

MILITARY INTERVENTION IN PAKISTANI POLITICS: THE FOURTH MILITARY COUP.

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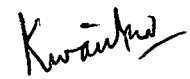
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PREFACE

It is generally said that Pakistan is governed by three 'As', which are - Army Allah and America. The saying is quite justified considering the role of Pakistani Army, religion (Allah) and America play in various spheres of Pakistani life. With the recent Military take over on 12th October, 1999, the very old question of why Military intervenes in the Political affairs of the state has again re surfaced. On this basis one is bound to ask the same question why Pakistani Military has always intervened in the Political affairs of the state?

So to have a better understanding of Pakistani military 's previous interventions this paper begins with an introduction .The introductory chapter is broadly divide into two segments. The first segment tries to provide a historical knowledge on the previous military intervention in Pakistan. The segment looks into the various theoretical aspects of military interventions, especially relating to the Pakistani context.

The second chapter provides a account of the civil-military relationship which existed during the various governments which have ruled the state since 1985. However to analyse the 1999 military coup this chapter also gives a critical assessment of Nawaz Sharif's second tenure. Because it is widely argued that the military overthrew Nawaz Sharif because of his dictatorial rule.

The third chapter critically analyses the fourth military coup and look into the various reasons behind it, particularly analysing the events which preceded the

military coup. The second segment of this chapter provides an account of Musharraf's administration and his so called persuasion of establishing "real democracy" in Pakistan.

The conclusion of the fourth chapter tries to draw some conclusions regarding the fourth military coup on the basis of above mentioned analysis

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ABBREVIATIONS

COAS	Chief Of Army Staff
JCSC	Joint Chief Of Staf Committee
ISI	Inter Services Intelligence
PML	Pakistan Muslim League
PML (N)	Pakistan Muslim League (Nawaz)
PML (J)	Pakistan Muslim League (Junejo)
PPP	Pakistan People's Party
MQM	Muhajar Quami Movement (Now it is Mutahida Quami Movement)

CHAPTER 1

INTRODUCTION

“The dichotomy between democracy and dictatorship in terms of what they [the Pakistani] mean for development is perhaps the best and most simplistic of myths accepted by the general public, scholars and policy makers. Most people in Pakistan recall Ayub Khan's rule (1958-69) as Pakistan's best, with Zia's (1977-88) a close second. In contrast, the democratic years of Zulfikar Ali Bhutto, his daughter Benazir or Nawaz Sharif, reveal only the worst manifestations of democracy. Yet, these facts reveal only half the true picture”¹

It has been more than two hundred years, since Napoleon staged one of the first modern military coups.² But still today that legacy of military coup continues to hunt many democratically elected governments of the World and almost every year we continue to see military coups and attempted coups. Hence military coups are not new phenomenon in the international affairs. Yes, for some countries like India these are alien features to their political system, where the military does not at all come to the political scenario of the state. Here we consider military's involvement or intervention in the political affairs of the

state something as unconstitutional. For us military has its own business to do and it should stick to it only. It should not to poke its nose in the political affairs of the state, let alone intervene in to it. But contrary to it there are countries like Pakistan where military intervention in the political affairs of the State has become a regular phenomenon. In fact since its creation in 1947, Pakistan has experienced military rule for nearly half of its existence, though not at a stretch.

Even today Pakistan is under the military rule of Gen. Pervez Musharraf and given the fact that Musharaf is now also the self appointed President of the State, it is still not clear how long this government will continue to rule. This is largely because the military leaders are very much notorious in breaking their promises. For example when Zia-ul-Haq came to power he had promised that elections would be held within Ninety days and democracy would be restored subsequently. But as we all know democracy was restored only after his death i.e. eleven years after his promise. Hence it is to be seen whether the current military ruler restores democracy, as he has promised, by October 2002 as per the Supreme courts order.

It will be, however, wrong to say that the Pakistani military suddenly started intervening in the political affairs of the state by staging the first military coup in 1958. In fact it was as early as in 1951 the first attempted coup was detected before it could be executed, which is better known as the 'Rawalpindi conspiracy case'. According to Ayesha Jalal "Akbar [the military coup leader]

and his cohorts had ... apparently planned to sack the central government, replace it by a military dictatorship...by arguing that Pakistan needed a military government to wrest Kashmir from Indian control".³ In her view this attempted coup was a result of "tussle between two divergent perspectives on the Kashmir dispute within the Pakistani defence establishment" and the 'rivalry' between Ayub Khan and Akbar Khan.⁴ But whatever may be it is clear that had it not been detected, Pakistan would have experienced military rule within the very first five years of its creation.

Though the attempted military coup was an unsuccessful one, it showed the military's intervention in the political affairs of the state even when Liaquat Ali Khan was in the power. Analysing these developments Jalal again says that by the time Liaquat was assassinated in 1951 "the institutional balance had began gravitating away from political centre in Karachi to military headquarter in Rawalpindi."⁵ Similarly according to K.L. Kamal the decision of Liaquat Ali Khan to appoint Lt. General Mohammad Ayub Khan as Commander-in-Chief (C-in-C) in 1951 shows the growing influence of army and the decline of civilian superiority, because the post of the Commander-in-Chief is generally vested with the head of the state where the civilian government is dominant.⁶ Likewise the two subsequent extensions⁷ of Ayub as the Chief of Army also reflects this fact.

However, the army got the first chance to run the civil administration

directly in 1953, after the outbreak of anti-Ahmedia riots in Punjab. As the provincial government failed to maintain law and order, the Army was called and martial law was imposed in Lahore on 6th, March 1953. The army successfully brought the situation back to normalcy. But this brief period of martial law gave the Army a valuable experience of performing the duties of civil government. It also created an impression in the minds of the public that the army could restore peace and provides effective governance when the Civilian governments fails.⁸

It was however, the prevailing political instability, which followed after the death of Liaquat Ali Khan in 1951, provided the military more scope to intervene in the political affairs of the state both directly and indirectly. According to Rizvi "had Ghulam Mohammad not enjoyed the support of army, he could not have dismissed the first Constituent Assembly in 1954". Similarly "the inclusion of Iskinder Mirza and Ayub Khan in the Cabinet after the dissolution of the Constituent Assembly" clearly shows "that real political power had shifted to the Governor General and the Civil service who enjoyed the support of the Army".⁹ Z.A. Bhutto calls this dismissal of the Constituent Assembly as a 'quasi-military coup'¹⁰ whereas as others have called it as a 'Civilian Coup'.

Though the Civilians continued to govern, the political instability in the country was in its peak, because of frequent changes of governments. During

this political chaos, in the first week of October 1958, the princely state of Kalat declared itself independent from Pakistan and its ruler refused to come to Karachi for talks with the President. Though the situation was brought under control after troops were sent to it, but this incident gave military the fear of more such incidents. Meanwhile in the last week of September the deputy speaker of the East Bengal died of injuries, which he had received during the fighting inside the provincial Assembly hall. These very incidents finally convinced the army to take the administration of the country directly to their hand.¹¹ As a result Ayub Khan came to power, which also marked the beginning of military coups and military rule in Pakistan.

Ayub ruled the state from 1958 to 1969. In 1962 he gave a new constitution to the people of Pakistan. It introduced a system of Basic Democracy with a presidential form of government. This introduction of Basic Democracy by Ayub was nothing but an attempt to give a civilian look to his regime. However the new Constitution institutionalised the military's role in the power structure of the state. But by 1969 Ayub had lost the support of his military commanders.¹² Hence when there was a popular mass movement against his regime, he handed the administration of the state to the then C-in-C Yahya Khan. But the 1971 war proved to be a disaster for Pakistan because it was defeated by India and it lost its eastern wing and a newly independent Bangladesh emerged. This was a big morale blow to the Armed forces.¹³ So

under extraordinary circumstances, Yahya Khan (the military ruler) quietly handed over the power to the democratically elected government of Z.A. Bhutto.¹⁴

The Third military coup took place on 5th July 1977. That year there was a country wide mass movement against Z. A. Bhutto led by the Pakistan National Alliance (PNA). As a result of which Bhutto tried to bring military to his side in order to show PNA that military was behind him. For that matter Bhutto not only invited the army chief to the Cabinet meetings but also top military brass were regularly briefed by the government during the course of the negotiation between the government and the PNA.¹⁵ However, when Zia realised that the Bhutto government had lost its popular support and Bhutto needed Army's help to remain in power he intervened and martial law was imposed.

But prior to it, according to Z.A. Bhutto towards the end of 1972 and the beginning of 1973 an unsuccessful military coup plan was detected before it could be executed which is also known as the 'Attock conspiracy case'. The conspirators were tried by the military in the military courts. But the amazing thing about this trial was that Gen. Zia-ul-Haq, was the presiding officer of these courts,¹⁶ who later on overthrew Bhutto's government in a military coup.

Zia ruled the country for eleven years. Though towards the later part of his rule, he allowed a civilian government to run the country, the actual power

remained in his hand. But it was surprising that even after being elected to the office of the President of the country he continued to hold the post of the army chief.¹⁷

But actually, democracy was restored only after Zia's death in 1988. This restoration of democracy did not mean the end of military influence in the political affairs of the state. Rather the "military sought to promote democracy in such a manner that its own power was not curtailed substantially, while at the same time there was a facade of elected representative managing politics."¹⁸ According to Moonis Ahmar "even when the politicians were in power after the death of Zia in 1988 till army's take over on October 12, 1999 the military's role in politics remained subtle". He also says that the dismissal of Benazir's government in 1990 and in 1996 along with the dismissal of Nawaz Sharif's government in 1993 had the approval of the army.¹⁹ Hence, though the military remained in the barracks it was covertly intervening in the political affairs of the state till the fourth military coup. However, prior to the Fourth military coup an unsuccessful military coup was detected in September 1995 before it could be executed.²⁰

The fourth military coup took place on 12th October 1999, when General Pervez Musharraf overthrew the democratically elected government of Nawaz Sharif in a bloodless military coup. The circumstance under which this military coup was executed was different from previous three coups. It is argued, in this

coup the military did not initiate rather it retaliated against Nawaz Sharif,²¹ who tried to dismiss Musharraf from the post of the Army Chief, when he was not even in the country. But instead he over threw Nawaz Shariff. Musharraf has justified his action by arguing that he was compelled to intervene. In his own words "... I took over in extremely unusual circumstances not of my making..."²²

It was a brief history of Pakistani military intervention in the political affairs of the State, since 1947. It is now clear from the above discussion that directly or indirectly the Pakistani military has always influenced or intervened in the political affairs of the state. . But one question that immediately strikes to our mind is why does the Pakistani military always intervene in the political affairs of the state? The next part of this chapter tries to enquire into this question.

MILITARY INTERVENTION IN PAKISTAN:

A THEORETICAL INTERPRETATION.

"Military is one of the most ancient, vital organized and hierarchy based of all the human institutions. Military has often been termed as the nerve centre of the state-whether ancient or modern. In the present day, one Cannot even possibly thinks of a future state without military. Military comes first within the framework of a state whether it relates to the western democratic liberal model or a Marxist Leninist model or a third world model."²³

The primary task of the military is to protect the State from external, as well as from internal threats; it also provides a helping hand to the civil administration whenever it necessitates. That is why it is expected that the military should stick to its own original task and keep away from political affairs of the state. But contrary to it in countries like Pakistan we see that the military is frequently intervening in the political affairs of the State. Hence the obvious question which strikes to our mind as said earlier why does military intervene in

the political affairs of the state?

But before discussing the above question it is interesting to note that military intervention does not necessarily mean military coups alone. Rather there are various types of military interventions. So we will, first of all, discuss about the various types of military interventions and then proceed to the above question.

As said above, there are various types of military interventions and according to Finer there are four types, which are - influence, blackmail, displacement and supplantment.²⁴ For Finer, influence type of military intervention is perfectly legitimate, because it is done through persuasion. In this type of intervention the military uses its influence on the civilian administration to accept or consider its views, while making policies. For example in November 1997 Nawaz Sharif before initiating the 13th Amendment which restored the Prime Minister's power of appointing the three service Chief had to accept the army's proposal- the army chief to simultaneously hold the post of the Chairman, of Joint Chiefs of Staff Committee (JCSC).²⁵

Blackmail type of military intervention is of second type. This type of intervention can be said as the next step of influence type. Because in blackmail type of intervention the military leaders threaten the use of coercive method if their advice are not accepted or followed. Hence influence type of intervention changes into blackmail type when use of force or other coercive methods are

kept as an option. Benazir Bhutto, after her election victory in 1988 was not administered the oath of office for some time till she "surrendered her right as a civilian head of the government on important matters of policy decisions" to the establishment. As a result she 'had to appoint Shahbzada Yakub Khan as the foreign Minister who was an army appointee'.²⁶ Similarly, in the case of Junejo, he was dismissed by Zia, when he challenged him. According to Junejo himself, he was dismissed by Zia when he asked zia to relinquish the post of Chief of Army Staff (COAS) if he (Zia) want to participate in politics.²⁷ These two examples show the blackmail type of intervention.

The third type of intervention is the displacement type. Displacement can be said as the next step of blackmail. In displacement type of intervention the military directly or indirectly changes one civilian government with another through its influence. This is done by the army in order to maintain its influence in the power structure. So when army has differences with the civilian government or the army's position is challenged by the civilian government, army-resorts to this type of intervention. The dismissal of the first government of Benazir Bhutto by the President Ghulam Isaq Khan is an example of this type. She was basically dismissed because of the differences between her and the Army Chief Aslam Beg.²⁸

Supplantment is the fourth type of military intervention. As said above, when military changes one civilian government with another, in order to

maintain its influence in the power structure, the intervention is called displacement type. But when military directly comes to the power the intervention is known as supplantment type of intervention. The overthrow of Nawaz Sharif government by Musharraf and the subsequent establishment of military government are an example of supplantment form of intervention. However after overthrowing a civilian government the military may directly take the administration of the state into its own hand as Musharraf has done. On the other hand it may appoint a civilian government to carry out its policies, but it rarely happens. Rather the military prefer to rule the state through a Junta.

These are the various types of military intervention in the political affairs of the State. Hence it is clear that military intervention does not necessarily mean only the overt military actions or the military coups. Infact it may be covert intervention, like that of influence or blackmail type.

Now coming back to the question, why do military intervene in the political affairs of the State? Finer says "the armed forces have three massive political advantage over civilian organization: a marked superiority in organization, a highly emotional symbolic status and a monopoly of arms... enjoying overwhelming superiority in the means of applying force. The wonder therefore is not why this (the military) rebels against its civilian masters, but why it ever obeys them."²⁹

He himself provides the answer and says that it is very difficult to rule

only by exercising force, because force alone is insufficient. According to him to rule there must be authority in addition to the force. Because 'authority is the mother of power', which in one hand gives the "society's recognition that in certain matters a person or a body of person has the moral right to demand obedience" and on the other hand it asks the society as it is the "moral duty to obey such persons". Rousseau in this regard says, "the strongest is never strong enough to always be the master unless he transform might into right and obedience into duty".³⁰

That is why every military regime after coming to power tries to get the recognition of the society as the legitimate government. Regarding the recognition of the government Finer says that countries where there is 'low political culture' and 'attachment to the civilian institutions' are less, the military does not face the problem of legitimacy. But where 'attachment to the civilian institutions' are strong any attempt of military intervention is considered as unconstitutional and illegal, let alone overthrow of any civilian government. According to him this is the morale barrier, which prevented militaries from establishing its rule throughout the globe.³¹

According to him, apart from the above reason, there is also another reason, which keeps away military from intervention in the political affairs of the state. He says, sometimes the military fears that it may be politicized and its members may take opposite sides which may result in split within the army itself

and hence it keep away from intervention in the political affairs of the state. This very fear of military was truly reflected in the 1975 military coup in Bangladesh. When Mujibur-Rehman was assassinated in a military coup, the opposing faction of the military staged a counter coup. But within a week, several coups followed subsequently till 1981 when Zia-Ur-Rehman was assassinated.

Similarly according to Huntington, professionalism of the army prevents it from intervening in the political affairs of the State. Because the greater the professionalism, the officers stick to their own "technical task" and keep away from issues which do not affect themselves. Hence the officers become focused to their own field and leave the politician to deal with the political affairs of the state and comes to the political scenery whenever they are asked to.³² These are some of the reasons why military keeps away from politics, despite having the force upon which it can materialize its authority. So then why do military intervene in the political affairs of the State?

In this regard Finer says that Professionalism is itself a factor in the military intervention. According to him professionalism in the armed forces may lead to feeling that they are the servant of the State and not of the government which is in power." The moment the military draws the distinction between nation and the government in power they begin to invent their own private notion of national interest... this purported care for national interest as

defined by the military is indeed one of the main reason for intervening"

In this sense the Pakistan military is also a professional one, but still then it intervenes in the political affairs of the state. This is so because of the above said reason. For example in 1951 during the Suez crisis the military was in view of supporting the Western allies instead of supporting Egypt, which was the government's policy. Because "Pakistan needed arms" and the "only way of acquiring them" was by supporting the western allies.³³

Secondly, because of their professionalism the military sometimes does not like civilian interference in its organizational matters like-size and recruitment etc. Hence any civilian interference in the military affairs results in the military intervention. This is true in case of the Pakistani military. As Stephan Cohen says the Pakistan army thinks that it is the organization which is "holding the state together". It believes that politician "come and go but military is permanent". Hence whenever any politician has tried to interfere in the military affairs, the military has intervened. Bhutto tried to do so by creating the Federal Security Force to counter the army, as a result the military intervened and Bhutto was overthrown.³⁴ Gen. Musharraf has also mentioned himself that he was compelled to intervene as Sharif was "intriguing to destroy the last institution of stability [the military]".³⁵

Thirdly the professional army sees itself as the protector of the nation and it sees the foreigners as its enemy and not the fellow nationals. "It also sees itself

a fighting force [and] not as a body of policeman". Hence when the civilian administration uses it more often against its own nationals feels that it is being used by the politicians for their own purposes, it intervenes.³⁶

For Finer it is the acceptance of civilian supremacy by the military rather than the professionalism, which is the determinant factor that prevent military from intervening in the political affairs of the state .³⁷ Because by inculcating the principle of civil supremacy in the minds of the military personnel, a sense of respect for the civilian administration can be incurred which will make them feel that the civilian power is 'paramount' and must be obeyed.

Precisely, this principle of civilian supremacy is lacking in Pakistan. As a result of which Pakistan army has never been under the political subordination. Except for few years during the initial rule of Z.A. Bhutto and also for few time during initial rule of Nawaz Sharif's second regime. According to Ayesha Jalal by the time Liaquat Ali Khan was assassinated the "institutional balance had begun gravitating away from the political centre in Karachi to military headquarter in Rawalpindi",³⁸ which means since early 1950's the Pakistani military is very much on the power structure. That is why it has been frequently intervening in the political affairs of the state in order to maintain its position in the power structure.

Another reason for military intervention, for Finer is that when there is 'inefficiency, corruption and political intrigue' the civilian administration looses

its credit. Taking this into an advantage the military intervene in the name of the eradicating corruption. Because it has a good public image. In this regard Mr. Wint says that by 1958 there was complete political instability and civilian governments had lost their popularity. But on the other hand the army was generally believed as "conspicuously efficient and conspicuously incorrupt". Hence "an unbalance [had] developed between the respected and capable army and disposed and incompetent politician's". As a result military intervened. He also says that there was no opposition to the military takes over, because the politicians knew that they cannot mobilize support against the military take over.³⁹ Similarly when Nawaz Sharif government was overthrown there were no opposition to it. Except to that of Pakistan Muslim League Party, which was the ruling party. Infact the Nineteen party opposition alliance Grand Democratic Alliance (GDA) welcomed the dismissal of Sharif government.⁴⁰

Similary according to Huntington, the hasty grants of independence in the third world countries has resulted in mobilisation of masses without institutions to chanalise it. This has resulted in-groups and politicians fighting each other for the pursuit of power, which has provided the military the opportunity to intervene in the political affairs of the country.⁴¹

In this sense the example of Pakistan is the best one. Because after the independence the founding fathers of Pakistan failed to establish strong democratic institutions, as they were busy in fighting each other for acquiring

power. Hence they had little time to build strong institutions for the country. So it would not be wrong to say that the Pakistani leaders have destroyed the institutions by tempering with them. The Constitution, Judiciary, opposition parties, press etc. have always been the target of the ruling elites.

Lack of political culture is also one of the reason for military intervention. The tragedy of Pakistan is that there is absence of political culture in Pakistan. That is why leaders who sometimes fight for the restoration of democracy soon acquire the authoritarian tendencies after coming to power. They also fail to build a political environment where the differences could be resolved by negotiations.⁴² So what happen is that the opposition becomes hostile to the government and when the government loses the popular support it has to rely on military's support for its survival. As we have discussed earlier Z. A. Bhutto when faced the mass movement of PNA, tried to keep the army by his side by inviting him to the Cabinet meeting. But when Zia got the chance he overthrew Bhutto's government.

There is also another reason of military intervention. When there is power vacuum, according to Finer, politicians and political parties tries to win the support of the military in order to come to power and hence military becomes the power broker. In Pakistan after the restoration of democracy in 1988 almost all the government tried to win the support of the military because of the fear being dismissed by the President. The situation prevailed till the 8th

constitutional amendment was abolished by the 13th constitutional amendment. Because of the above said dependency of the Prime Ministers on the military for their survival, made the military 'the king maker' in the political power structure in the country.

According to Z.A. Bhutto "Engulfed by the revolutions of Europe, the Prussian Junkers expanded their standing army". As a result of which "it was evident that the size and capacity of Prussia would not be able to bear the burden for long". But Prussia could solve the problem "through three wars of expansion."⁴³ But "Pakistan", as K. Subrahmanyam says, "is collapsing under the weight of its large standing army and its machinations".⁴⁴ This is nothing but the weakening of institutions because of the frequent military interventions.

According to K.L. Kamal "Islam does not recognize separation between the Civil and Military authority... [Hence] the crux of the problem is that no ruler in an Islamic state can possibly afford to stay in power without a pointed reference to Islam. Since, military occupies a special position in the Islamic framework, opposition to the military regimes may not be based on ideological grounds".⁴⁵ This is perhaps one of the reasons why military intervene in an Islamic state like Pakistan.

Juznic, giving a Marxian touch to argument says that after the independence the colonial power handed over the administration of the colonies to 'elites'. But as these elites did not have strong social bases the military

intervened for "stimulating development".⁴⁶ In other words as the Civilian failed the military took over. This is true in case of Pakistan. As we know most of the founding father except Jinnah and Liaquat had no popular social bases in Pakistan. Because most were from India which was reflected in the East Pakistan provincial election in 1949. And in 1958 the military intervened after realising the fact the leaders has no popular social base.

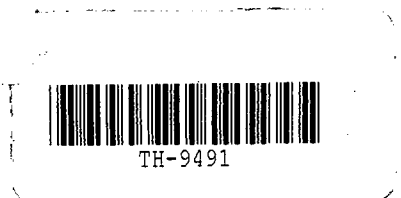
Now, it is interesting to note that whenever the military comes to power it always gives reasons for its intervention which are basically always same. Firstly, the military would say that it has intervened to clean the political system from corruption, nepotism and other kinds of evils. For example when Musharraf came to power he stressed the need for so called "accountability process" in order to catch hold of the corrupt civilians. Similarly the military would say that it will create a viable political system and establish democracy as Musharraf has said in his address to the nation after coming to power.

But after coming to power the military tries to civilianise its regime. It knows it can not run the state for a long period under direct military rule. Because according to Bauzon military regimes do not last for long because the functional specialisation of the military is different from civilian administration. Hence they fail to channelise the popular demands of the people which ultimately lead to ouster.⁴⁷ However, there are various ways through which it civilianise the administration.

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Firstly, the ruling Generals may resign from the military and give a civilian look to the administration. They also include other civilians in their administration. Ayub did the same, when he became the President, he relinquished the post of Commander-in Chief. Secondly, the military may go to the barracks by handing over power to a civilian government. But it will persuade and pressure the civilian government to adopt the policies of their choice.

After all whatever may they do they know that they cannot rule the state for permanently and one day they will have to hand over the administration of the State to the civilians. Hence they gradually civilianise their administration and leave the helm of affairs to the civilians. Otherwise there may be mass movement for the restoration of democracy. As a result of which it has to bow before the movement and hand over the powers to the civilians and go to the barracks. But after enjoying the taste of power, the military won't remain quiet. So, even after returning to the barracks the military will continue to influence the policy making of the civilian government.

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CHAPTER 2

CIVIL MILITARY RELATION FROM JUNEJO TO SECOND SHARIF GOVERNMENT

"Even though Nawaz Sharif's government managed to remove Article 58 (b)(2) of Eight Amendment of the Constitution, the role of the armed forces in arbitrating power has in no way diminished. If they decide to strike again, there is no one to stop him; and if they decide to abrogate the 1973 constitution, not many would shed tears for the demise of democracy at least within Pakistan..."¹

The death of General Zia-ul-Haq in a plane crash on 17th August 1988 ended the longest military rule in the history of Pakistan. Subsequently, with Benazir Bhutto taking over the administration, democracy was re-established after a gap of eleven years. But the legacy of long military rule and the domination of military gave little scope to her, and to the subsequent civilian governments to function independently. In this sense, the above statement clearly points out the helplessness of the civilian governments and the supreme position of military in the power structure, which prevailed till the overthrow of Nawaz Sharif's government. That is too the statement particularly refers to the period after the eighth amendment was nullified by the thirteenth amendment in 1997, which stripped the powers of the President *inter alia* to dismiss the Prime Minister. So if this was the situation after the thirteenth amendment, one can easily imagine what would have been the situation prior to it and

how much freedom or autonomy did the previous civilian governments enjoyed during their tenures.

On 2nd March 1985, he promulgated the popularly known Revival of the Constitutional Order (RCO) which "amended or modified or omitted or deleted as many as 65 articles..." of the Constitution.² This was done despite the fact that the National Assembly was to have its meeting on 23rd March. In the mean time before appointing Muhammad Khan Junejo to the office the Prime Minister "Zia made it conditional that the actions, ordinances, orders that he passed between 1977-85 as CMLA would not be reversed, nor would they be challenged under any court of law".³ As a result in October 1985 the Junejo government brought the famous eighth Constitution amendment bill and got it passed from the National Assembly which empowered the President to dismiss the Prime Minister and dissolve the National Assembly at will. It also indemnified all the actions of Zia regime during the previous Eight years.⁴

It not only empowered the President to dismiss Prime Ministers and dissolve the National Assembly at will and appoint a care taker Prime Minister but also, empowered him to appoint the three Chiefs of Army, Navy and Air Force.⁵ With these types of powers in hand, the President now became the centre of the power structure, which also virtually made the government a presidential form of government despite Prime Minister being the head of the Cabinet. And precisely because of this, four Prime Ministers were dismissed by the President in just more than a decade, including Junejo himself who had empowered the President by passing the eighth amendment. It was particularly because of this amendment and other

policies of Zia, a new pattern of civil-military relationship emerged in Pakistan, which existed for more than a decade and was totally different from the previous years, that existed till the eight amendments was repealed.

Junejo Government

As it happens whenever any military regime rules directly for a long period, it tries to civilianise its government. Zia also did the same after ruling the state directly under Military rule for eight years. In 1985 he tried to civilianise his rule by first getting himself elected (in a so-called election) to the office of President and then conducted general election on non-political party basis. He then appointed Junejo as the Prime Minister and hence in the public eye a civilian ruled the state.

However, after the eighth amendment, a peculiar situation emerged in the power structure, which is aptly mentioned by Saeed Shafqat in the following words - "under article 43 of the 1973 Constitution, the President could not hold any office of profit. Zia obliterated this article by inserting Article 41 (7), that allowed him to hold the office of the President as well as COAS. This created a legal anomaly and built in tension between the office of the Prime Minister and President. Since the Prime Minister retained the portfolio of defence, the COAS was answerable to him. However, as Prime Minister he was answerable to the President. In addition the President had discretionary powers to nominate the Prime Minister, dismiss his cabinet and the Parliament. Thus the transition to democracy and functioning of the Parliament were inherently constricted."⁶

The mutual understanding which existed between Junejo and Zia continued till the end of 1987. However, in 1987 while addressing the National Assembly,

Junejo asked Generals and Senior bureaucrats to reduce their spending. To this a retired General wrote two articles in two different newspaper taking strong exception to what he viewed as “unjustified criticism of the senior commanders”. But this started a debate regarding the life style of the Military personnel. This was viewed by the military as a “deliberate attempt by the Civilian government to whip up anti military sentiments”. As a result Yaqub Ali Khan who was known as ‘the army’s man’ and was the Foreign Minister since 1982 resigned from the Cabinet. But according to Rizvi ‘as a gesture’ to the military, Junejo did not appoint a new Minister and the Minister for state carried on the job.⁷

In March 1988, Junejo decided to call a ‘round table conference’ for arriving on a consensus on the Afghan issue. But as it has been mentioned "Benazir Bhutto demanded that she would participate in the conference only if President Zia-ul-Haq was not invited"⁸ which was accepted by Junejo. And as most of the political parties preferred a peaceful negotiated settlement, the Junejo government signed the Geneva Accord. But this alienation of Zia and a different Afghan Policy, totally separated from that of the military, marked beginning of differences between Zia and Junejo.⁹

However, it is said "the Ojhri arms dump explosion on 10 April 1988 in the Centre of Islamabad-Rawalpindi metropolis, where weapons destined for Afghan Mujahedeen were stored proved the last straw on the Camel's back".¹⁰ Junejo government set up an enquiry commission to look into the Ojhri camp explosion. The commission held response both Chairman of JCSC and DG of ISI for the explosion. But on the other hand Zia wanted to protect both of them and hence it brought Junejo and Zia to a head on collision.¹¹ By now Zia came to realise that the government was

not keeping to his tune and hence reportedly remarked that military “needed patrons not prosecutors”.¹²

In fact, from the very beginning Zia had few respect for the civilian government of Junejo. He had reservation about the relevance of Western model of democracy and had advised people “not to waste time on political meetings and procession. Instead, they should regularly offer prayers five times a day and earn their living through fair means”.¹³ When he saw that the civilian government was crossing its limit, he decided to get rid of it. Thus he dismissed the Junejo government on 29 May 1988, with troops taking control over important government installations including the Prime Ministers House, and the Radio and Television stations.

However, Zia was killed in a Plane crash on 17 August 1988. In this situation, the field was open for General Beg to take the administration directly to his hand. But he decided against it and instead chooses to restore democracy. It was "for the first time, an army Chief lived up the highest standard of discipline in strict conformity to the solemn oath of defending the constitution at all events".¹⁴ Soon after the death of Zia, the military asked the Chairman of the Senate Ghulam Ishaq Khan to assume the presidency as provided by the Constitution. In this regard Rizivi says that the main reason behind the military's decision to restore democracy was that, Zia had already announced the date of general election before his death. Similarly 'the military also thought that any postponement of the election would give a wrong impression and public may view the army as the 'main obstacle' in the restoration of democracy, which would have damaged the already poor image of

army because of its failure in Siachin Glacier and after all because of the long Eleven years of Zia's rule.¹⁵

However, General Beg's decision to hold the forthcoming general election did not mean that military was keeping itself away from the Pakistani political structure. Rather, for the time being it decided to keep itself away from active politics and instead play the game from behind the scene. Hence the prime task of military at that time was to protect its professional interests. So, given the distrust of the PPP on the part of the senior commanders, the military did everything that it could have done to prevent Benazir from coming to power. The military with the help of ISI "managed the reunification of the two factions of Muslim League (here after PML)" and encouraged nine right-of-centre political parties to form an electoral alliance. As a result of which Islamic Jamhoori Itehad (IJI) or Islamic Democratic Alliance (IDA) with PML at the Centre came into existence.¹⁶ At the same time Ghulam Ishaq Khan refused to dismiss the caretaker Chief Ministers of the provinces "who were Zia appointees and were using the administrative machinery for vitiating the holding of fare elections".¹⁷

Despite all the efforts of the military, PPP emerged as the single largest Party with 93 seats and IJI secured 54 seats. As PPP failed to secure the simple majority, the establishment delayed the invitation to Benazir to afford an opportunity to IJI leader Nawaz Sharif to rope in smaller parties including MQM to form an IJI led government. But this policy did not work and MQM could not be won over.¹⁸ Besides this as mentioned in the first chapter, Benazir Bhutto had to agree to the demands of the military and President before she was sworn in. Among other things,

she agreed to support Ghulam Ishaq Khan for the office of President in the forthcoming presidential election. She also agreed to keep Shahbzada Yakub Khan as the Foreign Minister, who was elected to the National Assembly on an IJI ticket.¹⁹

Benazir Bhutto's First Term

On 2nd December 1988 Benazir Bhutto was sworn in as the Prime Minister of Pakistan. But from the very beginning she and her party was not liked by the establishment, because she was believed to be an "anti State, anti army" and "whose leadership had conspired against the military from exile and abroad". Thus a kind of mutual distrust and hostility prevailed during this period, between the establishment and the Benazir Bhutto Government.²⁰ But realizing her weakness, to please the military, "Benazir Bhutto publicly acknowledged the military's role in the restoration of democracy and declared that the military deserved a 'medal of democracy' in appreciation of its 'whole-hearted' support to democracy".²¹ Hence, she also avoided any confrontation with the establishment.

Benazir Bhutto was very much aware of the role of ISI in the creation of IJI during the election and was convinced that its Chief Hamid Gul was its creator. So she tried to bring ISI under civilian control by appointing a Commission to review the functioning of ISI. Based on the findings of the Commission she removed Hamid Gul and appointed a retired Lt. General Shamsul Rahman Kallu as the new Chief of ISI. All this was done despite the opposition from General Beg - the then COAS. The military viewed these actions of the government as interference in its professional affairs.²² In this regard Gen. Beg claimed that "he kept his *danda* (stick) under control on three occasion. First, when he did not assume power after the death

of Zia. Second, when Benazir Bhutto sought to reprove for the officers who had been dismissed from the army for indulging in indiscipline after the elder Bhutto's death; third when she appointed a retired officer as the head of ISI".²³ So, the above said action of Benazir marked the beginning of confrontation between the military and her government.

A serious dispute soon arose between the government and the establishment on the question of retirement of Iftikhar Ahmed Sirohi-Chairman of JCSC. The government wanted to retire him after his completion of three-year term. Benazir claimed that she had the authority to retire the Chairman of JCSC. But on the other hand contrary to her claim, President Ghulam Ishaq Khan claimed that he has the authority and it was his 'discretion'. Finally Benazir had to give up keeping in view the article 58-(b) (2).²⁴ Similarly, there are other instances where the government tried to tamper with retirement or extension of the military officers. Once such case was that of Lt. General Alam Jan Mahsud-corps commander at Lahore. Benazir Bhutto government tried to influence the working of the army's selection board-, which decides on the promotions, retirements, and postings of the senior army officials. As the government wanted to give an extension and wanted him to be appointed at a senior post at the headquarter. But the board and the COAS did not agree.²⁵

Again differences arose between the military and the government on the issue of keeping law and order situation in Sindh. The Bhutto government sought Army's help to restore peace in Sindh under article 147 of the Constitution which gave the army the power to arrest the suspected and hand them over to the civilian authority

for further action under the normal law of the land. But General Beg asked for non-political intervention during the operation and demanded that powers to the military should be given under article 245-which would have given the military the powers to 'set up own courts for summary trials'. But Bhutto refused and army was allowed to operate only under the article 147 only. To this Gen. Beg has reportedly remarked that "army would not be 'chasing shadows' unless armed with proper legal authority". So, "without defying the government, Beg confined the army's support to a level far below the need of the hour to help the government steer through the crisis unharmed". By this, "he let the nation see the sheer helplessness of the civilian authority in the face of a crisis without the full help and support of the army".²⁶

Similarly when her government faced a no confidence motion in the National Assembly, the ISI launched its famous 'operation midnight Jackals' to defect some PPP members to the opposition side. Though it failed, the government survived. But ISI played its part in MQM's decision to withdraw its support from PPP.²⁷ Like wise in the conflict between Nawaz Sharif (the PML Leader and Chief Minister of Punjab) and Benazir Bhutto, the establishment from the very beginning was supporting Nawaz Sharif in order to neutralize Bhutto. And in reciprocity, Sharif was supporting the establishment whenever there was tussle between Bhutto and the Establishment.

Meanwhile, the mutual distrust between the military and the Benazir Bhutto government had gone to such an extent that ISI had secretly taped the meetings between Rajiv Gandhi and Benazir Bhutto, because the Military believed that she would 'sell Pakistan to India'. These tapes were later on shown to the opposition leaders to get their support for her dismissal.²⁸

Meanwhile, the military concluded that Bhutto government "is not sharing power with the military, was interfering in their professional domains. Thus, at the corps commanders meeting in the July 1990, the generals decided they could no longer accept the supremacy of the government and the COAS conveyed their decision to the President".²⁹ According to Maleeha Lodhi the military had conveyed to the President to remove Bhutto. Reliable sources say August 14 was given as the deadline.³⁰

Hence with the backing of military, President Ishaq Khan dismissed Benazir government on 6 August 1990 on the Charges of "corruption and political horse-trading and failure to discharge legislative functions and enforce law and order."³¹ He simultaneously declared that election would be held in October.

With the declaration of the election by the President ISI again swung in to action. "Under the instruction from the election cell of the President and with the full knowledge and blessing of the Army Chief, the ISI obtained Rs. 140 million" for the election, out of which "Rs. 60 million were directly given to IJI carders and some journalist opposed to the PPP". The then ISI Chief Major General Asad Durani in a affidavit, submitted to the National Assembly in 1996 which mentions that, Nawaz Sharif was given Rs. 3.5 million and the care taker Prime Minister Mustafa Jatoi was given Rs. 2.5 million.³² All these were done to secure the victory of IJI and the defeat of PPP, which did happen with IJI winning the election by securing 106 seats in the National Assembly.

Nawaz Sharif's First Term

It was expected that unlike the Benazir's time, Sharif's tenure would experience mutual cooperation between him and the establishment because, Sharif was 'groomed' during the Zia's regime and was one of the Prime beneficiaries of that regime. Similarly his ruling coalition was also created by ISI in the 1988 election and as said earlier, during the 1990 election ISI had pumped money to secure his victory. So as expected, the President and the Military had hoped Sharif to be a "docile leader and follow their dictates". But on the other hand, Sharif was aware of his image - a "protege of the military regime" who was trained and groomed by them, so after coming to power like Junejo, he was quick to dispel this perception.³³

The happy marriage between Nawaz Sharif government and the establishment ended soon and differences emerged between them. It was the Gulf crisis of 1990-91, which created the first rift between the two. The government was taking a pro-American stand by sending 5000 troops to Saudi Arabia. In this situation Gen. Beg - the then COAS strongly supported Saddam Hussain and predicted that the war could go on for several months to bog US down in a Vietnam like situation".³⁴ This was an open criticism to the official policy of the government. Referring to this situation Razvi has aptly said, "under normal circumstances, the Army Chief would have been reprimanded for publicly diverging from the official policy. However, the civilian government lacked courage to take such course of action".³⁵

In August 1991 General Aslem Beg retired from the post of the Army Chief and was succeeded by Asif Nawaz Janjua. However, there were differences between the Prime Minister and the President regarding the appointment of the new Army

Chief.³⁶ But anyway soon Janua found himself at loggerheads with the Prime Minister like his predecessor General Beg on various matters. In early 1992 when Hamid Gul-corps Commander Multan was transferred to Heavy Mechanical complex, Taxila as its Chief, Sharif tried to block this transfer by asking Janjua, because Sharif wanted to put Gul in some important post, but the army chief refused. Unhappy with the decision Gul went on leave but Junja recommended his (Gul's) retirement, to which Sharif accepted it reluctantly.³⁷

Another confrontation arose between the military and the government regarding the military's operation in Sindh. The 'army's reputedly ham-handed, one-sided operation against the MQM and its top leadership' caused a great embarrassment to the Prime Minister, because MQM was his ally at the federal level. Interestingly the army's action 'almost coincided' with the talk between Nawaz Sharif and Altaf Hussain (the MQM Leader) in London. So when MQM demanded the withdrawal of the army, Sharif could not.³⁸ However, during these confrontation between the military and Nawaz Sharif, according to Rizvi, it was the support of President Ishaq Khan for Sharif and his crucial role as "the bridge and buffer" between them prevented any political fall out.³⁹ But soon differences between Sharif and Ishaq Khan emerged which ultimately led to his dismissal.

In January 1993 General Janjua died of a heart attack. President appointed General Abdul Waheed Kakar as the new Army Chief without taking Prime Minister Sharif into confidence by using his discretionary powers. To this Sharif retaliated by declaring that he would strip off the discretionary powers of the President by amending the Eight Amendment. The ruling coalition IJI also hinted that it 'might

not' support the candidature of Ishaq Khan for his re-election to the office of President. But realizing his own weakness Sharif offered to support Ishaq Khan's candidature. However by that time, Ishaq Khan 'felt betrayed by Sharif to whom he had helped to rise to power'. Sharif tried to resolve the crisis by meeting the President and COAS separately but failed to satisfy Ishaq Khan. As a result on 14 April, on both Radio and Television he accused President Ishaq Khan "of conspiring to dislodge him from power". This 'ill advised' public outburst of Sharif finally brought down the curtail and as expected his government was dismissed by the president on 18th April, with the support of Military.⁴⁰

However, it is interesting to note that both the COAS and the Chairman JCSC were present when President Ishaq Khan announced the dismissal of Nawaz Sharif government. Similarly, "the Army implemented the dismissal order of the President by taking control over the important government buildings including the radio and television station in Islamabad."⁴¹ This clearly shows the backing of the military to the President's decision. Like wise the inclusion of Asif Ali Zardari and other PPP leaders like Farooq Leghari indicates that PPP also supported the decision of the President.⁴²

But in a surprising and historic decision on 26 May 1993 the Supreme Court of Pakistan restored the National Assembly, the Prime Minister and his cabinet by ruling the dismissal of Sharif government and the dissolution of the National Assembly by the President as unconstitutional. The President agreed to honour the court's decision and hence Sharif government came back to power. However, this lease of life provided to Sharif by the Supreme Court did not last long. Because once

again Sharif and Ishaq Khan were involved in a power struggle over Punjab. During these period, surprisingly, the Army under Waheed Kokar played a crucial neutral role to diffuse the crisis. But when Waheed Kokar saw no end to the crisis he forced both Sharif and Ishaq Khan to resign to put an end to the political crisis.⁴³

Benazir's Second Term

In the October 1993 election PPP won 86 and PML won 73 seats but PPP along with PML (Junejo) and other small parties formed an alliance called Pakistan Democratic Front (PDF) and formed the government at the Centre. This time Benazir Bhutto's government was in a comfortable position because her foreign Minister and PPP candidate Farooq Leghari was elected to the office of the President. Keeping in view the position of the President in the power structure and his powers, Benazir's government was in a secure position for the time being.

With her previous term's experiences Benazir Bhutto, this time avoided any 'interference in the internal affairs of the military'. As a result, a cordial relation prevailed between the Military and the government during this period. As Rizvi says "the relationship with the military was so cordial that the civilian government offered a one year extension of service to Gen. Waheed, which he declined". Similarly the cordial relation which existed can be easily understood from the fact that in 1994-95 budget salaries of both the civil servants and the military personnel were increased. But the interesting feature of this hike was that while the hike in the salaries of the military personnel were made effective with the passage of the budget, but for the poor civil servants the hike was to be effective "in two installments spread over a year".⁴⁴

Perhaps, this cordial relationship between the government and the military saved her government in 1995. When some military officers along with some junior officers had plotted a coup. They were planning to declare "Pakistan as a Sunni Islamic State". But they were arrested before they could execute their plan.⁴⁵ However, as Talbot says this was not an isolated incident because "the defeat of the religious parties in the 1993 election" resulted in the increase of Islamic militancy and ethnic violence after the election? The impact of this rise in Islamic fundamentalism had its impact in the military, which finally resulted in a unsuccessful coup attempt.⁴⁶

Though a kind of cordial relationship was prevailing between the government and the military, differences between Bhutto and Leghari soon emerged, which ultimately led to the dismissal of her for the second time. In March 20, 1996 the Supreme Court of Pakistan ruled that "the government no longer had the exclusive mandate to appoint judges to higher courts; the appointments would in future, be required to have the consent of the Chief Justice of the High Court and the Chief Justice of Pakistan".⁴⁷ This Judgement virtually nullified the appointment of Judges to the High Courts made by the Bhutto government in August that year. Benazir viewed this judgement as a conspiracy and refused to implement the Supreme court's ruling. To this the Chief Justice of Pakistan Sajjad Ali Shah asked president for help. In response to it President Leghari insisted upon the government to implement the Supreme Court's ruling. This created a rift between the Prime Minister and the President.⁴⁸

The confrontation between the Prime Minister and the President took an ugly shape on 21 September when the President filed a reference in the Supreme Court

designed to "expedite the 20 March judgement concerning the power to appoint judges to the superior courts". He also meets Nawaz Sharif, the opposition leader for the first time after assuming the Presidency and after the meeting he mentioned about the presidential power to dismiss governments. This was a clear danger signal to the Benazir Bhutto's government. On the other hand, on the very day when Leghari met Nawaz Sharif, Benazir accused the President of murdering her brother Murtaza Bhutto. Who was killed in a police encounter in Karachi.⁴⁹

Meanwhile on 3 November 1996, President Leghari warned Bhutto and asked her to stop 'violating' the constitution. He was referring to the "government's act of moving the accountability bill" without informing him. Incidentally on that very day the Lahore High Court reinstated Major Ahmed Wattoo government, which was dismissed by her government more than one year ago.⁵⁰ As a result as per Ian Talbot "Asif Ali Zardari went to Lahore, allegedly to indulge in horse-trading on a grand scale as the PPP and its PML (J) ally mounted a no-confidence vote against Wattoo. In order to forest all this, the President finally decided to strike..."⁵¹

Though, throughout the conflict between the Prime Minister and the President, the Military remain neutral and did not intervene. By the end of October, the military was convinced that the government "was not in a position to cope with the economic crisis and that it could not ensure a minimum socio-political stability." Hence, President Leghari did not find any difficulty in getting the Army's support to dismiss Benazir,⁵² who was finally dismissed on 6 November 1996. Surprisingly enough, the same Supreme Court that had reinstated the Nawaz Sharif government in 1993, dismissed Benazir's petition challenging her dismissal by the president.

Sharif's Second Term

So, with the dismissal of Benazir Bhutto government in November 1996, Pakistan once again entered in to a phase of political instability. It was for the fourth time that an elected civilian government was being dismissed by the President. Though the caretaker Prime Minister Miraj Khalid and president Farooq Leghari reiterated that elections would be held as per scheduled on 3rd February 1997, doubts were raised about about their intentions. Firstly, because few days after the appointment of the caretaker government, President Leghari issued a presidential decree which provided for the disqualification of politician who are involved in corruption and abuse of power from holding public offices for five years.⁵³ According to the caretaker government it was aimed at clearing the political life of the country from corruption before the poll. However the enunciation of the so called accountability process by the government reminded the previous notorious laws of PRODA, PODO and EBDO⁵⁴ which were also used earlier to bar politicians from holding public offices. Hence it was widely believed that like the previous instances, the government would misuse the power against the 'in convenient politicians'.⁵⁵

Secondly, just few days before the election, President Leghari created a ten-member council of Defence and national Security (CDNS), which was to advise the government on wide range of issues from national security to economics. The body was composed of the Prime Minister, Four senior cabinet Ministers, the Chairman of Joint Chief of Staff committee and the three chiefs of the armed forces. It was to be chaired by the President and he "could refer any matter to it without previously consulting the Prime Minister".⁵⁶ The creation of CDNS was generally viewed as the

works of Leghari to 'circumscribe the powers of the new government' which was scheduled to take the charge after the election. In fact it was also "designed to ensure the dominance of the armed forces, because no Prime Minister could dare to earn GHQ's ire by going against its policy preferences."⁵⁷

However, the election was held as per the scheduled on 3rd February 1997. It turned out to be a milestone for Nawaz Sharif's PML (N), as it secured a two-thirds majority in the National Assembly. It was for the first time in the political history of Pakistan that government commanded two-thirds majority, which made Nawaz Sharif 'the most powerful Prime Minister, Pakistan ever had'. But having already dismissed once by the President in 1993, he immediately took initiatives to repeal the famous eight amendment. That is why, soon after coming to power, the Sharif government brought the thirteenth constitutional amendment bill in April and got it approved from the National Assembly.

With the passage of the thirteenth constitutional amendment bill, the president was stripped of his extra-ordinary powers. The amendment not only freed the Prime Minister from the clutches of President but also empowered the Prime Minister to appoint and dismiss the Chairman JCSC and the three Chiefs of the armed forces.⁵⁸ As a result of which, now the Prime Minister was having a direct control over the armed forces. It also reduced the office of the President to that of a ceremonial one.

However, it would be completely wrong to assume that, as Sharif was having two-thirds majority, he could do it with an ease, certainly the massive mandate which he had, made the task a little bit easier, but the fact is that he could

not have succeeded without the consent of the military. Hence, before initiating it, Sharif had an 'elaborate discussions' with the then army Chief Gen. Jehangir Karamat. The army agreed to the amendment only when Sharif also agreed to its proposal that army Chief can also simultaneously hold the post of Chairman JCSC.⁵⁹

Having successfully stripped the powers of the President, Sharif breathed a sigh of relief. Because from now onwards his government need not be worried of the President. However according to Jasjit Singh this removal of "one pillar" from the traditional 'troika' resulted in an imbalance in the ruling "equilibrium" which was "heavily weighted in favour of the army". He further says that with "the election of President Rafiq Tarar in December 1997 [it] further reduced, somewhat the scope of the army having its say in national matters" and "caused a psychological difficulty in the adjustment of the evolving civil-military relations with a nascent democracy."⁶⁰ According to Sharifuddin Pirzada had the article 58(b)(2) not been repelled by the 13th amendment, the fourth military coup would not have occurred, because the constitutional way of changes of government would have taken place, with the consent of the army like the previous changes (dismissal) of governments and democracy would have flourished.⁶¹

Defection of politicians from one political party to another, which is popularly known as *aya ram gaya ram* in Indian politics is a big threat to any government in a democratic system. The same was true in case Pakistani politics. As a result parties in power were "always busy in keeping their members of Parliament with them by accepting their legal and illegal demands... and were

'virtually hostage to their members blackmail." Nawaz Sharif had himself experienced this problem. So to bring an end to the *aya ram gaya ram* politics in Pakistan he brought the fourteenth constitutional amendment and got it passed by the National Assembly in July 1997

It empowered the respected leaders of the parties to remove their party members on various grounds like; 'violation of party discipline, voting against the party whip or abstain from voting against the whip of the party etc'. Thus it made the leaders of political parties as the final arbitrator to judge the conduct of its members. It even debarred the party members from appealing against the decision of their leaders in any court .It virtually made Nawaz Sharif a dictator in his party, ⁶² where the members were reduced to mere rubber stamps. Any disobedience or any challenge to his leaders would result in the suspension of dissenting member from the assemblies.

Nawaz Sharif' s lust for the concentration of powers did not end here. So now, he tried to hit two targets by one bullet, by playing the Islamic card. For this purpose he brought the fifteenth constitutional amendment bill in August 1998. Through this amendment he wanted to introduce Shariat law in Pakistan.

The fifteenth constitutional amendment was a blatant attempt of Sharif to concentrate more and more powers at any cost. Firstly, the provision which says that the federal government would prescribe what is wrong (evil) and what is right was aimed at putting himself above the judiciary by dismantling the judiciary itself. Secondly, he wanted to reduce the required two-thirds majority for constitutional amendments to simple majority. Thirdly, he wanted to become the

Amir-ul-Momineen or commander of the faith.⁶³ His aims were clearly understood, when his government refused to include a provision about the protection of fundamental rights in the bill.⁶⁴ However, Sharif was unable to pass this amendment, as he had not enough support in the senate.

With, no threat from the President, Sharif now became an 'elected dictator'. So he turned next to the judiciary. To serve his purpose he brought the accountability process or the *ehtesab* process, in May 1997, with the aim of 'bringing justice to corrupt officials of the previous Benazir Bhutto's governments. This accountability process 'entirely by passed the judiciary' and it also made Sharif, 'the arbiter of Benazir government's misdeeds'.⁶⁵

The functioning of his so-called *ehtesab* process has now come in to limelight. Recently the *The Sunday Times* produced a tape conversation between the then *ehtesab* cell Chief Saifur Rehman with other judges. One such tape contains the conversation between Saifur Rehman and Justice Qayyum, who was hearing a case involving Benazir Bhutto. In that tape conversation, Justice Qayyum asks Rehman "how much punishment do you want me to give her?" To which Rehman says "not less than seven years". To which Quyyam says he can only punish for five years which is then accepted by Rehman.⁶⁶ And infact Bhutto was given a five-year sentence by the court (Justice Quyyam). However the Supreme Court has recently (in April 2001) struck down the Accountability court's ruling on Benazir Bhutto.⁶⁷

Nawaz Sharif was not satisfied with the *ehtesab* process alone. Hence in August 1997 he introduced the Anti-Terrorism Act (ATA) which not only gave

the police sweeping powers to use 'lethal' force against any one committing or believed to be about to commit terrorist offence, but also empowered the government to establish special courts for delivering judgement within thirty days. Moreover the act also empowered the federal government to determine the sitting of these special courts which might be a Mosque or the place of occurrence of a terrorist outrage.⁶⁸ It is interesting to note that after his removal Sharif was himself charged under this very ATA which he had introduced.

The assault of Sharif on the Judiciary did not end here. In November, for the sake of restoring law and order in Sindh, the government gave a free hand to the army under article 245 of the constitution,⁶⁹ which allowed the army to conduct investigation and set up military courts for summary trials. In this sense it is worth mentioning that in 1988 when there was also a severe law and order problem, the then Benazir Bhutto government also took the help of the army to restore normalcy. Then the army had asked the government to handover power to them under article 245. But the government refused which led to differences between the Prime Minister and the COAS.

Similarly by January 1999, the government had thought of establishing military courts throughout the country. But the Supreme Court in a judgement in February declared all the military courts established by the government as unconstitutional. It ruled that the 'military trials could not be used for civilians.' Hence it also struck down the already spelt fourteen death sentences by the military courts and put an end to the government's proposal of establishing military courts through out the country.⁷⁰

However, a direct confrontation between Sharif and the judiciary erupted in late 1997 over the appointment of judges to the vacancies in the Supreme Court. It all started with the Chief Justice-Sajjad Ali Shah writing to the government for filling up five vacancies in the Supreme Court, by recommending some senior judges to those posts. But the government was not in favour of at least two of them. So the government reduced the strength of the Supreme Court from Seventeen to twelve by an executive ordinance. But following criticism from the Supreme Court Bar Association, the government withdrew the ordinance and agreed to appoint judges recommended by the Chief Justice. According to Rizvi, Sharif agreed because of the prodding by the President and the Army Chief.⁷¹

On the other hand, while all these events were taking place, the opposition took advantage of the situation and filed several cases in the court challenging various constitutional and legal changes introduced by Sharif. The hostile Supreme Court led by the Chief Justice suspended the fourteenth constitutional amendment. The response of Nawaz Sharif to this judgement was very hard hitting, as he engineered a split in the Supreme Court. As a result, the judges got divided into pro and anti-Sharif camps. Soon the Quetta bench of the Supreme Court led by a pro-Sharif faction nullified the Chief Justice's verdict. Similarly the Peshawar bench declared the Chief Justice Sajjad Ali Shah's appointment in 1997 null and void and even appointed justice Ajmal Mian as the acting Chief Justice of Pakistan.⁷²

Meanwhile, the supporters of Nawaz Sharif forcefully entered the Supreme Court and disrupted the proceedings of the court, which was discussing on the the

contempt of court by Sharif. To this Chief justice wrote to both the President and the army Chief to provide troops for the security of the court. But, surprisingly the army maintained its neutrality. But on the other hand President supported the Chief Justice. According to Rizvi, the army Chief forwarded the letter of the Chief Justice to the Ministry of Defence for necessary action without taking any position which showed that 'the army chief did not want to be involved in the controversy either by endorsing the demand of the Chief justice or by rejecting it.'⁷³ According to Karamat himself-he was not in favour of military intervention at that time. Because he did not wanted to set any 'precedence' of involving army by mere request of the Chief Justice.⁷⁴

The showdown between Sharif and the Chief Justice did not end here; rather it took an ugly turn. As the President was supporting the Chief Justice, the Supreme Court led by the Chief justice suspended the thirteenth amendment. Thus, it restored the Presidential powers to dismiss the National Assembly and the government. But as the judiciary was divided the rival bench of the Supreme Court annulled the verdict within minutes. So by now, it was clear that both the President and the Chief Justice were targeting the Sharif government. But the neutrality of the army saved the government. However, the power struggle came to an end with the resignation of both the President and the Chief Justice, with military intervening in favour of the Sharif government.⁷⁵

After successfully removing the President Sharif, in order to consolidate his grip over the Presidency he got elected Rafiq Tarar to the office. In the words of Tariq Ali, Rafiq Tarar was a "Abbaji's [Nawaz Sharif's father's] factotums"⁷⁶ for

Sharif. So by putting Tarar - a 'yes man'. On the office of the President, Sharif now became more powerful and authoritative in his functioning.

Sharif's Relationship with Military

The Military maintained a neutral approach during the initial period of Nawaz Sharif, which was clearly visible during the confrontation between the Prime Minister, and the Chief Justice supported by the President. Likewise the acceptance of the thirteenth amendment by the military also reflects to the neutrality of the military. Hence it would not be wrong to say that during the initial period of Nawaz Sharif's Second term, the civil-military relation which prevailed in the country, if not cordial but was certainly cooperative.

This cooperation between the military and the Sharif government was because; the military respected the electoral mandate of the people. According to Rizvi the Military wanted to 'give Sharif a fair chance to prove his capabilities'. And for that reason the military as a 'gesture' to the government did not insisted on the CDNS. Rather it was satisfied with the nominal 2% increase in the defence budget of 1997-98.

But in a surprising development the military silently accepted the resignation of the Naval Chief without objecting to it. Rizvi says the military remained silent because of the media's allegation of kickback being received in defence purchases and the arrest of an airforce officer in USA on charges of drug trafficking. Hence the military 'wanted to show the general public that it does not protect alleged corrupted colleagues'. He also further says that when similar

attempts were made to involve the air force chief in a similar kick back scandal the army chief 'took strong exception to the propaganda against the military'. As a result the Prime Minister assured the army Chief by dissociating the government from the propaganda .⁷⁷

As there prevailed a cooperative atmosphere between the government and the army, Sharif asked for the army's help for various purposes. Hence for the first time in March 1998, army was deployed in various places during the census because of some violent incidences. Likewise, in the spring of 1998, army was used to root out the 'ghost schools' in Punjab where the "teachers appeared only monthly to draw their salaries, or in which local notables appeared on the pay role of the ghost schools." Similarly the government restored to army contractors to that of 'corrupted' civilian ones in number of road building projects in Punjab. Army personnel were also used to "investigate ghost health centres, deliver educational services, and even to tackle the Lahore Metropolitan Corporation's stray dog problem."⁷⁸

Though in the latter case the army's help was taken by the Punjab government, but the fact that the Chief Minister of Punjab-Shahbaz Sharif was the younger brother of Nawaz Sharif, forces us to think about Nawaz Sharif's involvement in these decisions. But it was surprising that the government explained the involvement of army in the civil administration was for encouraging the 'people-friendly' army, which was a clear signal of "institutional decay."⁷⁹

Meanwhile, in October 1998, the then COAS Jehangir Karamat while speaking at the Naval War College criticised the economic and political policies of

the government and suggested an institutional mechanism for policy making. He proposed for the creation of a National Security Council (NSC) or a similar apex body which could institutionalise decision making. He also proposed that it should consist of a team of credible advisers and a think tank of experts. Simultaneously, he demanded that army should be given a role to play in the decision making of the country. This was a strong criticism to Sharif of his government by none other than the army Chief. But by now Nawaz Sharif was not in a mood to tolerate any one, as he was functioning like an 'elected dictator'. Hence he was not even prepared to give army any chance to intervene with his style of functioning. So he expressed his displeasure to the views of the army Chief. But on the other hand Karamat instead of withdrawing his statement, preferred to resign before the end of his tenure.⁸⁰

But according to Smruti Pattanaik the "existence of the National Security Council would have prevented much of the bickering that took place between the military and the Prime-Minister after the Kargil debacle and could have avoided the circumstances which paved the way for a military take over."⁸¹

However, the resignation of Karamat was a historical incident in the field of civil-military relationship in Pakistan. Because it was for the first time that a serving army Chief resigned from his post, succumbing to the pressure from the civilian government. It showed that the army was not in favour of any head on collision with the civilian government. But it also led to a thinking that the principles of civilian supremacy have been finally established by Nawaz Sharif. But in fact, it was not so to be, as we saw the episode of the 12th October 1999.

However, it can not be denied that it was the greatest victory/achievement of Sharif in his pursuance of concentration of power in his hand.

Riding on the boat of success, Sharif appointed General Pervez Musharraf as the new army Chief by superceding two senior generals. The appointment of a *mohajir* general (Musharraf) by superceding two senior generals-one Pakhtoon and one Punjabi, was seen by many as a deliberate plan of Sharif to keep his grip over the army. Sharif's calculation was that "since General Musharraf hailed from the Urdu speaking (*Mohajir*) community, he was unlikely to have the kind of roots in the army that a Punjabi general would. This was supposed to ensure the new army Chief's continued acquiescence to Sharif's diktat." But it was a 'mis-judgement' because, 'General Musharraf had a good reputation and had earned the respect of his colleagues.' However the Pakistani military structure ethnicity does not really influence the internal decision making⁸² because of the strict professionalism within it.

The cooperative relation between the army and the civilian government continued despite the resignation of Karamat. So, in the spring of 1998, the army again came forward when asked by the government to help it. The government handed over the administration of WAPDA (Water and Power Development Authority) to the army by inducing 35,000 army men into it, so that it can recover dues of the electricity bills. In Karachi, serving army officers were deputed to Karachi Electricity supply Union and to the Karachi Water and Sewerage Board. Even the army was called to fix Sewerage. Though the government took the help

of army for the betterment of people. But it exposed the weaker side of the government.⁸³

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CHAPTER 3

THE FORTH MILITARY COUP

"What is Constitution? It is a booklet with 10 or 12 pages. I can tear them up and say that from tomorrow we shall live under a different system. Is there any body to stop me..."

As discussed earlier it was the Kargil conflict that created irreconcilable differences between Sharif and the army. Which ultimately led to ground that he was compelled to intervene as Sharif was creating 'dissension in the ranks of the armed forces'. According to Musharraf, his intervention was the "last resort" to prevent "any further destabilisation" in the country. However, this thing only reflects to the fact that the military is not willing to accept civilian interference in its own affairs blindly. This also indicates that the principle of civilian supremacy over the military is lacking in Pakistan, which is the root cause of military intervention in the political affairs of the state. Precisely this was the reason behind the 12th October Military coup.

The good relationship between the military and the government continued. But it was the Kargil conflict which 'precipitated the army's intervention'.² And in fact it was the unilateral declaration of Sharif for the complete however withdrawal of 'intruders' from the mountains of Kargil and other areas humiliated the army the most. Because "the military saw the withdrawal as a betrayal of Pakistan's honour and national interests."³ However, at the same time in army to 'pacify' cantonments Pakistan, it was widely believed that for the decision of Sharif, Pakistan suffered humiliation,

otherwise it would have won in Kargil. Hence Musharraf visited various army personnel.⁴

Though at that point of time the military decided to accept the decision of Sharif reluctantly, but the damage was done and then both the army Chief and the Prim Minister were suspecting each other. Referring to this post-Kargil atmosphere in Pakistan, Ayaz Amir correctly wrote in September "Kargil has dealt a blow to the unity of the governing class, driving a wedge between the heavy mandate (of Sharif) and Rawalpindi (the military). While both have had their fingers burnt, both are trying to put the blame for this fiasco on the shoulders of the ... This is the real cat and mouse game being played".⁵

However, Nawaz Sharif claimed that he was not a party in the 'Kargil operation' and, the army secretly executed it. In his words "This ill planned and ill-conceived operation was kept so secret that beside the Prime Minister (himself) some corps commanders and the Chief of Navy and the air force were kept in the dark." So he insists that he would not have invited the Indian the Prime Minister Atal Bihari Vajpayee to Pakistan had he been aware of the Kargil Operaiton.⁶ In this sense Sharif seems to be speaking the truth. Because, a mature politician of his status must have been aware of the fallout of his dual policy in the international community. So it is difficult to believe that in front of the public he was greeting the Indian Prime Minister but on the backside he was stabbing him by sending militants to occupy Kashmir. Considering the fact that Musharraf was not present when Vajpayee arrived in Pakistan,⁷ and given the position of army in the power

structure of the state, all the logics of Sharif claiming his innocence appeared to be correct.

Then the question arises whether an operation of this nature could have been taken without the knowledge of Sharif? Because at the time Sharif was functioning like a dictator and had even forced to resign the previous army chief General Jehangir Karamat. Hence, it is unlikely that the military would take any major operation and that is too in Kashmir without his knowledge which is difficult to digest. In this sense Smriti S. Pattaik is perhaps right when she says - "It is very likely that Nawaz Sharif was misguided about the extent of the operation"⁸ which mean though, Sharif knew about the Operation, he was misinformed/misguided about the extensiveness and the seriousness of the operation. But on the other hand the Pakistan Military still goes on saying that Kargil operation was a 'joint decision' of the civilian government and the military.⁹ It is yet to be clear who is really speaking the truth-the military or Nawaz Sharif.

So, with the end of the Kargil conflict by end of July 1999, the relationship between Sharif and the military deteriorated further, with both suspecting each other. As a result, according some writers, Sharif made up his mind to get rid of Musharraf.¹⁰ However on the other hand, the military, was not prepared to 'let another army Chief go down under civilian pressure for no obvious reason',¹¹ like Jehagir Karamat. Hence both the military and Sharif were ready for a showdown. But Sharif waited for an opportunity to strike. Meanwhile, America warned of a possible military coup. As a result

Nawaz Sharif sent his younger brother Shahbaz Sharif to Washington “to seek support especially in the event of an army take over.”¹²

With both Sharif and Musharraf suspecting each other, used their respected controlled intelligence agencies to pursue their goals. Sharif used ISI, which was under the control of Prime Minister. On the other hand Musharraf also used his military Intelligence to counter Sharif's move.¹³ And perhaps because of this Sharif choosed to replace Musharraf with his trusted ISI Chief Ziauddin. But as Musharraf got the smell of Sharif's plan of sacking him, he demanded an explanation from the government, in mid September, on the plan of Sharif. To this the government backtracked and agreed to allow Mushraaf to carry on as the Chairman, JCSC till the end of this tenure. As result navy Chief Admiral Bokhari resigned. Because he was the senior most officer among the three service Chiefs, as per the tradition he should have been appointed to the post.¹⁴

However, this second superseding of Musharraf by Sharif was totally different from the earlier one, when he was appointed army chief. In the first case Sharif superseded Musharraf, so that he (Musharraf) would work according to his 'diktat'. But this time Sharif was doing it to please Musarraaf, so that he (Musharraf) would not revolt against him.

In this situation an official notification released from the Prime Minister's secretariat claimed that the appointment of Musharraf as the Chairman, JCSC would end all the speculation spread by the opposition that - all was not well between the army and the government.¹⁵ But both Sharif and Musharraf were fully aware that it was a cover up step. However, at the

same time Musharraf using his authority retired the corps Commander, Quetta for meeting with Prime Minister violating army discipline. Similarly Musharraf also replaced the corps commander, Mangla for his link with Sharif.¹⁶ As a result he opted for early retirement.

So by the end of September, both Sharif and Musharraf were trying to out score each other. During this period Musharraf had to go for a official visit to Colombo for attending the 50th anniversary of the Sri Lankan Army on October 9,1999. Sharif thought the absence of Musharraf from the country as an golden opportunity to get rid of him, hence he decided to avail the opportunity. So, he hurriedly went for an one-day visit to the United Arab Emirates (UAE) to finalise the plan. He choosed UAE in order not to get the military intelligence the `wind of the plan'. "However, in the absence of the army chief, the army headquarter was fully alert to such a possibility". So, as it was already prepared for such eventualities it took no time in removing Sharif, when he sacked Musharraf.

Though the coup was executed peacefully without even a blood being shed, the question of its legitimacy was the first and foremost concern for Musharraf. But his problem was solved in a whisker, as people all over Pakistan celebrated hearing the news of the dethronement of Sharif. So after getting a positive response from the domestic sphere, he choosed convince the international community and acquire their backing to his administration. Perhaps for this reason he choosed to deliver his first address to the Nation only on 2.50 a.m. on 13th October morning. Though the cup was completed by the evening of the 12th October.¹⁷

Initially the world community including India and America criticised the military coup. The commonwealth suspended Pakistan from the Organisation, barely a month before the summit of Commonwealth Head of Government meeting (CHOGM) in Durban. Similarly India forced indefinite postponement of the SAARC (South Asian Association for Regional Cooperation) summit, which was scheduled to be held in Kathmandu on November that year.¹⁸ However it is interesting to note that the same Indian government which severely criticised the coup and called Musharraf as 'the architect of the Kargil' invited him to New Delhi for talks on Indo-Pak relations. In fact the type of reception Musharraf got in New Delhi is comparable to any other head of the state who have visited India.

The Indian's invitation to him and the then America President Clinton visit to Pakistan (Though for a one day) has certainly legitimised his administration. Meanwhile on 12th May 2000, the Supreme Court legalised the coup by ruling in favour it and asked Musharraf to restored democracy by October 2002. Hence, it put a legal sanction on the Musharraf's administration.

However, unlike the previous military coups, this time martial Law was not imposed. Instead a state of emergency was declared. As martial law was not imposed he could not declare himself, the Chief Martial Law Administrator (CMLA) as his predecessors used to do. So he created a new post and appointed himself as the 'Chief executive' of the State and ordered the President to act according the order of Chief Executive¹⁹, which shows that as if Pakistan is a corporate House and is being run by a Chief Executive Officer. Though now he is also the President of Pakistan. But any way to run the state he set up

a National Security Council (NSC) and four governors were also appointed to run the administration of their respective provinces.

The creation of National Security Council (NSC) to guide the Cabinet Minister in the Musharraf administration is not at all a new system of administration. In fact Ayub Khan had created the National Advisory Council (NAC), Yahya Khan had also created National Security Council. Though Zia had also thought of establishing NSC, he latter on preferred to Article 58-2b. Even the caretaker government of Miraj Khalid had established Council for Defence and National Security (CDNS) in 1997.²⁰ As this type of body provides a legitimate role to the military in the decision making, it won't be surprising if this NSC is institutionalised by amending the constitution. In fact Mushrraf has already hinted that "there has to be an organised, institutionalised body to decide the policies of the state, which may include the military".²¹

However, four days after the coup, Sharif was presented before an investigating team of 'Civil and military experts' for his role in denying the plane to land in Karachi, which was carrying Musharraf and other 200 passengers. But it was only on 10th of November that, a case was registered at the Karachi airport police station against Nawaz Sharif and four others with charges of attempted murder, hijacking and criminal conspiracy. Then the military government amended the Anti Terrorism Act, 1997 through a presidential ordinance in December. By amending the act the government empowered the Anti Terrorist Courts (ATC) to hear cases relating to 'hijacking, criminal conspiracy... etc', which were earlier out of the preview of the anti-terrorist courts.²² All these actions of the government were aimed at trying

Sharif in the ATCs. However it is interesting to know that Sharif was tried in the courts which he had created himself. On 8th of December another chargesheet was filed in Karachi against Sharif, which accused him of 'waging war against the state', which was not mentioned in the original FIR. All these actions of the government clearly showed that it was doing every thing to secure a death penalty for Sharif.

In April 2000, the Anti Terrorist Court found Sharif "guilty of attempted hijacking and terrorism and sentenced him two life imprisonment terms of 25 years each which would run concurrently". But, other accused were acquitted for 'lack of evidence'. However not satisfied with a 'lenient' sentence the government filed an appeal in the Sindh High Court asking for the death penalty for Sharif.²³ Similarly in a separate judgement in July 2000 the accountability court sentenced Sharif to 14 years of imprisonment and barred him from holding public office for 21 years, in a corruption case.²⁴

However in a surprising development on 10th December 2000 Nawaz Sharif and his brother Shahbaz Sharif were set free and were exiled to Saudi Arabia along with their family members. The government justified its decision by saying that it has been done keeping in view "the best interest of the country". Sharif was freed only after an agreement was reached between him and Musharraf, under which Sharif agreed to forfeit 8.3 million dollars in property and stay out of politics for 21 years.

It was for the good relationship of Sharif with the Saudi Royal family, which saved him from being physically eliminated by Musharraf. It was the pressure of Saudi Royal family which forced Musharraf to free Sharif and send

him to exile to their country.²⁵ Even Musharraf has himself accepted that Sharif was freed after Saudi Arabia "requested" for it. According to him the government "weighed" the proposal and finally thought that "his [Sharif's] going away would clear the arena, [leaving us to] concentrate on whatever we are doing for Pakistan."²⁶

There was a strong public reaction against the military government's decision to let Sharif leave the country for in an exile. To pacify the public the government tried to give this decision a humanitarian colour. The military government's spokesman justified it by saying that "he [Sharif] was mentally shattered and for days he would just sit for hours sitting at his cell walls". Hence "the Chief Executive granted clemency on humanitarian grounds".²⁷ But in Sindh the decision of the government was again seen as a `dual standard maintained by the Punjabi dominated military. For them while the military did not hesitate to hang Zulfikar Ali Bhutto- who was a Sindhi, has pardoned a Punjabi Prime Minister - Nawaz Sharif. Hence there is "one standard for a Prime Minister from Larkana [Z.A. Bhutto's native place] and a Prime Minister from Lahore [Sharif's native place]".²⁸

Democracy and Musharraf

Similarly after coming to power, Musharraf had declared that "the armed forces have no intention to stay in charge any longer than absolutely necessary to pave the way for true democracy to flourish in Pakistan". He also promised that, he would establish 'true democracy' in Pakistan.²⁹ But he did not give any time frame for the restoration of democracy. Because he did not wanted to commit the same mistake of Zia, who had promised to conduct

election on within 90 days. But it was only after his death, democracy was restored. Hence at that time Musharraf said he cannot give any assurance' when democracy would be restored. Because according to him he has "certain objectives" and "is targeting those objectives".

In the meantime after coming to power, Musharraf put the Constitution in 'abeyance'. Then in January 2000, a provisional Constitutional Order (PCO) was promulgated, as Zia did when came to power. According to the PCO, no court can issue any order against the Chief Executive, including the military courts. As per it "Fundamental Rights not in conflict with the proclamation or any other further orders would continue to be in force".³⁰ The judges of the Supreme Court were also asked to take fresh oath under the PCO. But six out of thirteen Judges, including the Chief Justice refused to do so. As a resulted they were ousted. It were these very judges who had pledged their allegiance to Musharraf by taking fresh oath, justified the military coup under the principle of "doctrine of necessity" in a Supreme Court judgement on May2000. The court gave the military a period of three-year time frame to restore democracy, by October 2002.³¹ It provided the ultimate legitimacy to his regime, which he needed very badly at that time.

In March 2000, two days before the visit of American President Bill Clinton, Musharraf declared 'local bodies' elections, which were held in two phases. According to him this was the first step towards the return of "real democracy" and justified his decision of holding local bodies' election first by saying that as "democracy starts here at the district and local level governments. From here, we will move up step by step to provincial and federal election in

due course³², which was a clear attempt of Musharraf to show America and the World Community that he was initiating the process of restoration of democracy in Pakistan.

For the first time 33% of the 42,000 council seats were reserved for the women. Some Christian and Hindu groups boycotted the elections because of the separate electorate system, which is discriminatory in nature.³³ Though the elections were conducted on the basis of 'non political parties', the result of the election clearly showed the dominance of the two major political parties like PPP and PML(N) and the Jamat-e-Islami. However till now the government has not yet declared when the provincial and federal elections would held. Though it has said that it will be conduct before the Supreme Court's dead line of October 2002. So it remain to be seen how far the millitry government, carries out its commitment of holding the elections and restablishing democracy.

Meanwhile the military government is taking measures to sideline political parties and their leaders to achieve its political goals. In this regard the government has promulgated an presidential ordinance in August 2000 amending the Political Parties Act (PPA) which debarred convicted persons from holding any party office, which was clearly aimed at both Sharif and Benazir Bhutto, as both were convicted in various cases. Then the military government engineered a split in the PML(N).³⁴ As a result PML (Like Minded) party under the leadership of Mian Azhar has created, which is being called as the King's party of Musharraf to achieve his political goals. The party has already extended its support to the military government. Similarly the

GDA (Grand Democratic Alliance) a conglomeration nineteen political parties to restore democracy, has now taken the shape of Alliance for the Restoration of Democracy (ARD), but it does not have the popular mass support. Still the government has not left any opportunity to suppress its activities.³⁵

On 21st June 2001, Musharraf took over the Presidency of the State. By doing so he now occupies three constitutional posts the COAS, the Chairman of JCSC and the President of the country. Beside this he also holds the post of the Chief Executive, which is his own creation. So in reality he now holds four top most posts of the state. But he is not the first person in Pakistan to hold more than one post at a time. In fact the tradition was set up by none other than Jinnah, the father of the Nation. It was he after the creation of Pakistan set the precedence by holding the posts of Governor General, President of the Constituent Assembly and the President of Muslim League. But it is a matter of sadness, that especially the Pakistani Scholars turn a blind eye to this fact. Rather they justify Jinnah and make Zia-ul-Haq the scapegoat for it, who had also occupied two posts at the same time the COAS and the President of Pakistan. Hence both Zia and Musharraf have followed the footsteps of their *Quid-e-Azam*. Though the basic difference is that, Jinnah was a popular civilian leader. Whereas the latter two persons are military leaders who forced their way in the political structure of the state through military coups.

The assumption of the Presidency by Musharraf on what he called was for the "national interest"³⁶, on 21st June 2001 is not all a surprising development. Because Musharraf had already hinted about his desire to ascend the Presidential throne in April 2001 itself. And in fact by this very action of

his, he has done nothing new in Pakistan. Simply he has followed his predecessor military rulers. Ayub did it in 1958 and Zia also did it in 1978. Hence it was expected that he would also follow his predecessors. So his justification of assuming the Presidency for the "national interest" of the country is just an excuse.

Similarly the way Rafiq Tarar was ousted and Musharraf took over the Presidency has led many scholars to describe the incident as the 'second coup' executed by Musharraf. After going through the developments of 21st June³⁷, one can not disagree with the above statement. However, here also Musharraf seems to have followed his predecessors Ayub Khan. Because Ayub Khan had also forced Iskinder Mirza to relinquish the Presidency and leave Pakistan for an exile to London in 1958. Here, this time also Musharraf removed Tarar in an unconstitutional manner. However, the only difference between the two incidents is that this time the President was only thrown out of Aiwan-e-Sadar (official residence of the President) and not from the country as well.

ENDNOTES

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CHAPTER 4

CONCLUSION

In Pakistan it is generally believed that the state is govern by three 'A' they are the Army, Allah (religion), and America. In this sense the importance of Pakistani Military in the power structure of the country can be inferred from the following statement of Rizvi, "the military's position has been strengthened because ... Pakistan's security predicament persists because of civil war in Afghanistan, and because of Pakistan and India are engaged in undeclared nuclear-weapons and missile race. Such regional insecurity increases the military's relevance in decision- making".¹

The importance of studying the civil-military relationship in relation to the power structure of the state can be inferred from the fact that out off fifty-four years of its political existence, the military has ruled for nearly half of it. This type of military intervention in the political affairs of the state in Pakistan has led scholars to study the cause of it. Though the first military coup in Pakistan took place in 1958, it was as early as in 1951 that an unsuccessful coup attempted. However, before the 1958 military coup, another coup occurred in 1954, which is popularly known as the civilian coup. So it would be wrong to assume that the 1958 military coup was an isolated development.

The foundation stone for the military coups in Pakistan was laid by none other than their founding fathers. It is because they failed to institutionalise democracy in Pakistan.² It is a matter of sorrow that it took nine years to enact the first constitution and it took only two years to abrogate it. It was replaced by another constitution in 1962, which was a military imposed one. Again this constitution was given up and a new constitution was framed in 1973. This very constitution of 1973 enacted by Bhutto still exists. Though it has been tampered with several times, it has not yet been abrogated. The recent example of Musharraf putting the constitution in a status abeyance testifies this.

This type of frequent changes of constitutions and tampering with them has led to the development of an unhealthy, undemocratic way of functioning in the Pakistani ruling elite. The frequent changes of the constitution and their tampering show the fact that the ruling elite does not have any respect for the constitution. For example, Musharraf has suspended the 1973 constitution and is instead ruling the state through a Provisional Constitutional Order. It shows that for Pakistani rulers a constitution is neither an institution itself nor the supreme law of the land. For them it is just like any other document, because any one can suspend, amend or delete the constitution at will as if it belong to their private property.

Many research works have been conducted to understand the reason for military interventions. One of the major reasons for military intervention has

been attributed to lack of political culture.³ Political tolerance and settlement of political disputes through peaceful means are the two most important components of political culture. And unfortunately the sorrow of Pakistan is that its politicians lack the above two qualities. So lack of political culture is one of the most important factors for military intervention in Pakistan.

There is no doubt that Jinnah played a major role in the creation of Pakistan and for his contribution, he is rightly regarded as the father of the nation. However, he has also contributed to the evolution of a culture of political intolerance in Pakistan. The dismissal of the Congress government in North West Frontier Province (N.W.F.P) within a few days after the creation of Pakistan shows the political intolerance of Jinnah.⁴ However during the Indian freedom struggle the call for the Direct Action Day by Jinnah on 16th August 1946 was a testimonial to this fact. Whatever might have been the reason for these very actions of Jinnah, it set the tradition of political intolerance in Pakistan. But particularly the approach of the Muslim League towards its opponents institutionalised it. The Muslim League, instead of accommodating the opposition like the Congress party in India, chose to crush them for better.⁵

The tradition of suppression of political opponents by the leaders and political parties is now well rooted in Pakistani politics. The precedent set by Jinnah was carried forward by Liaquat Ali Khan who introduced the famous PRODA to suppress his political opponents. Ayub did the same by bringing

EBDO and PODO, Zulfikar Ali Bhutto followed the same tradition to suppress the popular mass movement against him and the PNA. But Zia went far ahead in suppressing his political opponents by executing Bhutto in 1979. Nawaz Sharif in his second term followed the same policy to suppress his political opponents by bringing the *ehetsab* process or the accountability process. The functioning of his accountability process came to limelight when a tape conversation between the chief of the accountability cell and a judge hearing the case of Benazir Bhutto was published by a news paper. This has been discussed in the previous chapter. Recently Musharraf also tried to liquidate Nawaz Sharif but he ended in forcing Sharif to exile, because of external pressures. So in Pakistan political intolerance not only exists but has also become a phenomenon.

To some extent the suppression of opposition groups by the military rulers is understandable, firstly the military comes to power in the name of eradicating corruption, accountability and to provide better administration than the civilians. So the military uses politicians as scapegoats in order to project its clean image in the public. Secondly, the military rulers know that in order to remain in power for a longer period, they have to suppress the opposition parties, as they are the legal contender of power and hence they cannot give them the luxury of criticising or opposing their views.

As mentioned earlier peaceful settlement of political disputes is another component of political culture . But in Pakistan this principle is not at all practised . In fact the opposite of it is one of the main features of Pakistani politics . In other words , the politicians instead of solving their disputes through peaceful means prefer to political vendetta . There have been several instances where politicians have invited the military to settle their disputes rather than sorting them out themselves . In 1977 when PNA was leading a mass movement against Z. A. Bhutto several of its leaders asked for a direct military intervention in order to get rid of Z. A. Bhutto .⁶ Similarly prior to the military coup of 1999 the opposition parties were also asking for the same .

This type of direct invitation to military to act as the mediator or for that matter to get rid of the political opponents has dangerous consequences. By inviting the military to intervene, the opposition provides unqualified support to the military to intervene . On the other hand the government takes precautionary measures of keeping the military on its own side . But at the same time the military realises the weakness of the government and being aware of the unqualified support of the opposition it intervenes . And predictably the general public with fun and fair welcomes its action . This was the case of 1977 military coup of Zia .

However in a military where the principle of civilian supremacy is deeply rooted, it would think hundred times before taking action against its civilian superiors.⁷ But unfortunately in Pakistan the military does not subscribe to civilian supremacy. The argument of Huntington that strict professionalism within the military inculcates civilian supremacy has to be given a rethinking as one confronts the civil military relationships in Pakistan. There is no doubt that Pakistani military is a professional one but still then it does not want to work under the civilian authority. This point has been clearly mentioned by Mushahid Hussain and Akmal Hussain, Who say that the Pakistani army has “professionalised its internal decision making but also increasingly insulated itself from involvement of the civilian authorities both at administrative and operational levels, even in spheres which could legitimately be regarded as the domain of civil executive authority.”⁸ This point has been clearly elaborated by Finer while criticising the argument of Huntington. Finer has rightly said that professionalism itself is a reason for military intervention as he has rightly pointed out that professionalism itself tends to create a feeling in military that it is a servant of the state and not the government which is ruling the state. So it draws distinction between the state and the government.

It feels that the state is permanent but the government is temporary and it will come and go but the state is there to stay. Hence it begins to define its own concepts of national interests and pursue them to that of the

civilian governments . This type of differences sometimes lead to military intervention⁹ so that it could pursue its own version of national interests . This has been the case of the Junejo government in 1988 . When it tried to follow a different Afghan policy contrary to that of the military it was dismissed . Similarly in 1999 when Nawaz Sharif made a unilateral declaration for the withdrawal of the infiltrators from Kargil and other areas the military felt betrayed . And it was greatly annoyed by the decision . This led to a subsequent cat and mouse game between Sharif and Musharraf .¹⁰ However the game ultimately ended with the overthrow of Nawaz Sharif government .

There is no doubt that the inculcation of the principle of civilian supremacy is a must for the prevention of military intervention rather than only giving priority to the professionalism of the military . But even if the principle is lacking within the army in occasions it is forced to confine itself within the barracks . This type of situation is possible only when the civilian authority is a mass leader who enjoys such a popular support that any military intervention against it is condemned by the general public. Implicitly or explicitly this public reaction also acts as a deterrent against military intervention. However in Pakistan many civilian leaders like Z. A. Bhutto and Nawaz Sharif did enjoy the mass popular support in the initial period of their administration but in the later phases they instead of carrying the popular support to institutionalize the democratic culture have used it to

destroy the democratic institutions . In other words , the senior leaders in Pakistan instead of following the democratic traditions, have preferred to administer the state in a dictatorial manner.¹¹

The dictatorial functioning of the civilian authorities not only alienate the general public but also arouse strong public resentment against the government . This gives an opportunity to the opposition to ask for the resignation of the government . This is a generally accepted tradition followed in the democratically functioning states to oppose the wrong policies of the government but in countries like Pakistan where politicians lack the political culture these very things take a different course . With the government determined to crush the opposition for its own survival, the opposition in a desperate attempt asks the military to help it . So the military waits for a chance to strike back and whenever it does intervene it does not find difficulty to gain legitimacy of it . Because the frustrated public welcomes it whole heartedly. And this has been the story of Pakistani military interference in the political affairs of the state, which is aptly pointed by Jitendra Nath Misra in the following words. “Today, the Pakistanis have all but forgotten how the fruit of democracy tastes. The problem is that the popular conception of the military still castes it in a heroic mould. The man on horseback continues to inspire awe in the minds of the most people who celebrate his feibles in the mistaken believe that they are his virtues.”¹²

The previous three military coups prior to the recent one , i.e. that of 1999 were different in many respects . For example , it was not the military , which first took the initiative, rather it was the civilian government of Nawaz Sharif , which initiated the process by removing the army chief. This was an unusual incident that the army executed the coup against its newly appointed chief and in favour of the dismissed one , i.e. Musharraf , who was not even present in the country at the time when the coup was executed This is precisely because the military was not prepared to sacrifice Musharraf for the shake of what it viewed as the blunders committed by Nawaz Sharif to end the Kargil conflict.¹³

This military coup was different in a sense that it took place after a long confrontation between Musharraf and Sharif . That is why it was also expected and for that matter America had already predicted for such eventualities before it occurred , which clearly shows that the military was not aggressive in its approach as it used to be in earlier instances . These changes of military mindset was because of the eight constitutional amendment brought by Zia / Junejo government . This constitutional amendment is considered to be the watershed in the field of civil – military relationship in Pakistan because it provided a mechanism which ensured military intervention in one hand and the smooth functioning of the civilian administration on the other . The President was empowered to dismiss the government and the national assembly , which made the position of the

President above the Prime Minister in the power structure . By putting this mechanism the military led by Zia developed a peculiar system which is popularly known as the 'troika'. And this 'troika' maintained an equilibrium within the power structure , where the military could easily intervene in the decision making of the government .

The 'troika' which was composed of the Prime Minister , the President and the military . These three components ruled the state till 1997 when Nawaz Sharif came to power for the second time . The effectiveness of the military was determinant in the 'troika' equilibrium . Hence the military through a constitutional means occupied the topmost position in the power structure . As it could push forward its views , policies and decisions in a peaceful manner , it avoided direct intervention . On the other hand the civilian governments were very much aware of the strength of the military and hence were afraid of taking on head on collision with the military . So they followed a policy of accommodating the military in their decision making . This was also one reason why the military since 1985 when the 8th amendment was passed choosed to stay behind the scene and pursue its goals with the help of the civilian governments.¹⁴

However, it will be completely wrong to assume that the military was ineffective as far as military intervention is concerned . In fact it intervened several times indirectly when it desired so . In the second chapter we saw

how the military was influencing the civilian administration and how the military was intervening to carry out its own policies .As military was occupying the supreme position in the power structure it used to take the help of the President whenever it wanted to get rid of any government for whatever reasons .

That is why the four civilian governments were dismissed within a period of fourteen years. If we exclude the Junejo government three governments were dismissed from 1988 to 1996, which shows the pathetic condition of civilian governments, which were elected, to power for a period of five years each. But in a span of eight years the three governments fell. This is precisely because the establishment composed of the president and the army were acting in tandem against the prime minister, which could not be challenged by the prime minister. Because the Prime Minister knew that any challenge to the above two components of the 'troika' will be a suicidal step. So they preferred to avoid any confrontation with the president and military combination.

The situation, however changed with the victory of Nawaz Sharif in the 1997 election. Sharif with a two- third majority was determined to clip the wings of the president, because he himself was also dismissed by the president. So after coming to power he took initiatives to curb the power of the president by bringing the thirteenth constitutional amendment .Sharif was

aware of the strength of military and hence prior to bringing in the amendment he held discussions with the army. There was a give - and -take deal struck between Sharif and the army by which the army agreed to the Sharif's thirteenth amendment and on the other and Sharif also agreed to the army's proposal that the army chief can simultaneously hold the post of the chairman JCSC .So with the blessings of the army which was very much needed Sharif stripped the power of the president.

This was a turning point in the civil- military relationship in Pakistan. Because by agreeing to their amendment the military voluntarily dispossessed itself of the direct control it enjoyed over the prime minister through the president. It also freed the civilian government from the clutches of the president by reducing the office of the president to that of a mere ceremonial one. However, one of the most important things , which happened, was the consumption of direct control of military by the prime minister. Because the amendment now empowered the prime minister to appoint / dismiss the three service chiefs.

However according to many scholars the reduction of the office of a mere ceremonial head created an imbalance in the power structure. According to them the ruling "troika" was well balanced and there was an equilibrium which favoured the military. But the thirteenth amendment changed the that equilibrium totally.¹⁵ Now there were only two players in the power

structure, the army and the civilian government. And the new equilibrium overwhelmingly favoured the prime minister. As a result now the prime minister acquired a position which was equal to or higher than that of the military now the prime minister was enjoying a comparatively free hand in the policy making. Hence there was no check to the authority of the Prime Minister. This situation was severely exploited by Sharif. He tampered with the constitution, interfered in the functioning of the judiciary, and tried to curtail the freedom of press and suppress the political opponents. The military remained a silent spectator as long as Sharif was keeping away from the affairs of the military. But in a surprising development the military silently accepted the forced resignation of Jehangir Karamat. This was mainly because the military did not want to interfere with the functioning of the Sharif government, as he was enjoying a two-thirds majority and the popular support was with him.

This development was understood in a different way and was described as the acceptance of the military of the principles of civilian supremacy. In fact as mentioned above it was a circumstantial compulsion of the army to remain silent but Nawaz Sharif achieved the ultimate goal which none of his predecessors had even thought of. This made Nawaz even more dictatorial in the functioning. He now choosed to bring the army effectively under his control by appointing a mohajir to the post of the army chief. But it was not to be. But anyway the military maintained its neutrality and kept away from

the political affairs of the state. However, the kargil operation marked the severe differences between the army and Nawaz Sharif. But it was the unilateral declaration of Nawaz Sharif to end the kargil conflict, which widened the rift between them. As discussed in the last chapter, both of them were mutually suspecting each other and this ultimately led to the overthrow of the Sharif government. The circumstances under which the military coup occurred has led to argument that the coup could have been avoided if the President had been retained the powers of dismissing the governments. According to them the military would have preferred the constitutional way of changing the government through the President and it would have intervened directly to overthrow Sharif.¹⁶

The civil- military relationship, which emerged due to the 8th amendment, was different from the previous years and it continued till it was repealed by the thirteenth amendment. The stability which it provided, no matter at the cost of dominance by the President and military over the Prime Minister can not be taken for granted. So it won't be surprising if the present military government of Musharraf prefers to such type of institutionalized mechanism. Because the military has effectively influenced the functioning of the administration even when it was inside the barracks. It is difficult to imagine a situation when the military would give a free hand to the civilian authority without interfering in their affairs. Similarly a military which has tasted the power would not like to give up its influence

so easily even after restoring democracy . It would certainly like to have a say even after democracy has been restored . In fact this has already been echoed by Musharraf himself . He has also hinted about the possibility of having an institutionalized role for the army in the policy making .

The recent assumption of the post of the President by Musharraf is a step in the direction of his predecessor Zia - ul - Haq . There fore it was not surprising that he executed what is popularly called as his second coup to ascend to the Presidency . As we have discussed in the last chapter every military leader after coming to power in Pakistan ascended the Presidency , for that matter , Musharraf is not a separate entity . However what can be termed as a good news is that unlike Ayub Khan , Musharraf does not believe that the Pakistani people are not prepared for the adaptation of the Western form of democracy. Similarly thank God , unlike Zia , Musharraf also does not view that the democracy is contradictory to Islam . However it can not be predicted what Musharraf has up his sleeves , though he is still maintaining that democracy would be restored by October 2002 , as per the Supreme Court's directive .

The much hyped Agra summit which has just concluded has turned out to be a total failure . The official statement of Pakistan and India clearly show it was a wastage of time and money . But on the other hand , the invitation of India to Musharraf served as an acceptance by India of

the legitimacy of Musharraf's administration . In fact Musharraf has exploited the situation in Agra by maintaining a hard-line on Kashmir issue . This has provided a popular base among the general public in Pakistan for him , who now sees him as a non- compromising man on Kashmir policy . This has certainly helped to increase his popularity which was lost when he allowed Sharif to leave the country .

Though it is not clear when the military would return to the barracks , considering the previous regimes' departure from the political scene the future of Pakistan looks grim . During Ayub Khan the 1965 Indo – Pak war broke out and he left the reign of the state only after a popular mass revolt against his administration . Yahya Khan left the field only after Pakistan had to loose its eastern wing in 1971 war . Similarly Zia continued to rule the state till his death in an air crash . So all the above three military leaders have not left the field willingly. And if this is any indication of the mindset of the military rulers who have so far usurped the political power in Pakistan by coups it remains to be seen how this incumbent military regime of Musharraf will come to an end .

ENDNOTES

- 1 Hasan-Askari Rizvi, Civil-Military Relations in Contemporary Pakistan, *Survival* , Vol.40., No.2, Summer 1998, p.110.
- 2 Ian Talbot, *Pakistan : A Modern History* . (Oxford University Press, New Delhi, 1998). p 130
- 3 For a detailed discussion see the introductory chapter's "Theoretical bases of military intervention. Also see S. E. Finer's *The Man On The Horseback , The Role of Military In Politics*. (Second enlarged edition, Westview Press, Colorado, 1988). p 19
- 4 Talbot. n .1, pp. 129 – 130
- 5 Ibid. p 128 .
- 6 PNA Leader Air Marshal Mohammad Asghar Khan wrote an open letter asking the military to intervene directly. To see the letter refer to Hasan - Askari Rizvi. *The Military and Politics in Pakistan 1947-86*, (Konark Publishers, New Delhi , 1988). p 224.
- 7 Finer. n. 2, p 28.
- 8 Mushahid Husain and Akmal Hussain, *Pakistan: The Problem of Governance*, (Konark Publications, New Delhi, 1993), p.16.
- 9 Ibid. p 26 .
- 10 It has been discussed in detail in the previous chapter.

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- 11 Saeed Shafqat. "Democracy in Pakistan : Value Change and Challenges of Institution Building," *The Pakistan Development Review*, 37 : 4 part 2 (Winter 1998) . pp 37 : 4 , 283 – 284 .
 - 12 Jitendra Nath Misra, *The Role of Military in South Asian Politics: A Comparative Study of Pakistan and Bangladesh* (J.N.U. Thesis unpublished work, 1984).
 - 13 Hasan - Askari Rizvi. Pakistan in 1999 : Back to Square One, *Asian Survey*, Vol. 11, No. 1, January / February 2000. p 212 .
 - 14 Hasan – Askari Rizvi. *Military, State and Society in Pakistan*, (McMillan Press Ltd., London), 2000, p 205 .
 - 15 Jasjit Singh. 'Postscripts' in Air Commodore Jasjit Singh (etd). *Kargil 1999: Pakistan's Fourth War for Kashmir*, (published by Knowledge World in association with IDSA). pp 243 – 244 .
 - 16 According to Sharifuddin Pirzada mentioned in Smruti S. Pattnaik. Civil – Military Co ordination and Defence Decision - Making in Pakistan, *Strategic Analysis*, August 2000, Vol. 24, No.5, p 953.

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