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Civilianization of Military Rule in Pakistan: A Study of Musharraf's Era (2005-2008)

Abstract

The Military's involvement in the political system of Pakistan began from the mid-1950s and continued verily as a guardian, a praetorian, or ruler on various occasions. Its disengagement, after the direct intervention, remained usually slow and gradual. Hence, it took a long time for disengagement and created a power-sharing model instead of transferring power to the civilian elite. The pattern of civilianization adopted by the Ayub Khan and Zia-ul-Haq was also adopted by the Musharraf regime with few changes. In his early days, though, General Pervaiz Musharraf demonstrated intention for economic revival, accountability, devolution of power, and democratic consolidation as his foremost goals and took some steps towards that direction but he abruptly reversed those steps when he sensed a threat to his dominating position in a self-created system. This paper is an attempt to critically analyze the process of civilianization during the period under consideration based on the theoretical framework and practical norms of the democratic system.

Key Words: Civilianization, Constitutional Institutions, Emergency, Martial Law, Military Regime.

Introduction

In Pakistan, the military has directly ruled the country for many years. After a few years of its inception, the military became a very strong institution and its commanders were considered powerful actors in the governing system of Pakistan. General Ayub Khan, the commander of the armed forces, became formal partner into power corridor in 1954 and then by imposing Martial Law in 1958 (Ahmed 2013). That practice of military takeover was revised time and again in 1969, 1977 and 1999 as well as re-intervention by General Musharraf in 2007, with the connivance of domestic power brokers and also with the tacit abetment of world powers especially the US (Dahl, 1973, p.4). Despite tall claims of the US, being a supporter of democracy, it always supported the military rulers in Pakistan from General Ayub Khan to General Pervez Musharraf. Such an attitude of major powers towards the military rulers of Pakistan always encouraged them to continue their dominance in the political affairs of the country. (Shurong & Rahman, 2017, p.05). Military being a powerful institution, no one can expect its complete separation from the political system after its direct intervention while giving it a civilian face. Military under civilian governments only changes its style and mode of involvement (Shurong and Rahman 2017) not to speak of the expectation of disengaging itself completely.

Keeping in mind the characteristics of South Asian politics, particularly the politics of Pakistan, the military intervention and its disengagement can only be understood with the comprehension of various factors, events, and institutions working at that time at domestic as well as international level. Civil-military relations and their interaction as political actors in the state have also much bearing on the process of civilianization. General Pervez Musharraf, in his early days, demonstrated intention for economic revival, accountability, devolution of power, and democratic consolidation as his foremost goals and took some steps towards that direction. All those measures began to expose with time, as the elections of local governments, presidential referendum, and general elections were meant to

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achieve legitimacy for military rule and popular support from masses. The mechanism of accountability was started to eliminate the corrupt practices prevailing in the country, but it turned out as an apparatus to shift the loyalties of politicians towards the king's party. Hence his popularity started to fade away from 2005 due to a lack of citizens' confidence in military rule, lawyer's movement for judicial freedom, and active opposition of political activists. The increasing judicial freedom also added trouble to his constitutional position. Ultimately, when he sensed a threat to his dominating position in a self-created system, General Musharraf began to reverse those steps which were initially taken towards civilianization and reforms adopted for good governance. He took abrupt unconstitutional steps like a dismissal of Chief Justices of Supreme Court, issuance of National Reconciliation Ordinance (NRO), and declaration of 'State Emergency' etc. Thus, his downfall, as well as a decrease in the level of civilianization, began in 2005 which culminated in 2008, exposing the reality of the entire process.

Theoretical Framework

Military engagement in politics started from the Roman period; continued in the feudal era and remained part of constitutional regimes especially among third world countries from their political independence ([Igwe, 2007, p.60](#)). It is a common practice in both democratic and authoritarian regimes of the contemporary world. Even in the developed world, the military is restricted to its defense affairs under the guidance of civilian government but it still exerts much influence on the government policies ([Onder 2010](#)). The military in both developed and developing countries of Asia and Africa is considered a most powerful entity as compared to other state institutions like the legislature, executive, and judiciary. It plays a complex, dominating, and problematic role in developing states during the civilian governments. It becomes an epicenter of authority especially when a system is established after military intervention. So, as a unique phenomenon, the role of the military in the body politic of developing states like Pakistan cannot be comprehended based on a single criterion or the theory. However, some leading theories as well as their applicability (if any) have been briefly discussed and scholars' relevant opinions have also been focused to make arguments logical.

Samuel P. Huntington framed two models for civil supremacy over the military i.e. subjective or direct control and objective civilian control attained by military professionalism. In brief, he concludes that the military's professionalism will ultimately make it a tool of the state for its special responsibility ([Huntington, 1957, p. 81](#)). Keeping in mind the peculiar situation of Pakistan, the relevance of this model is doubtful whereas the Pakistani military cannot be made neutral and sterile utilizing professionalism. Contrary to Huntington's views, the military's professionalism and expertise have strengthened their position and augmented their ability to participate in formulating national security, foreign policy, and other strategic matters ([Danopoulos, 1985, p. 282](#)). Some commentators also contended that neutrality of the military and its separation from politics which prescribed by Huntington could only be relevant to the West, if not mere fiction.

[Janowitz \(1977\)](#) tried to describe the role of the military in developing countries utilizing Huntington's framework and highlighted five models of civil-military relations, (i) authoritarian-personal control, (ii) authoritarian-mass party, (iii) democratic competitive and semi-competitive systems, (iv) civil-military coalition, and (v) military oligarchy or garrison state (p. 81). In the first three types, the military's involvement in politics is at a minimal level. In the fourth type, the military plays an active role in the body politic for the support of civilian government and fifth typology appears after military take-over or direct intervention to establish a military regime. At this level, the military feels the need for a mass political base for legitimacy. It seeks to develop a political mechanism either under their direct supervision or through a system of alliances with civilians According to [Janowitz \(1977\)](#), Pakistan's situation oscillates between a civil-military partnership and a military oligarchy. Moreover, he explains two types of military interventions such as 'designed militarism' and 'reactive militarism' which are of little use for the case study in this article.

[Finer \(2002\)](#) seemingly presents a more comprehensive framework for military intervention in politics. He asserted that the dynamics of military intervention depend on the factors of 'disposition'.

The term 'disposition' is defined as a combination of military motives and mood and 'opportunity' which depends on two factors of increased civilian dependence on the military and the popularity of the military. The utility of this model is not different from the frameworks.

Therefore, certain other parameters ought to be investigated while determining the degree of civilianization of military rule after its direct intervention in the present case. After a careful literature review, it can be concluded that the adopted model must keep into account the following factors:

- The nature and strength of the military institution, its level of cohesion and its desire for the protection of corporate interests.
- The political, social, and economic environment in which civil-military interaction takes place.
- The role of external factors.
- Past practices of military and civil institutions for decision making.
- Various ways and means of military role.
- The pattern of transition from military to civilian set-up and.
- The comparison of democratization under military rule with an operative democracy.

Military Disengagement and its Re-intervention

The study of military withdrawal from politics is necessary for the comprehension of nature and the degree of civilianization in a specific regime. The military withdrawal from politics is a complex process that depends upon various variables. Such variables create different situations in which the military regime may retain the power or share it with civilians ([Finer, 2002, p.6](#)). [Huntington \(1957, p. 84\)](#) declares that endogenous and exogenous variables are responsible for military withdrawal from politics. The endogenous variables relate to the organizational structure of the military such as its professionalism, expertise, sense of responsibilities, and corporate interests. The exogenous variables are environmental factors that create withdrawal influencing the military from the outside. These factors exist in a domestic, regional, or international environment [_\(Danopoulos 1985\)](#). In military regimes, sometimes rulers reverse their policy of civilianization due to various reasons. This reversal of policy is referred to the re-intervention of military and it usually happens when the same problem appears again, that was the cause of military coup at the first place, particularly, when military ruler feels a threat to his status, he usually re-intervenes to strengthen his position again [_\(Al-Hamdi 2014\)](#).

Assessment of Civilian Control

The level of civilianization can be assessed by learning the process of decision-making in some areas of the political systems. For instance, the political process for selection of leadership [_\(Dahl 1973\)](#); the process of decision-making in the area of public policy; decision making power of peacekeeping and maintaining law and order [_\(Croissant, et al. 2011\)](#); Formulation of national defense policy [_\(Bruneau and Trinkunas 2006\)](#); and field of the military organization are the various areas which help determine the role of controlling authority in a body politic. However, the civilianization process in the military regime does not help establish full-fledged civilian control. The civilian control differs from case to case and it requires deep study for assessment of the nature and degree of civilianization in a specific country.

Description of Musharraf Era (2005-2008)

In the wake of the successful outcome of the local bodies' elections of 2005, the government attained sufficient confidence in winning the next parliamentary elections and capturing the power for the coming term. Therefore, it was declared that the elections of highest bodies of the government would be held in time and free and fair manner. Everything would have been going on fairly for the Musharraf government, except the issue of the next presidential election for which Musharraf decided to adopt a safer way. He announced that the presidential election would be held through the existing assembly's contrary to democratic norms. Besides this controversial issue, many unexpected hardships began to appear for the military regime. Initially, some serious scandals such as hoarding of sugar, oil supply,

and crash of stock exchange surfaced in the years of 2005-6. When NAB started an investigation, the process was stopped on the excuse that it would destabilize the economy (Aziz 2013). In the meantime, a writ petition was submitted in the Supreme Court of Pakistan against the privatization of Pakistan Steel Mills Corporation (PSMC). After the detailed hearing, the Supreme Court set aside the privatization of PSMC (PLD, 2006: SC 697). It was for the first time, judiciary differed with the decision of military regime, while courts were fully supportive to the government up till then.

Furthermore, there were other troubles relating to security matters which were continuously influencing the pace of the civilianization process. There was a rise in violence, suicide attacks, and sectarian clashes. Militants started an attack on high profile targets. They even tried to kill the Pervez Musharraf more than once. They also tried to assassinate Prime Minister and top-ranking military officers. In Baluchistan, the uprising was surging day by day. The separatists started to sabotage oil pipeline and migrants killing. Once they attacked an army camp with rockets during a visit of General Musharraf. Despite launching a military operation in FATA, the US was pressurizing Musharraf to 'do more' in 2006. Consequently, he had to send more troops to the troubled area which had to confront stiff resistance (Ahmed, 2013). Moreover, the opposition was continuously criticizing the government for its Afghan policy and involvement in the US-led coalition. Besides that, when a severe response in the shape of suicide attacks of Lal Masjid incident of 10th July 2006, was worsening internal security situation, at the same time unrest increased in Baluchistan especially, after killing of Nawab Akbar Bugti in a military operation on 26 August 2006 (Talbot, 2012, p.187). Despite suppressing the uprising, that event fueled the fire. Not only the anti-government actions increased but also the protests and demonstrations started in the main cities of Baluchistan as well as other cities of Pakistan. After that incident, the discontent rose to the extent that even some members of the ruling party expressed the same feelings (Belokrenitsky and Moscalenko 2013). Summarizing the situation, Talbot notes that people were upset by the menace of terrorism, drug addiction, insecurity, and poor conditions of law and order which were spilling over from Afghan issues (Talbot, 2012).

Dismissal of Chief Justice of Supreme Court

In these circumstances, Musharraf's suffering began to enhance rapidly with the confrontation of Chief Justice of Pakistan (CJP) Iftikhar Muhammad Chaudhary. CJP entertained the case of missing persons against the wishes of the military regime and displayed judicial independence during the proceedings. That attitude of CJP made the President conscious of the fact that such head of the Supreme Court might thwart his design for the continuation of his rule. On 9 March 2007, Iftikhar Muhammad Chaudhary was asked to resign by the Musharraf and resultantly he was suspended on his refusal. After this unconstitutional act, the hope of the lawyer's community, civil society, and most of the citizens for civilianization was shaken and they started protests' movement in the leadership of Pakistan Bar Council. The peaceful rallies swept the streets of main cities intermittently. Unfortunately, on 12 May, a big rally in Karachi came under attack of bullets and dozens of people died at the spot. That event put the fuel on the fire and enhanced the cooperation between the legal community, opposition parties, civil society, and journalists, etc against the Musharraf rule (*The Economist*, November 10, 2007). As a result, the Supreme Court of Pakistan gave a verdict to reinstate CJP on 20 July 2007, which proved to be a blow to the President's design (*The Dawn*, July 21, 2007).

Formulation of ARD and Issuance of NRO

When the military regime was already facing various turbulent events, an alliance for the restoration of democracy (ARD) was established by the main political forces of opposition to resist government policies. Benazir Bhutto and Nawaz Sharif went ahead and both leaders of the parties signed an agreement in April 2006 named 'Charter of Democracy' so that Pakistan could be turned into a progressive democratic state (Waseem, 2012: 405). To handle those unpleasant events, the military regime deemed necessary to improve the situation by "building bridge" with the Pakistan People's Party (PPP). Thus, the power-sharing deal was concluded in July 2007. According to that deal, Ms. Bhutto

would support Musharraf for the second presidential term and Musharraf would permit her to participate in the next elections, dropping the corruption charges against politicians and bureaucrats, etc (*Parade*, January 6, 2008). To fulfill a requirement of the deal, President Musharraf issued the National Reconciliation Ordinance (NRO) on 5 October 2007. Under the ordinance, amnesty was given in the legal prosecution for offenses committed before 12 October 1999, to all public office holders and officials (Aziz, 2013). After achieving amnesty, Benazir Bhutto decided to return Pakistan on 18 October 2007, disregarding the warning of various threats. A big crowd of party leaders and workers welcomed her at Karachi Airport and held a procession, in which terrorist attack killed almost 136 people, and a large number were injured while she remained unhurt miraculously (Talbot, 2012: 197).

Declaration of Emergency

On retaining his post of COAS, Musharraf participated in the presidential election on 6 October through current Electoral College instead of a new one, disregarding the judicial petitions through which eligibility of Musharraf as a presidential candidate had been challenged before the Supreme Court. General Musharraf speculated that the Court might disqualify him. In this bleak and uncertain situation, Musharraf took a drastic, undemocratic, and unconstitutional step to save himself and his regime. He declared a "State of Emergency" on 3 November 2007 through PCO NO.1 of 2007, announcing restraining order for Judges of the higher judiciary on the same date. It was re-intervention of the military under which fundamental rights were once again suspended, and powers of the courts were restricted. When mass protests started against that declaration, thousands of activists of opposition parties were arrested and sent to jails. He used the emergency powers to persecute the politicians, lawyers, journalists, and activists of civil society who had been demanding the restoration of democracy and upholding the rule of law. Similarly, Musharraf directed all the judges of higher Judiciary to take a new oath of allegiance to the military regime under the PCO. Most of the judges (61 out of more than 90) of the Supreme Court and High Courts Judges refused to do so. Consequently, he put the judges of the Supreme Court under compulsory leave including CJP who was removed for 2-time in 2007. All the defiant Judges were put under house arrest. The reporting on live coverage of protest demonstrations was banned with an iron hand. He also tried to control the press and other critics by imposing a penalty of three years for criticizing the military (El-Khawas, 2009). On the other hand, domestic and world public opinion critically opposed all those actions of crack down by the authorities. So, he had to surrender the office of the chief of army staff assigning it to General Ashfaq Pervez Kiani on November 28, 2007 (*The Dawn*, November 29, 2007).

Assumption of President-ship for 2nd Term

After the proclamation of emergency, the new Supreme Court headed by Chief Justice Abdul Hamid Dogar rejected all the petitions challenging the eligibility of candidature of Musharraf for his second term presidential election on 23 November 2007. So, Musharraf took oath as President of Pakistan on 29 November. Already dis-functional assemblies were dissolved on 15 November 2007. An interim government of Mohammad Mian Soomro was established on 16 November 2007. Similar new arrangements were made in provinces. On 19 November 2007, it was announced that the general elections would be held on 8 January 2008 (Waseem, 2012: 112). After achieving the required motives, the emergency was lifted on 15 December 2007. Furthermore, General Musharraf expressed his intention for the restoration of the Constitution shortly.

The assassination of Benazir and General Election 2008

Despite threats to her life, Benazir continued her campaign which got her supporters activated in full swing. She went around the country and addressed huge gatherings. Her stance about democracy, the military regime, and militancy was vivid and clear. As she wrote in her article printed in the 'Christian Science Monitor' that democracy offers the best hope of containing extremism and solution of various problems, however, the democratic system depends on a fair electoral process and an independent

election commission, willing and autonomous enough to implement Pakistan's electoral laws to prevent vote fraud, but that is not happening. (*The Dawn*, December 10, 2007).

During the campaign, Benazir Bhutto was murdered on December 27, 2007, in a terrorist attack, when she left a political gathering in Liaquat Bagh Rawalpindi. There rose a violent response throughout the country and particularly in Sindh. Her family and supporters blamed the involvement of state agencies with terrorists, while Musharraf denied any such involvement and blamed the Taliban for the act of terrorism. The government announced official mourning on her demise and later, postponed the general election up to 18 February 2008 (Talbot, 2012: 198). The election, finally, was conducted in a free and fair manner without the interference of the military which was then under command of General Kiani. The PPP appeared successful with 113 seats, followed by PML (N) winning 84 seats. The pro-Musharraf PML (Q) suffered defeat getting only 55 seats and lost its hold over the Parliament. Even its many leaders could not return to the Assembly. The religious political parties also did poorly win only 7 seats of Assembly (Khan, 2009: 590).

Resignation of Musharraf

In the aftermath of the general election 2008, Asif Zardari the new head of PPP-P and Nawaz Sharif decided to work together to strengthen the civilian institution and judiciary according to the Charter of Democracy. On 9 March 2008, according to the Murree Declaration, they agreed to form a coalition government and decided that Parliament would restore the dismissed judges within thirty days after the formation of a new government. When the judges were not restored according to the promised deadline Nawaz parted his way with Zardari and left the federal cabinet portfolios. But after some time, they revisited their position on various issues, and finally agreed to start a process for the impeachment of President Musharraf. In response, the military ruler firstly preferred for competing for the opposition rather than to concede its desire. Turning to his support base, he sought help from army Chief General Kiani and other principal officers of the military, but they decided to remain impartial in the impeachment process. That situation made him more vulnerable (*The Financial Times*, August 14, 2008).

In this perplex situation, at last on 18 August 2008, Musharraf resigned from the office of the President after attaining tacitly immunity from the civilian government. In this way, General Musharraf had to quit the rule, leaving behind a weak civilian government working with an ailing economy which was worsening due to shortage of essential food items, rising food and oil prices, reducing subsidies on various basic commodities, skyrocketing inflation and shortage of gas and electricity (El-Khawass, 2009).

Conclusion

As all the military rulers of the past had to start the process of civilianization to attain legitimacy at the domestic level and acceptability at the international level especially from the western world through their self-conceived and self-suited reforms, the case of General Musharraf is not different from previous military rulers of Pakistan. He also tried to do so as his predecessors did. The process of civilianization was initiated to give civilian facet to the Musharraf regime at the cost of real democratic institutions. The assessment of the civilianization process has been made based on a new evolved perception during the case study, along with the military withdrawal paradigm of S. E. Finer. A significant concept to take account of "decision-making power in various areas of a polity" as conceived by Croissant and many other scholars has been kept in view. According to the criteria, the military was a more pervasive and dominating institution in the body politic in the Musharraf era. However, various types of challenges such as legal and constitutional issues, internal security threats, undue external pressures, economic scandals, active political opposition, movement of the legal community, and bitter criticism from media, etc were appearing in front of the military regime at that occasion. The military ruler was trying to continue its firm grip over the system but opposing forces were creating hurdles against his will. The domestic environment was becoming un-conducive day by day. The undemocratic

and unconstitutional steps were being taken by the military ruler to save his earlier positions. In that situation, firstly the pace of civilianization became slow and then reversed on the declaration of emergency.

As far as decision-making criteria concern, the military is supreme in almost all the decision making areas of the political system during the period. It is also evident, that result of the civilianization process was an attempt to formulate a pliable civilian government and a docile parliament. All the civilian institutions were functioning under the control of the military ruler. Those could work only on conceding supreme position of the military ruler in that arrangement. It is evident that all the civilian institutions remained acceptable if those were submissive to the military ruler and civilian participation was acceptable as long as it was supportive of the military regime.

In brief, Musharraf came with the promise to improve governance and ensure accountability. Moreover, the power would be transferred to the people within a short period. Though initially, some progress appeared in this context when he intended to expand his rule, his claims began fading away. On thorough study and getting a deep insight of various steps taken in the direction of civilianization, there appeared many other hidden motives contrary to his apparent tall claims which were wrapped in attractive phrases. Despite initiating the process of civilianization, the civilian institutions and political process could not attain enough strength to protect itself. The civilian government remained dependent on the support and blessing of the military ruler to stay afloat, demonstrating the fact that the pivotal role of the military in the polity was quite evident. The institutions were weak and vulnerable which could not prevent re-intervention of the military ruler at a later point. As the level of civilianization in Musharraf rule remained generally low; it drifted to a lower edge in the last period. So, it can be said that much was declared but little was delivered in the context of civilianization.

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