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A Reappraisal: Civil-Military Relations in Pakistan, 2008-2013

Abstract

The main objective of this paper is to re-contextualize the civil military relations from 2008 to 2013. While detailing the Civil-military relations (CMR) in Pakistan the paper has tried to analyze its impact on society as well. The underlying hypothesis of the study is that civil-military relations in Pakistan have generally remained unpleasant. There is an impression that military has often tried to transgress its limits and meddled in the affairs of civil administration to punish the corrupt civilians for their corrupt practices. The civilian governments, many of which have taken birth from the womb of the military, try to bring it under their subordination after coming into power on the premise that the constitution is supreme and all the organs of the state including the military, should follow it. This article also discusses the incidents which created unpleasantness between the civil and military leadership from 2008 till 2013. The paper analyzes the impact of disturbed CMR on the plight of the common man.

Key Words: Civil-military relations (CMR), Constitution of Pakistan, Pakistan People's Party, United States, Al-Qaeda, Osama bin Laden, Raymond Davis, Memo-gate, Hussain Haqqani.

1. Introduction

The civil-military relations in Pakistan have been the subject of discussion since 1947.¹ Pakistan failed to have any elected civilian government per a constitution until the introduction of the third constitution in 1972. The constitution of 1956 was not allowed to work, albeit, the constituent assemblies worked until 1958 under the aegis of colonial master's amended constitution of 1935. The martial

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law² of the Field Marshall Muhammad Ayub Khan in 1958 prefaced a departure³ from parliamentary constitution⁴ of 1956 and introduced a presidential type of constitution in 1962.⁵ The constitution of 1962 was suited to the rule of General Ayub Khan and it died in 1969 when General Agha Muhammad Yahya Khan took the reins of country.⁶ The 1971 debacle⁷ left the country dismembered.⁸ The civilian Prime Minister Zulfikar Ali Bhutto introduced a parliamentary constitution in 1973 which was later abrogated by the martial law of General Zia-ul-Haq in 1977.

In 1985, the 18th amendment made 1973 constitution quasi-presidential and quasi-parliamentarian. In 1997, the thirteenth amendment stripped the powers of the President to dissolve the National Assembly as given by the 18th amendment. From 1988 till 1999, the civilian governments of Benazir Bhutto and Nawaz Sharif had sojourned in power.⁹ The unpleasantness in the civil-military relations is evident as the civil governments had transient tenure and were always truncated when they were smoothly flowing forward. General Pervez Musharraf remained in power from 1999 till 2008. He brought 17th amendment in the constitution of Pakistan in 2003 and re-empowered the President of Pakistan to dissolve the National Assembly as was enshrined in the 8th amendment. Pakistan People's party government led by Asif Ali Zardari introduced 18th amendment in 2010 and removed the power of the President of Pakistan to dissolve the National Assembly.¹⁰ From 2008 till today the civilian governments are in saddle but there is an impression that the military dominates them and dictates them for power-sharing. It is said that when the civilian leadership refuses to bow down before the demands of military leadership, then the leaders of the political parties have to generally face a legal action by the different state institutions whose aim looks like teaching a lesson and not an above-board accountability of the personnel of all state institutions. This research paper focuses as how the civil-military relations have progressed and what impact such relations have left on the political environment, political institutions and the bureaucracy's workings. It would not be out of place to mention whether the people of Pakistan sought any relief or not during the period under discussion.

2. Problem Statement

If on the one hand, the Pakistan Army believes that it needs building up its muscles and requires mustering its arm against its arch enemy, i.e., India, simultaneously, the military generals also believe in exerting their role as the sole-watchdog and self-proclaimed benefactor, bulwark and protector of the people of Pakistan against the inefficient and thoroughly corrupt civilian governments.¹¹ The generals also religiously believe in exterminating a civilian government which bedevils their corporate interests, tries to reduce their autonomy and finances, and attempts to minimize their influence in the foreign policy of Pakistan.¹² With this

background of the military, it will not be difficult to analyze the major incidents (during the tenure under discussion) in which the civil-military relations were strained.

The problem arises when the military leadership directs the civilian leadership to follow a policy per their own set pattern however, the problem in CMR arises when the civil institution refuses to do so. It is not only foreign policy or matters of internal and external security, rather, the military leadership is concerned to have its way in financial matters as well. The problem is originated when the political governments attempt to bring the military under its subordination as per the dictates of the Constitution of Pakistan. This paper intends to analyze the incidents (which took place during the period under consideration) which brought disunion between the civil and military leadership. It will be interesting to analyze the legerdemain, skullduggery, sophistry and deceptive practices of the PPP government to bring disgrace to the military by courting romance with the US. This paper would lead readers to the conclusion that the problematic CMR, the direct military rule and controlled civilian governments did nothing to ameliorate the sufferings of the people of Pakistan and left them bewildered.

3. Theoretical Framework

The constitution of Pakistan 1973 says that sovereignty over the entire universe belongs to Allah and the people of Pakistan will exercise it within the prescribed limits. People are entitled to choose their representatives through the universal suffrage. The system of governance envisaged in the constitution is democracy. The parliament has exclusive domain to legislate. The institutions of state are obliged to follow the constitution and parliament which is expressed in the will of people through the civilian governments. If the democracy theorizes that the government will only be run by the people of Pakistan then why does the military repeatedly insist on interfering in the civil affairs?

4. Literature Review

There is a plethora of literature written on the civil-military relations. Dr. Hassan Askari Rizvi has contributed books on CMR which are titled as *Civil Military Relations in Pakistan*, *The Military & Politics in Pakistan* and *Military, State & Society in Pakistan*. Although, these books discuss the causes pertaining to the problem of the CMR but do not refer to any particular incidents. Aqil Shah's book is titled as *The Army and Democracy: Military Politics in Pakistan*. He mentions how the military's influence can be reduced and democracy strengthened. Further, he describes how the military increased its influence in the civil affairs. Again, this book fails to narrate the particular incidents which led to the problems in the CMR. Dr. Ayesha Siddiq's book titled *Military Inc.*, speaks of the corporatization

of the Pakistan Army but it is silent on the causes which lead to confrontations between the civil and military leadership. As regards the book of Ayesha Jalal, *The State of Martial Rule*, it describes only as how the martial laws were clamped in Pakistan.

Having discussed the existing literature available on the militarization of the resources of Pakistan, it would be in the fitness to discuss and analyze the CMR in the light of events which led to the unease, misunderstanding and estrangement between the civil and military leaderships.

5. Developing the Argument

Benazir Bhutto was shot dead on 27th December, 2007 in Rawalpindi's Liaquat Bagh after she left the procession which she had just addressed.¹³ The death of *Benazir* led to Pakistan's People Party victory in the general elections¹⁴ of 2008 which was then headed by Mr. Asif Ali Zardari. He mustered the support of Pakistan Muslim League (N) and other political parties to oust General *Pervez Musharraf* from the office of the President. Later, he himself managed to take the oath of the office of President¹⁵ on 9th September, 2008. The oath was administered by the Chief Justice of the Supreme Court of Pakistan, Abdul Hameed Dogar, at the Aiwan-i-Sadar.¹⁶ The 329 members of the National Assembly took oath on 17th March, 2008 for a five-year term of office. It was a coalition government formed by PPP, PML-N, ANP and other parties. These parties had their nominees in the federal cabinet and Yusuf Raza Gillani was unanimously elected as the Prime Minister of Pakistan on 24th March, 2008 by a two-third vote in the National Assembly. The government of PPP through the majority vote from the National Assembly soon after the election of its Prime Minister, got the detained judges of the superior courts released who were kept under detention for more than four and half months by the government of General *Pervez Musharraf*.¹⁷ The PML-N also lent support to the PPP in this matter.¹⁸ However, it left the coalition of PPP government after five and half months as it had developed differences with the PPP on the issue of restoration of the superior judiciary and unilateral naming of Asif Ali Zardari as the Head of the State of Pakistan.¹⁹ The period of civilian government of the Pakistan People's Party from 2008 till 2013 is notable for some striking events. It left indelible imprints on the later developments in the political arena and in civil-military relations. The passage of the 7th National Finance Commission Award²⁰ was presumably claimed to lead to the provincial financial autonomy and it was trumpeted that the award would engineer philosophical transformation in the federal government outlook towards embellishing the shares of provinces in the center's revenues and bringing an ease in the acrimonious center-province relations. The problem of federalism with two constitutional tiers, comprised by the federal government and the provinces, was always under pressure for increase in share of provincial revenue.

The federal government slashed its share by 10% in the federal divisible pool.²¹ Aghaz-e-Haqooq-e-Baluchistan was initiated by the civil government in November, 2009. The aim was to stall any further surge in the garrisoning of Baluchistan and inquest into the political murders.²² Besides this the package had aspired to ensure local control on the resources by the Baluchistan-domiciled people.²³ The other important development which took place during the tenure under discussion was passing of the 18th amendment,²⁴ which curtailed the unilateral power of the President of Pakistan to dissolve the National Assembly.²⁵ Besides this, province of N.W.F.P was re-named as Khyber Pakhtoonkhawa (KP).

The Pak-US relations went jittery when the US (presumably CIA agent) Raymond Allen Davis killed two Pakistanis in Mozang area of Lahore on 26 January 2011.²⁶ He was arrested by the local police which sought his remand for further investigation. Pakistan said that he was not allowed to carry weapons as he was not a diplomat but the US insisted that he had diplomatic immunity as per Vienna conventions and he fired in his self-defense. The civilian government led by *Asif Ali Zardari*, on 1st February, made a statement that the fate of Raymond Davis will be decided by Pakistan. The Lahore High Court also stopped removal of Raymond Davis from Pakistan. The civil and military leadership didn't bear the US pressure and Raymond Davis was given a safe passage back to the US. The court acquitted Raymond Davis on payment of \$2.4 million to the legal heirs of the two slain Pakistanis. Pakistan did not stress that Raymond was a CIA agent on its territory, however, it was admitted by the US press²⁷ and Raymond himself admitted to that in his book.²⁸ There is another very important decision which created an uproar inside Pakistan and the outside world and created bitterness in the Pak-US relations. It was the 2nd May, when in a clandestine operation, the US forces killed an Al-Qaeda leader Osama Bin Laden²⁹ in Abbottabad.³⁰ The Abbottabad Commission was formed in June 2011 to probe into the circumstances which led to the unilateral and clandestine action leading to the killing of Osama Bin Laden. The civil-military relations were further embittered when *Hussain Haqqani*, the then Pakistan ambassador to the US, was blamed for writing a memo to the US military chief to avert the possible military coup after the incident of 2nd May, 2011. Bad civil-military relations (CMR) were exacerbated further when the Prime Minister Yusuf Raza Gillani made a statement that a state within a state is intolerable and lampooned at the ISI (a superior spy agency of Pakistan) and raised a question whether Osama Bin Laden (OBL) entered Pakistan legitimately.³¹ There was yet another crevice in the CMR when the Prime Minister Yusuf Raza Gillani sacked the then Secretary Defence, Lt. General (Retd.) *Khalid Naeem Lodhi*, for sowing confusion between the institutions of the state. Sacking of the Secretary Defence came in the wake of submission of affidavits by the then Chief of the Army Staff (COAS), General Ashfaq Pervez Kayani and the then ISI Chief Lt. General Ahmed Shuja Pasha, regarding the memo-gate scandal. The civil

government called the act of submission of affidavits as unconstitutional and illegal.³² Needless to say this statement was later recanted.

During the tenure under discussion, the important event of killing the OBL took place on the night of May 1 and 2, 2011. OBL was on the run after he was presumably declared as the mastermind of 9/11 attacks in the US. On the 9th September, 2001, 19 militants of the Al-Qaeda Islamic radical group seized three US civilian aero-planes and flew them into the buildings of the World Trade Center and the Pentagon. A fourth plane crashed in Shanksville, Pennsylvania.³³ The attacks were reportedly financed by the OBL and carried against the US policies in Israel, its presence in the Middle East and participation in the Persian Gulf Crisis. OBL was traced after the search of ten years in Abbottabad, Pakistan. The US Navy Seals, CIA and others took part in the operation to kill him.³⁴ The US soldiers journeyed in the two Stealth Black hawk helicopters and landed at the compound of OBL. Later, the Abbottabad Commission's report on this incident revealed that the US operation was completed in 36 minutes and the US fleet comprising the Chinook and Stealth Black hawk helicopters left the premises of the OBL by 1:06 A.M. It was concluded by the Abbottabad Commission that trespass of the Pakistani air space and inaction by the military and the civilian law and order enforcers was worthless.³⁵ General Kayani came to know about the incident at 2:00 A.M. It was 5:00 A.M when the Admiral Mike Mullen, the then US Joint Chiefs of Staff Committee (JCSC) and General Ashfaq Pervez Kayani, COAS of the Pakistan Army, had a telephonic conversation on the incident. By 6:45 am on 2 May, it was thought to let the person be told in the supreme civilian command also.³⁶

The civilian leadership under the patronage of Asif Ali Zardari wanted to win the favors of the US in reversing the policies of General *Musharraf* and curtail the autonomy of Army and ISI so as to restrict its role in shaping the foreign policy.³⁷ Hussain Haqqani, the then Ambassador of Pakistan to the US, facilitated the issuance of large number of visas to the CIA officials to help them in their job in tracking OBL. Haqqani said that he was authorized by his civilian leadership to issue such visas generously. The role played by the civilian government of the PPP establishes that it acted independently in shaping its relations with the US and in this regard, it did not bother to consult the military leadership. Had Hussain Haqqani not issued visas to the US CIA operatives in Pakistan without informing the military, the US Seals would not have acted so mischievously to disparage the country's airspace and land integrity and sovereignty. The CMRs were further sullied when it surfaced by a Pakistani-origin US businessman, Mansoor Ejaz, who claimed that Hussain Haqqani had asked him to handover a memo to Admiral Mike Mullen to save the civilian government from a likely coup by the army after the 2nd May, 2011 attack on OBL compound.³⁸ *Haqqani* refuted such allegation and tendered his resignation³⁹ on 22nd November, 2011. The matter regarding the

memo-gate scandal and arrest of Hussain Haqqani was brought to the Supreme Court of Pakistan on 19th April, 2012. The Supreme Court inquiry commission incontestably established that Hussain Haqqani had himself authored the memo asking for the Americans help to save the government of Asif Ali Zardari from the coup by the Pakistan Army. Haqqani's act was termed treasonous and it was stressed by the inquiry commission that Hussain Haqqani should be arrested as he had, with the court's permission, left the country for four days only and had promised his presence as and when the court called him⁴⁰ in connection with the memo-gate scandal.⁴¹

Confrontation between civil and military leadership intensified when the Prime Minister, Yusuf Raza Gillani, pointed to the army saying that a *state within a state will not be allowed to exist*. Further, he said that army is answerable to the parliament as it is not above the law. It was contended by the premier in his informal speech launched to commemorate the birth anniversary of the Quaid-i-Azam Mohammad Ali Jinnah that no army can fight or exist without the support of its people. He said that the civil government had supported army on Mumbai attacks and OBL incident. The civil government raised the salaries of army personnel despite the financial crunch.⁴² On 22nd December, 2011, the civil government chief executive, *Yusuf Raza Gillani*, advised the army to bow before the constitution. He castigated the Abbottabad commission report which had questioned as how visas were issued to the Americans. He lampooned at the role of ISI and asked as on what visa OBL had entered Pakistan and remained here for more than six years.⁴³

The above-mentioned incidents and the later developments clearly established the adversary outlook in the affairs of governance between the civil and military leadership. The civil leadership tried to subdue the military leadership presumably compromising the national interest and tried to prove foreign ally⁴⁴ of the US. Apart from the above events in which the civil government of the PPP under Asif Ali Zardari acted treacherously and faithlessly to humiliate the military which resulted in strained CMR, it is not out of place to mention that the military's posture will always preponderate if the civilian leadership policy conflicted with the latter.

Tension between US forces and Pakistan escalated when the NATO forces killed as many as 25 Pakistani soldiers on 26 November 2011 in an air strike in Mohmand Agency. In retaliation, Pakistan blocked the NATO supply routes leading to Afghanistan until July 2012. The route was re-opened when the US Secretary of State Hillary Clinton felt sorry for the loss of life.

The foreign policy as usual, largely remained under the control of military leadership. However, the civilian government tried to cement its personal relations

with the US through the crooked tactic of issuing visas unchecked to many presumably CIA agents. It was the outcome of such imprudent policy of visas to the Americans that the incidents like Raymond Davis and OBL took place and created bitterness in the CMR. Myth of strategic depth swayed the foreign policy in Afghanistan and military leadership controlled it. The civilian government, despite the severe threat of imposition of economic sanctions on Pakistan signed the gas-pipeline project of \$7.5 billion with Iran on 11th March, 2013. As regards China, the civilian government signed billions of dollars project for construction and operation of Gwadar Port. Pakistan-India relations were marred by the Mumbai attacks in 2008. Kashmir and other issues with India remained unresolved. Pakistan's foreign policy largely remained under the influence of military.

6. Conclusion

This research paper has discussed at length the civil-military relations (CMR) during the 2008-2013 period. The civilian government of PPP led by *Asif Ali Zaradari* tried to make the military leadership play a second fiddle. It tried to achieve its objectives seeking support from the US by looking after its interests. The military, on the other hand twisted the arm of civilian government by exercising its influence on the state institutions. The politicians have been punished and are being persecuted by the so-called accountability machinations for their recalcitrant attitude. What is worth a serious thought is why the military leadership, bureaucracy and the specific class of the politicians, who are involved in any breach of law, generally go scot free.

The bickering due to strained CMR have added to the woes of the people of Pakistan and they languish in utter chagrin. They have experienced bad governance and mismanagement during the past seven decades. Their miseries increased when the bureaucracy largely comprising the CSS/PMS officers and lower district judiciary failed to deliver due to corruption and inefficiency. It has also been observed that the district and tehsil bureaucracy comprising of the officers from PAS and PSP remain at the beck and call of local MNAs/MPAs and other influential persons in illegal grabbing of land of helpless people. It is said that the officials in thana, katchery, adalat, hospitals, colleges, schools and other offices at the tehsil and district can hold their offices at the pleasure of ruling party MNAs/MPAs. If these officials disagree with the legal or illegal orders of ruling party politicians, then they have to face the consequences. Land reforms in the real terms is a far cry. Politicians from all over the country do not allow the same as they fear deprivation from their large estates. Further, they dread losing their political clout from the land reforms. The critics maintain that the Pakistani populace is largely dispossessed of their hard-earned earning by the government and private housing developers. Even Army-run housing schemes are also said to

be involved in such scams. What is heartening in such mess is that it seems the subdued/corrupt state institutions have failed to deliver against the injustices of these organized mafias. Is it not pitiable that in such state of affairs, the military and civil leadership bicker/squabble for their share in the power?

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