

MILITARY REGIMES AND PROSPECTS OF LONG TERM DEMOCRACY IN PAKISTAN

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Abstract

Pakistan remained under the military rule most of the time since its independence. Martial law was imposed by the army chiefs again and again i.e. in 1958, 1969, 1977 and 1999. All the times military presented the same reason for dismissal of civilian governments including corruption, political disorder, economic failure etc. Ironically Gen. Yahya Khan, Chief Martial Law Administrator (CMLA) in 1969 also presented the same reason when he dissolved the government Field Martial Ayub Khan. Military remained a potent factor in the politics of Pakistan not only when it was in power directly but also during the civilian interludes. This research paper examines the role of internal and external factors leading to direct military intervention in politics. The study questions include as to how Mullah, judiciary and political parties have strengthened the military regimes. Why did the external powers especially the US provide support to military regimes to achieve their own interests in the region? Using primary and secondary sources, the study concludes that military has been intervening in Pakistan's politics particularly due to strong support within the society and institutions of the state and it remains in process of decision making either directly or indirectly. The study also analyzes application of Turkish Model of Democracy.

Key words

Military, Judiciary, Political Parties, Mullah, Turkey, and Democracy

Introduction

Democracy is a complex political system. It has a number of forms and modalities, in different societies. It is not only a concept; it's a culture, a code and a way of life. Democracy can be defined as,¹

A competitive political system in which competing leaders and organizations define the alternatives of

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public policy in such a way that public can participate in the decision making process.

Whereas Vanhennen defines democracy as,²

A political system in which different political groups are legally entitled to compete for power in which institutional power holders are elected by the people and are responsible to the people.

Research Questions

Main research questions are:

1. What are the different factors which are responsible for strengthening Military Regimes in Pakistan?
2. Can and how Turkish Model of democracy is applicable in case of Pakistan?

The study will also test the hypothesis: The Military has been influential in politics of Pakistan because of strong support from groups within the society and the institutions of the state. It remains part of the process of decision making either directly or indirectly. However the external support was also provided to the military regimes by the West and the US to achieve their own interests in the region.

Historical, traditional method with comparative and descriptive approach is used to test the hypothesis. For this purpose primary and secondary sources are used. Primary sources used include interviews, diaries, letters, government documents and news items etc. The secondary sources include; books, journals, review articles, news paper articles, bibliographies and periodicals.

Background

In present world military intervention in politics has been a repeated practice. After world War-II more than two thirds of countries in Asia, Latin America and Africa have experienced varying degrees of military intervention in politics.³

Pakistan like many under developed countries of Asia, Latin America and Africa was born as a fragile nation state. It was loaded with ideological and ethnic cleavages along with administrative chaos. Moreover, there has been political and economic instability of the state. These above mentioned factors proved to be a real setback bringing frequent Military interventions in Pakistan (1958, 1977 and 1999). In all the four martial Laws, the dictators managed to attain legitimization through the court of law and later civilianised their rule by making alliances with political elites. The abrogation or suspension of Constitution remained a frequent practice by military regimes. Ayub

Khan introduced basic democracy system for presidential elections to expand his constituency among masses. In the Military regime of Zia and Musharraf, the power was transferred from the Prime Minister to the President. In the same context, Zia incorporated 8th amendment to the 1973 Constitution of Pakistan. Musharraf introduced the Legal Frame Work Order (LFO) and the institution of National Security Council to strengthen the regime. He also instituted 17th constitutional amendment to the 1973 Constitution.⁴

The direct and indirect role of Military in the politics of Pakistan has been discussed in detail by many analysts. The writers like Rizvi, Mahmood, Siddiq, Veena, Cohen and Kukreja have defined the Military ascendancy in Pakistan. The relations between the judiciary, executive and the Military have hardly been accommodative; rather the mistrust among them has continued to be source of instability in the political system of Pakistan. In reality one of the biggest challenges of Pakistan is to maintain balance between government institutions and let the civilian chief executive to take ascendance, as has been mentioned in the Constitution.⁵

Gandhi writes that legislatures and Political Parties are mere fake democratic institutions with the help of whom non-democratic institutions rule. For the survival of some rulers, the force of traditional legitimacy from religions or other sources may play a vital role. In order to maintain power, it is necessary for any democratic or dictatorial ruler that or there may be a hybrid of these two.⁶

Role of Military in Politics of Pakistan

The founding father of Pakistan, Quaid-e-Azam Muhammad Ali Jinnah declared democracy as the basis of political system of Pakistan, with the inception of the state. The ruling elite began to cultivate and strengthen Military after the death of Quaid-e-Azam Muhammad Ali Jinnah in 1948 and assassination of Liaqat Ali Khan, then Prime Minister of Pakistan in 1951. Governor Ghulam Mohammad buoyant by the support of Gen Ayub Khan, then Army Chief, dissolved the first Constituent Assembly. Alliance of both was evident by the induction of serving military chief in cabinet later on. It was the signal that there had been a shift of real political power from the Parliament to Governor General and the bureaucracy with the back of army. It was confirmed when Ayub Khan in 1958 led a Military coup and became the first military dictator of Pakistan.⁷

In the meanwhile, army in collaboration with civil bureaucracy stopped development of parliamentary democracy envisioned by the founding father. After the military takeover in 1958, the Constitution of

1956 was abrogated and the army assumed the direct control of political power of the country. Ayub Khan introduced the Constitution of 1962, which was not the outcome of any legislative process. A commission headed by Justice Shahab, was entrusted the task to give constitutional proposals which were edited by President Ayub Khan ensuring an absolute type of presidential system of government. To restrict the political activities, the Political Parties Act, was passed in July 1962.⁸ Politicians were disqualified by ordinance like Elective Bodies Disqualification Order (EBDO), issued in August 1959. By this ordinance seventy-five elective politicians of the Assembly were disqualified. Majority of them were from East Pakistan. This ordinance was abolished in December 1966. It was amended by another military ruler Gen. Zia in 1985.⁹

The growth of political parties and bar on political activities was not confined to Ayub Khan only. The other dictators in the line of succession continued such practices in turn restricting political process in the country. Several laws and regulations were introduced which banned or restricted political activities and political parties by which military rule could likely to be threatened.¹⁰

The Constitution of 1962 was abrogated by Gen. Yahya Khan, which resulted in an Legal Frame Work Order (LFO). Afterwards in 1977, when second coup by General Zia was launched, some articles of the Constitution were held in abeyance which dealt with fundamental rights of the Constitution. Martial Law order No.31 was promulgated in June 1978. He also setup tribunals which were assigned the responsibility to inquire the corruption charges against the contestants of 1977 elections. The basic aim was to disqualifying PPP members who were successful in 1977 elections. During Zia era all types of political activities were controlled by him and disagreements met extreme suppression by the regime through the legal system which was designed by him. Later, in 1999, for nine years Gen. Musharraf remained in power. Same manner of suppressing democratic forces were used which could likely impose threat to his regime and rigging national and local elections. By passing 17th Amendment to the Constitution in December, 2000 Musharraf stabilized his power. By virtue of this amendment power was transfer to president from the prime minister and the power to dismiss the prime minister was also grasped by the President.¹¹

Intelligence Agencies

The intelligence agencies have often been employed by Military of Pakistan to control, destabilize and monitor political parties

of Pakistan and other institutions like media with an objective to perpetuate its power and liquefy any opposition to the regime. In most of the Military regimes operations have been carried out against dissenting politicians, intellectuals and other activists through disinformation campaigns, tortures, kidnappings, assassinations, systematic harassments and factious trials.¹²

Ayub Khan in 1958 introduced political role of ISI. Pakistani politicians, media and politically active segments of the society were monitored by the agencies. Social organization likely to influence politics, student organization and trade unions were kept under strict control. The Joint Intelligence Bureau (JIB), also called internal wing was created during Ayub regime, aiming to collect political intelligence. The Intelligence Agencies remained involved actively in domestic politics during all military regimes. East Pakistan politicians suspected to be a secessionist movement were the first victim of ISI.¹³

Civilian leaders made negligible effort to bring army under their control. Zulfikar Ali Bhutto tried to minimize reliance on the military to control law and order situation created Federal Security Force (FSF) with a purpose of strengthen civilian regulatory apparatus.¹⁴

Bhutto also tried to dilute political influence of military through the Constitution. According to 1973 Constitution, the armed forces were strictly under the “command and control” of the Federal Government (Article 243). In addition Military officers were required to take oath that they will not engage in any sort of political activities. To ensure compliance of this oath, the 1973 Constitution imposes death penalty for those abrogating Constitution.¹⁵ However Gen Zia reverted the powers to ISI by disbanding FSF. This role of ISI was expanded to keep an eye on religious and political organizations opposing the regime. After a plane crash in which General Zia died, Military agreed to transfer power to the PPP and its leader Benazir Bhutto in 1988. However transfer of power was not unconditional. Military instituted eighth amendment to 1973 Constitution to retain its exclusive monopoly and institutional autonomy over nuclear power, foreign affair and defence. The eighth amendment 58(B) that provided military immunity to all it has done during martial law of 1977, also instituted military’s continuous control over the civilian control through the president of Pakistan giving the powers to dismiss Prime Minister and National Assembly.

After Zia, Military frequently tried to derail democratic functioning between 1988-1999-relying on election manipulation, bribery and coercion. Various elected governments were dismissed by

the Presidents at behest of the Military. The Civilian governments were not even allowed to complete their full five year tenures. During Musharraf regime ISI was given funds specially to weaken major political parties to ensure loyalty of the ruling coalition.¹⁶

Factors for the survival of Military regimes in Pakistan

The Military regimes in Pakistan have been able to survive and have been prolonged because of strong support from some internal and external sources. The detail of these sources is given below:-

The Religious Groups

In a deliberative process of depolarization during Ayub era, politicians and political parties were discredited. Democracy and democratic norms were questioned and depicted as against the cultural traditions and Muslim character of the state.¹⁷

The moderate politicians became target of Ayub Khan who opposed dictatorship through 'Maintenance of Public Order' Ordinance (MPO) of 1960. During his era Ulema showed extreme resentment over Waqf properties Ordinance 1961 and Muslim Family Law Ordinance (MFLO) however many of them became supporter of Ayub Khan as soon as the Presidential elections became closer, by declaring Fatima Jinnah¹⁸ against Shari'ah. They also claimed that she was backed by the US, India and those favouring Pukhtoonistan. They also gave their Fatwas (Religious sermon) declaring it un-Islamic for a woman to be head of an Islamic state paved the way for Ayub Khan to win the presidential elections in 1965.¹⁹

Similarly in late 1970's, General Zia introduced Islamization program for reforming the society and offered Ulema to play active role in politics. They were given important posts in state political set-up in return for their political support to the military regime.²⁰

General Musharraf, the fourth Military dictator also had same opinion that it was not the religious parties but the secular politicians, who were major rivals to his political power. He introduced graduation as a condition to contest the elections on one hand while declared Madrassa degrees as equivalent to graduation degree earned through western system of education. The entire development opened the door of politics for the Madrassa students who contested elections under the banner of Muttahida-Majlis-e-Amal (M.M.A) a political alliance consisting of six religious political parties. The MMA apparently came up as the largest opposition in the National Assembly but helped Musharraf to sustain regime by accepting controversial legal frame work order and institutionalizing the presence of the Army in

politics of Pakistan through establishing National Security Council. The coalition served as a weak opposition and many times was blamed as B-Team of Musharraf. It gained political importance at the cost of liberal political parties.²¹

Submissive Judiciary

Most of the time influence of military in politics of Pakistan has been strengthened by favourable decisions of Judiciary. The Supreme Court of Pakistan on October 27, 1958 approved that regime in a ruling, that a successful coup was an internationally recognized legal way of amending the Constitution. In this manner judiciary made attempts to justify its failure to protect the Constitution with the help of self-defined doctrine of necessity, which was an the unconvincing argument that interference of army in politics of Pakistan and take over could be justified because of the need for political stability.²²

Whenever crises or political instability have emerged in Pakistan, judiciary has been consulted. Gen. Zia's Martial law and dismissal of Prime Minister Z. A. Bhutto was challenged in the courts in a constitutional case 'Begum Nusrat vs Chief of Army Staff.'²³ In 1999, when the military leader imposed martial Law and declaring himself as the Chief Executive, the act was again challenged in the court in a constitutional case 'Zafar Ali Shah vs General Musharraf Chief Executive of Pakistan.'²⁴ In both cases judiciary justified military intervention by invoking the doctrine of necessity. The dismissal of Junejo Assembly was declared illegal but the Assembly was not restored by the court. The government of Benazir was dismissed twice in 1990 and 1996. The Presidential Orders were upheld by the courts. In 1993 the dismissed Assembly of Nawaz Sharif was restored but unfavourable circumstances created by military and the president Ghulam Ishaq Khan forced him to resign. In 1999 when Musharraf came into power, the Judges were forced to take oath under Presidential Constitutional Order (PCO) through which the SC granted unlimited powers to General Musharraf as the President of Pakistan. However the Chief Justice of the same courts was dismissed when he declared President's decision to impose emergency as illegal in 2007.²⁵

The Judiciary was not independent enough to give fair decisions helpful to sustain democracy which could lead to political stability. A ray of hope could be seen during Lawyer's movement when people retaliated against the decision to restrict suo-moto actions of the Chief Justice, Iftikhar Muhammad Chaudhry. However the Chief Justice was reinstated under the immense pressure of the Civil Society and so the independence of judiciary. Apparently the judiciary kept on

making bold decisions even after restoration. They also gave bold statements against military and the powerful political leaders while hearing different cases. Despite all, there is perception that the judiciary spares military even in cases of violation of human rights in Pakistan.

Political Parties

The major political parties had suffered at the hands of the military in the struggle for restoration of democracy under dictatorship in the past political history of Pakistan. After forming governments, the parties are often blamed for not meeting standards of democracy. Most of the time elected governments have been alleged of corruption, incompetence, partisanship and patronage. Moreover, democratic standards have hardly been followed by the leaders of the political parties within their parties, despite keenness for such reforms from rank and files.

Small number of party elite tends to dominate their party leadership using their position and increasing personal wealth instead of serving the people or the party. Instead of open contests, the nominations for elected officers are most of the time determined by the party leaders. Rather than being elected on basis of merit, office bearers are appointed. The party policies and platform rarely involve input from members.²⁶ Intra party democracy is hardly observed in any of the mainstream political parties.

The party system has been weakened by the role played by some politicians. The elected governments have been thrown by their collaboration with non-democratic forces by accepting bribes for division of parties into factions, by becoming intelligence agency informants, by crossing the floor and making in competitive alliances for political gains only.²⁷ The Pakistan National alliance (PNA) was one of them, formed in 1977 just before the elections, consisting of political parties having different ideologies. However they were all agreed on anti-Pakistan Peoples' Party. The election results were rejected by Pakistan National Alliance (PNA), boycotted Provincial Assembly elections. Their protests turned into clashes all over the state resulting in dismissal of elected government and direct military takeover.

Similarly, emergence of PML-Q in 2002 as a King's party that supported Gen. Musharraf and helped him to civilianised his military rule. It showed good performance, while PML-N and PPP, the two major political parties were left behind in elections results.²⁸ It was believed to be formed on instigation of establishment of Pakistan. The Intelligence agencies and military collaborated with some willing

parties against their political opponents. It had been a key objective of military i.e., maintaining control of the political process by weakening popular political parties.

In addition to PNA there were many other alliances like United Democratic Front and Grand Democratic Alliance were established to criticise and ultimately dislodge the democratic governments by the opposition parties. Reciprocated efforts of governments to suppress the protests of the opposition parties created unrest in the state which led to direct involvement of military and establishment in the politics.

Moreover political parties have been exerting pressure on democratic governments by organizing Long Marches. Although it was not successful but it created law and order problem. In the mid-1993 the PPP led opposition tried to launch a long march but it was aborted by the government. Now long marches have taken the shapes of Dharnas (Sit-ins) to disrupt the political process. Many of them were evidently sponsored by the anti-democratic forces. According to plan, the March was to be initiated from Rawalpindi but the Leader of Opposition was not allowed to go there to lead the long March and large number of protestors were tortured and beaten by police. Then Nawaz Sharif launched Tehrik-e-Nijat against government of Benazir in 1996 and as a part of his Tehrik he embarked on a train march from Lahore to Peshawar resulting in dismissal of the PPP's government.²⁹

Support for Pakistani Dictatorships from the West

In order to achieve their interests in the region the US and its allies supported Pakistani military regimes. Pakistan experienced long spells of authoritarian rule which provoked resentment against the west and the US among public. This fact was acknowledged by the US Secretary of the state Clinton that US supported successive dictatorial regimes in Pakistan.

The Soviet Union invaded Afghanistan, provided an opportunity to Gen Zia to legitimise his regime, on the international level, in 1979. Pakistan also served as a frontline state in the War on Terror to serve the interests of the US and West after 9/11 incident. Money again started flowing from the US to Pakistan treasury and US sanctions imposed on Pakistan after the nuclear test in 1999 were lifted. Musharraf's control over the state institutions was strengthened by the 2002 general elections which were declared rigged by the international as well as local observers.³⁰ Musharraf's stance was that Pakistan was not yet ready for full-fledged democracy, was fully backed by almost all foreign governments. During Zia and Musharraf era US Policies towards Pakistan strengthened religious extremism. The military

dictators marginalized, weakened and victimized all forms of demands for the restoration of democracy during the same periods.

Although Gen. Musharraf used policy of 'enlightened moderation' continued the human rights' abuses and suppression of political rights in Pakistan. Suppression of political forces was declared as a subject of internal issue by the international community. They believed the political parties were feudal, corrupt and unable to deliver on war on terror as Musharraf could.³¹ From 2002 till his ouster from power in 2008, Musharraf assured billions of dollars from Bush regime playing a double game serving the US interests at the cost of national interests. However, the US continued to blame his government for turning a blind eye to religious extremist groups that were known to be involved in terrorist activities in the region.³²

Are There Prospects of Long Term Democracy in Pakistan?

Turkey has been successful in democratizing its own political system and military has been assigned the role to integrate itself within the political fabric. An environment has been promoted by the Turkish state where holding a coup is not easy.³³

Traditionally military was quite influential in politics of Turkey, similar to the case of Pakistan. But now productive relationship has been established between its military and political wing and Turkey can proclaim itself successful in democratization.³⁴ Economic stability and improved service delivery are perhaps among the most important factors which have contributed in promoting political stability: and subsequent balance in Civil-Military relations in Turkey. An important part has been played by Turkey's decision makers to join the European Union in gaining political stability. In fact better service delivery and economic growth led to stable democratic governments. The Army Officers were also put on trial for previous coups and served as "Deterrence against future military interventions."³⁵

In addition, some institutional arrangements like National Security Council in Turkey have also contributed a lot in leading Civil-Military equation towards stability. This body has rationalized balance of Civil-Military equation. The Council openly discusses all matters of government including armed conflict, energy, terrorism, education, logistics, food security and cyber security etc. The system is still being stabilized and reformed. The policy makers think that "communication among all stake holders and feedback is critical whether it is the masses at the grass root level or institutions like the military."³⁶ This is where the strength of Turkish model lies.

The Civil-Military relations can be improved in Pakistan if Turkish model is followed. In all contemporary regimes some decision for the economic growth of the state are taken. Pak China Corridor can be the equally beneficial for Pak as Turkey decided to join EU. The outcomes of these long term projects can improve service delivery in Pakistan which as a result can be helpful to sustain the democracy. Establishment of institutions as National Security Council with similar powers as in Turkey can help to improve political stability in Pakistan. It is believed that present government has quietly accepted the role of military in politics especially in national interest and foreign affairs. Some limited roles and balancing role of military can be better institutionalized to promote frequent communication among civil governments and military as done in Turkey. In this way the direct role of military can be prevented.³⁷

Pakistan faces multifarious issues which derailed democratic process and enhanced Civil-Military relations. Military in Pakistan can most effectively take part in important foreign policy decisions and country's security policy.³⁸

Conclusion

The military claims to be the saviour of the state. It took over the control of government the four times. There had been external and internal forces which had helped military regimes to rule for long time. The Mullahs had always been supportive to the military regimes in the past overtly or covertly, in return they enjoyed some advantages.

Judiciary also supported military by legitimizing its de-facto rule and hardly ever challenged any controversial decision of the military regimes except once during the Musharraf era. As a result judges of higher courts were deposed. The political leaders and the political parties had also for most of the time collided with Military specifically when they were in opposition. Certain external powers like the US and its allies had largely supported the military regimes in Pakistan in the past to serve their interests. The study concludes that the state needs to make certain institutional arrangements and replicating Turkish model of democracy which assigns role of army in politics within its constitutional framework.

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