security challenges. On the other hand, civilian institutions remained fragile and unstable. This difference of preferences and priorities have created imbalance between the political and military institutions. The imbalance of power in favour of the military makes civilian supremacy an upheaval task. Though all political elites have made endeavours to subordinate military under civilian elected rulers to ensure military’s non-intervention in politics, but their attempts have made them vulnerable and ineffective against the institutional power of the military. For decades, Pakistan’s political system and culture have, for these reasons, remained undemocratic and underdeveloped which makes it hard to establish civilian dominance and the military remains on the driving seat despite a democratic process in place.

Military’s intervention in Pakistan’s politics is also because of civilian governments’ failure to establish its writ in the state due to weak leadership skills and poor governance. Civilian governments from the beginning needed military’s support for their survival. Ayub Khan took over power when he realized that civilian leadership had failed and there was no other option left. Military leaders assumed the role of judging the civilian government and taking independent decision to take control of the state out of the hands of the civilian government. Whenever democratic governments have been established, politicians consistently failed to deliver. Under civilian regimes, people’s lives never get better and more than half of the population still remains without basic life necessities and below the poverty line. Moreover, corruption, lawlessness, ethnic politics, poor governance produced economic and social circumstances that promoted extremism and terrorism in Pakistan that glorified the military institution other than civilian institution.
Military intervention and failure of democracy complement one another. Extensive literature on Pakistan’s politics proves the point that elected civilian rulers concentrated to maximize their power and promote patrimonialism instead of building institutions and whatever they built for supporting democracy was later destroyed by the next military intervention. The military rulers, whenever came in power, had equally destroyed the state institutions particularly judiciary, constitution, political parties and electoral process - the very elements necessary for democratic development.

Few political leaders in the history of Pakistan tried to challenge the formidable power of the security establishment but could not stand against the powerful military institution. Zulfikar Ali Bhutto was the first powerful and popular civilian political leader who tried to control the military institutions and he succeeded to a great extent. While in power, he turned out to be an autocratic ruler with little regard for political dissent. He did not allow his critics and opponent parties to challenge his authority. Consequently, he alienated political parties that formed an alliance to contest 1977 elections and it is said that there was a massive rigging in those elections and thus provoked mass unrest and political agitation. Confrontation between the Bhutto’s government and opposition destabilised the country and created perfect conditions for military takeover. General Zia-ul-Haq, who Bhutto had handpicked as the Chief of Army Staff, imposed the third Martial Law in 1977 and ruled the country until his death in a plane crash in 1988. After his death, military disengaged from politics and this temporary disengagement provided opportunity to Benazir Bhutto and Nawaz Sharif in 1990s to establish civil governments. Neither of the two parties played according to the rules of the game. They engaged themselves in politics of revenge and destabilising each other—a continuation of politics of the PPP and anti-PPP coalition forces. It was a failure of political parties in 1990s that both Sharif’s and Bhutto’s elected governments was dismissed and democracy failed to flourish in Pakistan. Democracy was again derailed in 1999, when General Pervez Musharraf sacked the democratically elected Nawaz Sharif and defended his takeover by labelling Sharif’s democracy as ‘sham democracy’. The real reason for his intervention was his personal interest; the Prime Minister had dismissed him. The fact that the General was able to impose the fourth Martial Law in the country against a government that enjoyed two-third majority, speaks volume about the character of the ‘praetorian state’.
General Musharraf ruled the country as a powerful dictator. Following his predecessors, he disfigured the constitution and empowered himself as the President of Pakistan through a sham and unconstitutional referendum. He revived the MQM, encouraged religious parties and constituted a new grouping of the Muslim League as PMLQ by fragmenting other parties. The 9/11 incident proved to be a blessing in disguise for Musharraf as he received economic and political support from the US and gained international recognition. Eventually, it produced consequences of its own. Pakistan’s internal and external security crises erupted due to Musharraf’s support for the US. Military’s operations against Baloch leaders and to curb religious militancy exacerbated the security situation in Pakistan and also affected military’s image. People began to criticize the army on various public forums. In fact, military’s image suffered a heavy blow. Benazir Bhutto’s assassination in 2007, during her election campaign, further increased the resentment against Musharraf and as a result PMLQ, the party he formed, suffered a huge loss in the 2008 elections.

An important aspect of the 2008 elections was that the military, now being headed by Chief of Army Staff, General Kayani, became neutral and allowed the political process to take its natural course. It was a unique case in Pakistan’s political history as intelligence agencies and the Army did not play any role, unlike in 1990s. Their non-intervention policy in fact, encouraged Asif Ali Zardari to become President of Pakistan whose party had defeated two major parties PMLN and PMLQ in 2008 elections. Zardari crafted broad-based political alliances and introduced a new political culture of ‘reconciliation’ with his opponents as a strategy to strengthen the political forces against the military establishment. There also appeared a change in the outlook of military as well. It allowed democracy and civilian leadership to play their constitutional role. The military wanted to restore its image by staying neutral in the elections and facilitating the democratic change. General Kayani accepted his Corps Commanders’ decision that the army would not take over because military in the previous years had earned a negative image due to Musharraf’s internal and external policies. Moreover, militancy and insurgency were posing threats to Pakistan, requiring the military to devote itself to national security.

As we know the post-coup politics and system are characterized by conflict and dissent in Pakistan. These conditions did not allow the government to develop its institutions and political system. Consolidating the gains has remained the priority by political leaders which posed a threat to the system and institutions and promoted politics of patronage and corruption. Zardari
and his government were preoccupied with strengthening their relative power positions. He had strong political support of PMLN and other coalition partners in removing Musharraf from power. Zardari followed Machiavellian style of politics. He backtracked on his promise to reinstate the deposed judges, who had created political chaos for him as he feared that they might open his corruption cases. The Army Chief, who pledged to support democracy, intervened and helped the political parties and lawyers to resolve their three-year old issue of reinstatement of judges. It was the first political interference by General Kayani. He played his role to defuse tension in the country. His move reflected popular opinion that expected the military to influence the government.

The military and the intelligence agencies had hardly any liking for Zardari. They considered him as a ‘security risk’ for the country due to his untrustworthy character and record of dubious deal-making that he could do even at the cost of national interest. Zardari knew the military’s concern and transferred his constitutional power of National Command Authority to the Prime Minister. It was for the first time in Pakistan that any President issued an ordinance to reduce his powers. Politically, Zardari acted like Zulfikar Ali Bhutto who did not like his opponents and critics. Zardari did not like Chief Justice Iftikhar Chaudhry because he had nullified Musharraf’s National Reconciliation Ordinance (NRO), which brought Zardari into power. Moreover, Zardari regime was more determined to make the Parliament supreme instead of focusing on supremacy of law because having control over the party, he could manipulate the Parliamentary majority in his favour, which he repeatedly did.

Zardari and his government attempted to accumulate power by reducing the ISI and military’s power. Squabbles between the Zardari government and the military continued to show their institutional power. Zardari regime abolished the National Security Council to rule out the military’s role and instead he established Defence Cabinet Committee but Defence Cabinet Committee remained ineffective. It met only twice after the Abbottabad raid and Salala check post incident by the US forces. Zardari regime eliminated the National Security Council to ensure political supremacy and the Parliament’s power over military institution but he could not reduce military’s role, as military retained residual power to influence national security and maintained its prerogative to provide direction to the government in foreign policy issues.

This study has demonstrated that there is a new pattern of civil-military relations. Despite democratic system, military controls security and defence policies. In many ways, it is consistent
with the old tradition that emerged in 1950s. Since then, national security has been the first priority and interest of Pakistan’s military. Military top officers have always their input on security and defence matters. General Jahangir Karamat, former COAS, proposed the idea of establishing the National Security Council but his idea was rejected by Prime Minister Nawaz Sharif. Sharif considered his idea as an open intervention in civilian affair and eventually General Karamat resigned to avoid conflict with political leadership. It does not matter to the military whether there is National Security Council or not, it has continued to exercise its control over its traditional domain of policy in the areas of national security; India, Kashmir and nuclear issue. Zardari tried to normalize Pakistan’s relations with India as his threat perception was different than the military’s threat perception. Zardari’s policy towards India (discussed in Chapter six) and stance on nuclear policy (renunciation of first-strike option) was unacceptable to the military leadership. Instead, Zardari was taken as an unreliable leader and the military lost trust in Zardari and his government. Though the military had withdrawn from politics, it did not hand over defence, security and foreign affairs to the Zardari regime. Some army officers told the author during interviews that Zardari and his team were incompetent who could have jeopardized state security. The military had to keep eyes on his government because national interests were at stake. Zardari regime proved the military concerns when it accepted Kerry-Lugar Bill that offered conditional economic aid to his government and reduced the powers of the military leaders, but military leadership did not allow the government to accept until the content was changed. Military accepts political changes in Pakistan, when it feels that its corporate interests would be protected and political government would keep national interests as broadly defined by keeping the military on its priority.

This case study found that Zardari regime adopted a different policy to control military. Post-Abottabad raid provided opportunity to the civilian government to establish its dominance over military because military was under severe internal and external criticism. Zardari and his government believed that the most-wanted person, Osama Bin Laden, was living in Pakistan only with the help of ISI and the Army. Zardari needed US’ help in case of military coup because his government had decided to investigate Abbottabad incident. The military reacted when a memo to this effect was written by Husain Haqqani, Zardari’s man in Washington representing Pakistan, was revealed. The memo came into light, when the armed forces were fighting against militants in Balochistan and FATA and tensions were high between the US and
Pakistan armies on Western borders. On Eastern borders, Indian forces were attacking the Line of Control.

The Abbottabad attack raised serious questions about Pakistan’s vulnerability. The incident proved that Pakistan is a fragile state internally and military’s image was tarnished after the American raid. On the other hand, Zardari was more ambitious to subordinate the military institution to divert the attention of his government’s mismanagement and corruption, which was highlighted by the Army Chief and provided the list of corrupt ministers in the government. In addition, the ISI and Army Chiefs raised questions to the government regarding visas, which were apparently issued to the CIA operatives by Husain Haqqani. The military became offensive after the Memogate scandal that put Zardari and government in people’s court, whereby people and the media supported the military.

During the course of this research, the author found that there is a consensus within the military on four issues central to the civil-military discussion. First, that the military has the capacity to provide relief to the civilians during manmade or natural disasters in which the civilian governments have not only failed so far, but they also have manipulated and politicised the issues. Second, Pakistani people trust the military leadership, while having little trust in political leadership in matters of rule of law and good governance. Third, perception is stronger in the military, from top to bottom, that politicians get united for corruption but not for state building or national interests. Fourth, military believes that its leadership is more competent and highly skilled whereas civilian leadership lacks competence, sincerity and commitment to national development. Over decades, these perceptions have contributed to the narrative that military is a solution to Pakistan’s all problems. This narrative continues to influence the pattern of civil-military relations.

The study finds out that more than military’s competence and institutional capacities; it is the national social, political and economic environment that has created conditions for the military to intervene in politics. The public support to the military, its positive image and willingness of the large section of the political elite to work and cooperate with the military regimes have encouraged military to step in. We have also argued that this supportive milieu has started to change with the structural changes in the society—free media, civil society and stronger political consensus among the mainstream political parties on democracy and constitutional rule.
One of the important changes that influenced the shape of civil-military relations is independence of judiciary. The executive no longer controls it as it used to do in the past due to the successful lawyers’ movement for the restoration of the Supreme Courts judges that Musharraf had dismissed and house-detained. It was this sign of independence of judiciary that a sitting Prime Minister, Yousuf Raza Gillani, was disqualified for holding the office for his defiance of the court orders to open the corruption case pending in the Swiss courts.

Zardari fashioned the political arrangements that were depended mainly on his personality and his patronage-style politics. Instead of taking an institutional path, Zardari opted for a personal style of politics and introduced ‘politics of reconciliation’ for his personal political goals, which greatly destabilized institutions. His regime ignored merit and appointed unqualified people in core ministries, embassies, judiciary, and state institutions to serve as a protective shield for him. Moreover, the political, social and economic policies adopted by Zardari regime frustrated most of the sections of the society. Political factions and the people in general became alienated from him and his style of governance, which contributed to the hard line of the military against him on specific issues of national security. The political system lost legitimacy due to malpractices and presence of his corrupt colleagues in the government. President Zardari since enjoyed constitutional immunity as President of Pakistan so this privilege made him free from accountability, at least as long as he has held this office. As President, he pardoned his ministers, party men and friends who had been proven guilty by the courts for corruption or other offences. The impression that his use of presidential prerogative was that corruption was massive and that it was an organized affair directed from the top by Zardari. This impression further cultivated by the military was not far from truth.

On the positive side, the civilian leaders worked together to restore the original content and shape of the 1973 Constitution which was disfigured by the President Musharraf to enhance and exercise his presidential powers. Musharraf had brought the power of the president to dissolve parliament back into the Constitution along with the amendments in the appointment of judges. He acted like an absolute ruler with the protection of the constitution. Zardari as a civilian president inherited all those powers but he opted for the restoration of the parliamentary character of the Constitution. In practice, however, it did not make any difference. The Prime Ministers were his nominees and he was the Chairman of the PPP that made any defection from his line impossible for the chief executives. What makes this episode of Pakistan’s political
One of the findings of this study is that Pakistan’s security situation was exacerbated during the Zardari regime and civil-military relations were pernicious. Several circumstances were created by the Zardari regime which provided opportunity to the military to take over the country, yet the military kept on supporting the regime even knowing that Zardari was working with the Americans secretively to help to bring the armed forces effectively under his control, something that the military has resisted for a long time. His efforts to consolidate power and direct confrontation with the military establishment and ISI made both, political system and state, unstable and pernicious. Zardari tried to hit the military at its worst times even when the image of military was tarnished due to the Raymond Davis case and Abbottabad incident. There was another factor that Zardari was trying to exploit was the American frustration with the Pakistan’s military over its ‘non-cooperation’ in defeating the Afghan Taliban which US believed was being supported by the ISI and military. Zardari assured the Americans that his policy would be different (see Annexure-2) if he gets the opportunity to control the armed forces.

The new military approach that emerged after Musharaf is that military should not derail the democratic process. However, it will be vigilant and keep its influence on civilian leadership regarding national security and foreign policy issues. This policy, since Kayani’s departure seems to have been in effect and ‘Kayani’s doctrine’ of not taking over the civilian government is prevailing in Pakistan. The civilian leadership has also demonstrated pragmatism and has learnt to work with the military to seek its cooperation and support in the efforts against war on
terror. The military and the civilian government have realized and are accommodating each other by recognizing that neither the state institutions would function effectively nor would the state of Pakistan address the issues of security, stability and economic development without their mutual cooperation. In the current milieu, only close cooperation and coordination between the civil-military establishment is in the best interest of state and society. However, so far military is not taking over, because internal and external architecture has been changed, vibrant media, international opinion, independent judiciary, militancy and the menace of terrorism are keeping the military away from the direct intervention in politics.
Bibliography

Personal Interviews
Ahmad, Ishtiaq. Former Secretary Election Commission of Pakistan, Islamabad, March 12, 2015.
Beg, Aslam Mirza. Former Chief of the Army Staff, Rawalpindi, October 30, 2015.
Bukhari, Mussawar. Professor of Political Science, Islamia University, Bahawalpur, February 4, 2013.
Hanfi, Tahir. Additional Secretary Parliamentary Affairs, Islamabad, January 6, 2014.
Jameel, Khalid. Senior Correspondent Ab tak TV, Islamabad, September 8, 2014.
Khalil, Fida. Deputy Director, ISI, February 16, 2015.
Khokhar, Riaz. Former Foreign Secretary, Ambassador, Islamabad, June 4, 2014.
Malik, Rehman. Former Interior Minister, Islamabad, December 12, 2014.
Marree, Mohabat. Former Senator, Islamabad, August 30, 2013.
Metraux, Daniel. Professor, South East Asian Studies, Marry Baldwin University, Staunton, Virginia, USA, January 15, 2013.
Parveen, Zahida. Professor, Balochistan University, Quetta, January 2, 2013.
Rabbani, Raza. Senator, Present Chairman of Senate Pakistan, August 28, 2013.