

## **Role of Military in Politics and Federal Dilemma in Pakistan: 1999-2008**

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### **Abstract**

*The challenges of federalism in Pakistan are multidimensional in nature and largely associated with various dynamics of politics. Lack of democratic practices, political instability, low political culture and type of government exercising its control at the federal level are those factors which considerably affect the federal politics in Pakistan. The repeated dissolutions of the National Assembly and the consequent fall of provincial assemblies during the decade of the 1990s also stressed the federal notion in Pakistan. The problems of federalism in Pakistan were further augmented by the arrival of a military administration in power on October 12, 1999. Even though, a constitutional government was established as a result of the general election of 2002 but it did not diminish the centralization and authoritarian trends as the center of political power was still a military man. This paper expounds that under Musharraf regime, prime intent of devising policies was to secure legitimacy of his rule and federal issues were not dealt with federal and political means. This research expounds that type of regime is relevant to federal practices in Pakistan and military led regimes in Pakistan are less responsive to federal challenges and ethnic demands as under their conception of unity in command, federal consensus and bargain are less pertinent. This led to decline the role of elected legislatures and federal institutions as the federal notion of the state was largely hampered. This study aims to address the issue that how military intervention into politics augmented the federal problems in Pakistan and to what extent type of regime is relevant to federal practices in Pakistan?*

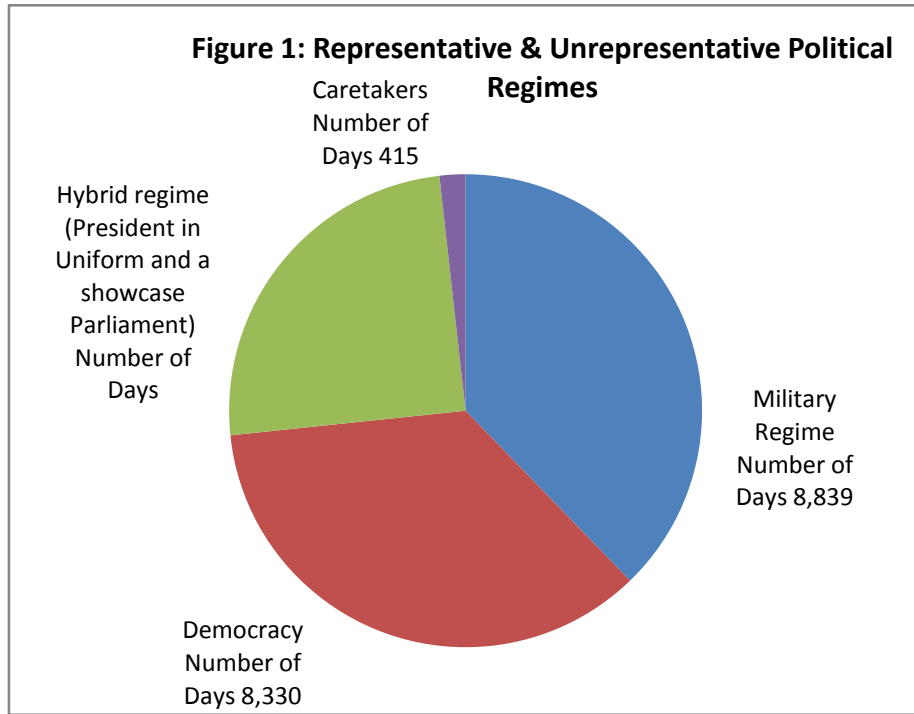
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The Role of military in the politics of Pakistan is one of the significant issues of federalism as it led to define politics and democracy through the army's perception. The army's perception of political power is largely based on its national security perspective rather than federal agreements and consensus. Politics under a military regime is never a federal politics rather it is a politics of command and legitimacy. Absence of a functional democracy and Parliamentary supremacy caused the lack of 'rules of the game' which provided enough opportunities to military to depict themselves as the state's most professional, organized and a consistent institution. It also enables them to devise the regulation for defining the relations between the ruling elites and classes, between Center and provinces and various stakeholders of the power structure of Pakistani federation. Whenever a military regime comes into power in Pakistan, their priorities are largely confined to the legitimizing their rule and maintaining a stable order in a state which generally lessen the federal considerations. The military doesn't view consensus and power sharing as appropriate strategies to ensure stability and primarily relies on its organizational interests and command to administer politics. However, it is a matter of fact that these were not only the military regimes which exercised authoritarian and centralization approaches for the resolution

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of federal problems, but the federal government under civilian rule often resorted to authoritarian bent to diffuse the crisis of federalism. Although it is an unavoidable fact that these civilian federal arrangements remained either hostage of military indirect influence or not allowed to continue parliamentary progression by presidential interventions. From 1947 to 2008, during the total span of sixty years, military ruled the federation of Pakistan almost half of the years of its existence. In the remaining period of civilian rule either political breakdown, constitutional and democratic challenges hampered the process of federalization of state or military indirectly settled the political and federal issues as an arbitrator according to their perception of national security and unity. (See Figure)



**Source:** Bhatti, A., In Hanif, M., & Practical Action (Organization), Rural Development Policy Institute (Islamabad, Pakistan). (2013). *bridging development deficits through democratic decentralization: Post 18th amendment framework for local governance in Pakistan*. Islamabad, Pakistan: Rural Development Policy Institute (Islamabad, Pakistan).

It is evident by the historical experiences of Pakistani federation that federalization of state needs power sharing largely based on consensus and recognition of ethno-regional identities as stakeholders of federal setup. Although under the military discernment of command, federal structures always inclined to become more centralized as institution of military due to its overwhelming power and strong

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organizational structure and internal cohesion has ability to overshadow the other relevant institutions mainly federal, provincial legislatures and Judiciary.

The theoretical and constitutional underpinning of federation in Pakistan has no direct link with military rule as federal provisions of the Constitution of 1973 largely remained unchanged however operationalization of federal practices were confined to its minimal level due to following main reasons. First in the process of strengthening military rule, constitutional engineering caused federal imbalances where military emerged as an overt power at the cost of elected and federal institutions of state. Secondly, while acting as 'self appointed guardian' military often gets support from the bureaucracy and the Judiciary which led to shape confrontational politics among elected federal and non-elected power centers. Thirdly, in course of acquiring legitimacy of its rule, military opted a selective co-option which encouraged the competition by winning state patronage among various elected and non-elected groups violating the federal spirit of providing due share to all stakeholders which eventually augment ethno-regional assertions. Fourthly, military adopts a divide and rule strategy to weaken the political and federal forces to avoid any challenge to its ascendancy which led to develop an ethnic and regional antagonism. Above all, these reasons, institution of military in Pakistan is by default associated with core province Punjab, due to its large share of recruitment from the area which led to provide an image of Punjab's assertion of its dominance over federating units and caused issues of inter-provincial harmony.

Maintaining a political system and securing national solidarity largely reliant on 'state patronage' and its subservience to non-elected institutions like the military has always been a costly exercise for federation of Pakistan. History of federal politics in Pakistan reveals that fact that whenever military comes into power in Pakistan, federal structures and institutions inevitably decline. The arrival of a military rule always introduces some kind of constitutional engineering, which limits the role of federal and political institutions to the minimal level and often leads them to become dysfunctional to perform federal progression. In case of Pakistani federation, federal parliament and Judiciary acted subservient to the executive specifically when there is a military president.

### **Military Intervention of October 1999 and Endeavors to Civilianize Military Regime:**

General Pervez Musharraf after ousting an elected Prime minister Mian Mohammad Nawaz Sharif from office in October 1999, took the ride of political power in Pakistan as Chief Executive instead of a 'Martial law Administrator'. This was an effort to provide an impression that he possessed a different philosophy than the three earlier military rules. He depicted a pro democracy stance while saying that "The armed forces have no intention to stay in charge longer than is absolutely necessary to pave

the way for true democracy to flourish.”<sup>1</sup> Despite placing ‘enlightened moderation, devolution and decentralization’ vociferously in his proclamation to restore a true democracy, his military rule was not divergent in appearance and the essence of the preceding martial laws. (Khan, 2012, p.189) Musarraf after assuming the power pronounced a seven point agenda to refurbish the political, economic and federal structures. Musharraf claimed to take immediate measures to address the two significant issues of federal politics in Pakistan. First was to strengthen federalism through improving Centre-provinces relations and decentralization of administrative and financial powers and second was restoring of national cohesion by removing the inter-provincial disharmony. Adeney noted that federation in Pakistan is traditionally centrist and despite Musharraf’s claim to address federal problems as his main concern, very little had changed and federal conflict somewhat based on ethnic lines steadily grew under his regime (Adeney, 2007, p.189). Ahmed expounds that process of civilization of military regime is a practice which is deeply rooted in Pakistan’s federal and political history. (Ahmed, 2013, P.319). Military regimes in Pakistan always allowed electoral process at certain phases of their rule under some conditions to civilianizing the martial law regime. But these electoral strategies were cautionary designed in a way that these did not diminish their powerstature. Elections under military regimes assured less room for their political contenders to come in power to alter the status qua.<sup>2</sup> Musharraf rule was not at all an exception and proceeded all these strategies by imposing graduate degree condition for the candidates to contest elections for the National and Provincial assemblies, blocking his potential political opponents by harassing, arresting and detaining. Moreover, two prominent national leaders MianMohammad Nawaz Sharif and Benazir Bhutto, who were leading the federal level political parties, were not allowed to get a political space by putting them in exile or making unfavorable conditions for their return to Pakistan and imposing a ban for their third tenure of premiership.<sup>3</sup> Musharraf clearly rejected the prospects of

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<sup>1</sup> Military intervention by Musharraf had not been accompanied by the declaration of martial law nor as. It was the case in 1958 when constitution of 1956 was abrogated. Musharraf declared that “This is not Martial Law, only another path towards democracy’. Dawn (Karachi) October 18, 1999

<sup>2</sup> Zia adopted the strategy of “separate electorates “to weaken the PPP’s constituency and vote bank as religious minorities were largely supporters of PPP. More over Ayub,s strategy was adopted by Zia non-party local elections to deviate the attention of electorates from national issues .Zia also introduced non-party strategy in elections of November 1988 for National and provincial assemblies to avoid mass mobilization as decisive factor in electoral victory. Zia also followed Ayubkhan,s strategy of referendum cum presidential election to legitimize his rule.

<sup>3</sup> Mian Nawaz Sharif was arrested and sentenced to life imprisonment by an anti-terrorism court in April 2000 on two counts of hijacking and terrorism over the diversion of Gen Musharraf’s plane when it was low on fuel. A deal was later negotiated by the late Lebanese Prime Minister Rafiq Hariri and Mr. Sharif’s sentence

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allowing significant political forces into the political process and pronounced that only game of the town would be a democracy but on the conditions prescribed by the military regime. This was evident when Musharraf explicated that “There are also a number of people who were fence-sitters waiting to go to this side or that side of the fence. There is confusion in their minds, and I want to remove this uncertainty and confusion. Nawaz Sharif and Benazir Bhutto have no roles in Pakistani politics”. (Talbot, 2010, P.312)

### **National Security Conceptualization: The Central State thesis**

Constitution in any federal, state lays down the nature of a federation and devise rules largely describing the quantum of power sharing between federal government and its federal units. Post 1999 period in Pakistan witnessed the consolidation of political power of military and its extended control of society and state. Military role in politics was largely institutionalized as powers of the President were reinstated and the National Security State (NSC) was established.<sup>4</sup> By creating NSC, Musharraf co-opted with other Generals of military to get support for his political scheme which gradually led to the expansion of economic power of military and subsequent concentration of political power under military control. (Siddiq, 2007, PP.166-67) NSC formally established the military role in politics as the service military men directly sit opposite the elected political leadership (Niaz, 2010. P.160). These strategies consolidated the military power and further weakened the civilian and

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was commuted to exile in Saudi Arabia where he stayed for almost seven years. Ms Bhutto was already in exile in London since 1996.

<sup>4</sup>Military in Pakistan is largely perceived as dominated by Punjabis and representing industrial and landed interests which lead military to assert its dominance of Pakistani politics not only as its right but as a duty on the need to safeguard the territorial integrity of the state in face of lingering linguistic, ethnic and religious challenges. Ayesha Siddiq identified that military has evolved into an independent class that assured its share in the state and its decision making through creating institutional processes. It also ensured that it became an equal partner in decision making to guarantee the stability of the central state. Under Musharraf regime, it turned into the ‘parent-guardian type’ and ensured its control of the state and society through institutional methods like passing the NSC Act in 2004 and providing the military a permanent role decision making and governance. Military’s economic interests and its subsequent effects to enlarge its political control over state and society in Pakistan is beyond the scope of this study. See for the further details, Siddiq, Ayesha, Chapter 6 ‘Expansion of Milbus’ in “Military INC. Inside Pakistan Military Economy” PP.139-173, 2007, Oxford University press, Karachi, Also see Jalal, Ayesha, “The State of Martial Rule: The origins of Pakistan’s political economy of defense”, 1999, Sang-e-Mel Publications, Lahore.

federal institutions. The Federal and provincial legislature, which were already suffering from dysfunctional aspect due to periodical breaking of political system become less relevant as military was largely supposed to a State's guardian, the only reliable and constant national institution.

The Objective resolution as part of Constitution of 1973 provides that "State shall exercise its power and authority through the chosen representatives of the people." Article 50 of the Constitution prior to Zia ulHaq order 14 of 1985 also established that federal Parliament "shall consist of the National Assembly and the Senate." These chosen representatives were sacked by a military dictator and there was neither a federal parliament and nor an elected prime minister as head of a federal government from October 1999- 2002. Musharraf remained the utter dictator until 2002 however, an endeavor to civilinise his rule was commenced by holding a referendum to transform his position from a self appointed Chief Executive to an elected President.(Cheema and Gillani, 2015, p.38)

In the second phase of the Musharraf regime, a constitutional government was formed and federal parliament and provincial assemblies came into existence as a result of 2002 elections. However as a result of the military intervention (1999) in politics, Musharraf put the constitution of 1973 in abeyance and later through Seventeen amendments of 2003, constitutional underpinning provided a quasi-presidential form. (Khan 2015, p. 147). It is important to note that from 2002-2007, federal government experienced three prime ministers, which stayed in power largely as per the consent of the military - president. This constitutional government was characterized by all those guarantees and safeguards which a military regime secures by shaping a 'Hung Parliament'. Siddiqa explicates that this was the structure of a 'Bureaucratic-authoritarian state' where ruling party PML(Q) and federal parliament were subservient to the executive who was a military man (Siddiqa, 2007, P 101).On similar lines, Waseem's analysis clearly provides the credence to this argument as;

"[The] Parliament in Pakistan is a subordinate legislature. Here, the executive is, without exception, a prominent player on the national scene. It initiates decisions in party forums, which are translated into law through the legislative procedures, and are then rigidly defined, implemented and controlled by the bureaucracy. Given the domination of extra-parliamentary forces over the power structure of Pakistan, parliamentary institutions are often modern ruling structure. In other words, these institutions legitimize the existing political order. Even if real power resides outside the legislature, the power holders need to win legal and moral authority. Not surprisingly, each of the four military governments tried to fill the gap of legitimacy by holding elections in 1962, 1970, 1985 and 2002."(Waseem 2010, P.31-2)

**'Doctrine of State Necessity' and Decline of Federal Structures**

The Political system and constitution of a federal state primarily manifest the ambience to ensure the extent of independence and the role of the judiciary. Judiciary as the third pillar of state has a significant role in interpretation of the constitution while preserving the true spirit of the constitution. History of American federalism and role of Apex Court in U.S through Judicial review has established the fact the Supreme Court (SC) is the guardian of the constitution which primarily intact the federal spirit of the constitution by reviewing legislation by the American Congress whenever it seems incongruous to the federal notion devised by the constitution.<sup>5</sup> According to various judicial decisions and interpretation<sup>6</sup> of SC in Pakistan, Federalism, Parliamentary democracy, Islamic provisions and Independence of Judiciary have been declared as the salient features of the 1973 Constitution of Pakistan. Though employing of this 'Salient feature Doctrine' by SC on various occasions to limit the powers of executive and legislature and to assert the judicial independence, an effective role of Apex Court to resolve the federal issues and enacting the constitutional spirit seems largely contrasting to the American case.

Although absence of democratic practices and enhanced military role in politics are not directly linked to manifest the role of judicial Independence but in case of Pakistan, under an authoritarian structure of the state, these two factors significantly paved grounds for invoking of 'State Necessity Doctrine.' In the absence of a functional democracy or under a military regime, Judiciary alone cannot intact the essence of the federalism especially when the constitution is abolished or in abeyance. In case of a military regime in power, federal structures and process of state would be minimum operational and judicial validation of such extra constitutional means leaves less room for exercising federal practices. Under the authoritarian and centralized federal governments mainly controlled by strong personalities, ruling establishment and military generals, judiciary as a federal institution remained less devoted to assert its independence and incorporation of federal principles. The Judiciary in Pakistan has been a 'reactionary and an imaginatively over acting institution' which contributed

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<sup>5</sup> The American Supreme Court led by Chief Justice Marshall established that the written constitution is the paramount law of the land. Supreme Court under Marshall largely asserted the power to review and strike down the state laws in very significant cases which ensured that the supremacy of the constitution and laws of federation over that of states. American Supreme Court under Marshall formulated the principles of "Constitutional Construction" which led to the activist court for 34 years.

<sup>6</sup> See Mahmood Khan Achakzai V Federation of Pakistan, PLD 1997, SC 426; Zafar Ali Shah V Pervez Musharraf, PLD 2001 SC 869; Pakistan Lawyers Forum V of Pakistan Federation, PLD 2005 SC 719; Dr .Mubashir Hassan V Federation of Pakistan, PLD 2000 SC 869

very little to strengthen the federal practices and the advancement of civil rights (Hamdani, 2013, p.65). The federal notion in Pakistan is either disregarded by the courts in order to devastatingly protect the federal identity largely attributed to 'ideology of Pakistan'<sup>7</sup> or interpreting the federal principles in a way that obliterated the federal essence (Chudhry, 2011, P.3).

Federal principles are not strongly upheld by the Judiciary, which largely confined its role to provide legitimization to the unconstitutional steps of military regimes by validating the dismissal of Prime Minister, an elected federal representative and federal and provincial assemblies. By invoking judiciary through 'Doctrine of State Necessity' and upholding the dissolution orders of national and provincial assemblies by strong presidents and military dictators led to strengthen the unitary discourse of identity, leaving fewer prospects for ethnic pluralism and constitutional management of multi-nationalism in Pakistan. It is interesting to note that very first time "Doctrine of State Necessity" was invoked under a civilian rule in Pakistan.<sup>8</sup> Though in later years, this practice extensively facilitated military regimes to prolong their stay in power by judicial validation of unconstitutional means.

After passing through an unsteady civilian-democratic decade (1988-1999) featuring four judicial validations of dissolutions of National and Provincial assemblies (except the dissolution of 1993), 'Doctrine of State Necessity' was again called upon by the

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<sup>7</sup> See Islamic Republic of Pakistan V AbdualWali Khan, PLD 1976 SC 57 for the court's approach towards federalism, ethno-nationalism and provincial autonomy. Court found that N.A.P,s political programme composed of multiple nationalities was regarded inconsistent with ideology of Pakistan which is embodied in two nation theory. Court decisions provided that "the concept of nationalities is opposed to the fundamentals of Islam which preaches that entire Muslim Millat is one nation under one Khalifa." This judicial approach towards provincial autonomy and status of ethno-national identities has not rebutted.

<sup>8</sup>The 'Doctrine of state Necessity' was invoked by the federal Court in 1955 in favor of Governor General and rejecting the MalviTameezuddin,s petition against the dissolution of the constituent Assembly. This decision validated many of the laws listed in the schedule to the Emergency Powers Ordinance of Governor General which later became a precedent for future legitimization of military coups in Pakistan. SC validated the military coup of October 7, 1958 under General Ayub Khan, military coup of July 27, 1977 under General Zia UIHaq, Z.A.Bhutto,s detention under Martial law, his conviction by Lahore High Court in Ahmed Raza Kusari case in Nusrat Bhutto case under the Doctrine of Necessity. For the further detail See, Satish Kumar, Judicial Subservience Hampered Democracy in Pakistan, South Asian journal Perspective, Vol.2 NO.6,June 2007,.Also see Newberg Paula R, "Judging the State: Courts and the constitutional politics in Pakistan(UK: Cambridge University press,1995.



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Judiciary in Zafar Ali Shah case in 2000 following the precedents of validating the military coups in Pakistan when General Musharraf ousted Prime Minister Mian Nawaz Sharif. The military regime under Musharraf introduced fundamental legal and constitutional alterations which significantly affected the federal process and practices which were following

- National assembly and Provincial assemblies were dissolved, which hampered the federal progression as these national and provincial legislatures provide the prospects of federal-provincial and inter provincial consensus and harmony and symbolize the parliamentary democracy.
- By proclamation of Emergency, the constitution of 1973 was put in abeyance and Provincial Constitutional Order (PCO) was incorporated as a transitory governing framework. Federalism is the salient feature of the constitution and when the constitution was in abeyance, and then federal principles were least operational.
- Judiciary as the guardian of the constitution and federal principle was also made subservient to the military regime as judges of superior courts were forced to take oath under the PCO.<sup>9</sup>

### **Decentralization without Democracy and Politics of Legitimacy**

In a democratic political system, democracy must be seen and felt at each and every level of government (InayatUllah, 2006, p101). Adeney explicates that this was not the case in Pakistan as decentralization despite with all its claims to strengthen the federal notion, only severed to “encroach on the power of potential layer of opposition to the Centre.....in such a centralized federation, with a history of centre-province conflict, however removing the powers of the provinces without compensation can only lead to more tensions”. The devolution of power plan, pronounced by Musharraf Regime indicated another major issue of the politics of federalism in Pakistan. This attempt of political decentralization cannot be separated from the federal debate in Pakistan as it is closely tied with the dynamic of the Centre-province relationship. (Adeney, 2007, PP.116-117).

Local Government (LG) reforms in Pakistan have been never initiated with the objective of democratic consolidation and to enhance the processes of devolution of power. These reforms primarily introduced two significant intents. First these reforms were attempts of a ‘constitutional re-engineering’ with a ‘top down approach’

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<sup>9</sup> Six out of a total 13 judges of SC refused to take the oath and resigned from the bench including the then the Chief Justice Saeduzzaman Sissiqui and Justice Wajih-ud-Din Ahmed. See for the further details: Richard Blue and Richard Hoffman, “Pakistan Rule of Law Assessment –Final report, Management System International Corporate Office.” Washington, 2008.

instituted by an “unrepresentative Centre” for a further centralization of power to suppress the demands of provincial autonomy by federal units, where Federal Government largely initiated the decentralization process without decentralize its own powers towards provinces. ( Cheema,Khwaja and Qadir, p.381, ) Secondly, these LG reforms also provided military regimes in Pakistan to validate their ‘defacto rule’ to ‘dejure rule’. Devolution plans were always meant as a strategy by military regimes to secure legitimacy by offering decentralization of political power through selected and co-opted measures.

LG in Pakistan primarily have been endorsed by ‘non-representative regimes’ to secure legitimacy and control over the state apparatus. Historical analysis of nature, evolution and structure of LG in Pakistan manifested the fact that legitimacy has been obtained by de-facto regimes by structuring localized patronage through LG to create a class of ‘collaborative politicians’. Decentralization and empowerment as mean to consolidate democracy was neither a policy, nor it contributed significantly to balance federal approach. Each attempt of decentralization by a military regime was incorporated by further centralization of political power by dissolution of elected federal and provincial assemblies.<sup>10</sup> These moves were largely supported through enactment of a ‘quasi-presidential constitution’ or constitutional engineering preserving the role of ‘non-representational’ regime even when elected governments were back as functional. In a broader perspective, centralization of political power in combination with localized patronage resulted in weakening the political parties and distorted the electoral competition at all levels.

LG reforms under Musharraf regime were also exemplified as a continual of these historical trends ( Cheema,2006 pp.407-408) These devolution initiatives under Musharaaf regime were primarily designed to strengthen military rule and legitimization of their power over state as a prime cause.<sup>11</sup> Legal Framework Order (LFO) 2002 constitutionally protected by 17 amendment to 1973 constitution in 2003 institutionalized the role of military by enlarging the powers of president.<sup>12</sup> This attempt of centralization of political power was further aided by implementing

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<sup>10</sup>Political control over LG was directly exercised by the Centre through the bureaucracy during the British and under Ayub Khan. During the Zia period, LG reforms were designed to give suspension power to military governors of provinces, which established a creditable threat of removal over local politicians.

<sup>11</sup> International Crisis Group condemned these reforms as mean to strengthen military rule in Pakistan in their report in 2004.

<sup>12</sup> Substantive powers include the revival of article 58-2(b) which empowered the president to dissolve the elected federal and provincial assemblies. This was reversed later in 2009 through 18 amendments under the civilian Government of PPP.

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policies of installing a selective accountability, exclusion of political leadership through disqualification, the implementation of an educational criterion for electoral candidature and organizing a pro-regime political party largely based in Punjab to retain power at the Centre.

The devolution plan under Musharraf regime endured more similarities with 'Basic democracies' under Ayub regime which was designed to introduce a controlled system of democracy. Inayat Ullah explicates that this decentralization initiative announced by Musharraf regime was aimed to decentralize authority rather devolving of legislative, financial and administrative powers. This led military regime to claim LG as third tier of government, which was largely empowered at the expense of provincial governments (Inayat Ullah 2006, p 93). Under this devolution plan, elections LG of 2002 and 2005 was held as party less. Regime largely propagated this move as an effort to enhance the decentralization process to strengthen federalism however, as like the previous records of military regimes to use LG as an instrument to surpass the provincial government, this was also not an exception.

- These LG reforms were initiated under the Musharraf regime at a time when no elected federal and provincial governments were in power. Moreover, LG elections held in 2002 and 2005 under Musharraf regime were on the non-Party basis, which hampered the decentralization process due to lack of integrative policies between provincial and LG which brought the operational difficulties for both sets of governments.
- The most significant structural flaw with the LG was that it instituted in a period when the constitution was held in abeyance. These LG lacked the constitutional protection. Pakistan is a federal state with two sets of governments which are federal and provincial. Constitution of 1973 doesn't recognize LG as the third tier of government. The 17<sup>th</sup> Constitutional amendment to the 1973 constitution under Musharraf regime, however, provided a limited constitutional protection only for only six years. During the period, provinces were authorized to amend the LG legislation with the consent of the president (Shah, 2012.)
- Under these reforms, decentralization was initiated only from provincial to local tier and no significant measures were taken to commence the federal decentralization to address the issues of provincial autonomy. Moreover, the financial capacity of these LG was largely restricted as the buoyant revenues remained concentrated in federal and provincial governments.<sup>13</sup> This led to creating an absence of coordination and rules of the game among three tiers of governments. Fiscal decentralization appeared limited and LG faced the

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<sup>13</sup>According to the World Bank Report of 2000, over 96% of revenues in Pakistan were controlled by Federal and provincial governments in the last two decades.

problems of restricted revenue mandates and excessively reliant on provinces and federal funds.<sup>14</sup> Discretionary revenue transfers from Centre to the LG also provided an inducement to them to act and respond according to the preferences of the federal government, which enlarged the prospects of clientilistic and patronage practices by involving these revenue transfers with the political considerations (Shahid, 2015, p.133).

From a federal perspective, initiation of LG reforms with an agenda of localized patronage of the military regime of Musharaaf, conflicts and distortions were observed between the provincial governments and local tier. Due to certain limitations on political representation, electoral competition was imprecise at local level. Like the previous military regimes in Pakistan, Musharaaf regime also structured electoral politics as non party at local level, which lessened the political opportunities for opposition parties.<sup>15</sup> Moreover non-Party base of LG perpetually weakened the political linkages between provincial governments and LG. Despite some of the finer aspects of LG reforms like to enhanced political representation of women to ensure their empowerment and increase of the number of seats for minorities, this scheme couldn't contribute to resolve the federal-provincial problems of devolving powers at various levels. This arrangement was more of decentralizing authority rather initiating the devolution of administrative, legislative and fiscal powers. LG established in 2001 directly by the federal government which undermined the provincial entity as a major administrative unit of the federation. The Centre assigned the powers to the LG which somewhat neutralize the role of the provinces and this did not lead Centre to reduce its grip over powers but reduced the influence of the federating units over provincial powers (Rizvi, 2006, p.15). These reforms were largely condemned by civil society organizations and major political parties on the account of being disadvantageous to the federal notion by abbreviating the provincial autonomy. It was also observed that these LG reforms primarily aimed to undermine the capacity and mandate of

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<sup>14</sup> It is also provided that legislatively mandated transfer of provincial consolidated fund to LG amounts less than 25% and provincially controlled programmes still account for 30% to 60% of LG development expenditures. see for further detail Manning et.al, 2003, and Cheema, Khawaja and Qadir, 2005

<sup>15</sup> Trends of political victimization and disqualification of unwanted politicians are evident in Pakistani politics under military regimes. Under Zia regime, successful candidates affiliated with PPP were disqualified on different pretexts in the local bodies of 1979. See Wilder, (1999). Similarly such complains were observed by press reports under Musharaaf regime specifically in Southern Punjab and rural Sindh, where candidates are pressurized to

Withdraw their party affiliations. See Cheema, khawaja and Qadir , for a detailed study of LG under Musharaaf.

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provincial governments (Shahid, 2015, p.130). These apprehensions and concerns regarding the LG made them less relevant to meaningful devolution of power and federal discourse of politics in Pakistan.

Moreover amendment to the LG Ordinance in 2005 also reduced the authority of local representatives as this alteration brought LG under the larger control of Chief Ministers of provinces and provincial governments. This led them no more autonomous tiers as they already contained limited constitutional protection (Cheema & Khan, 2006). Many assert that the agenda behind the initiation of LG was only to ensure such devices to prolong the rule of the regime and it was less relevant with the devolution of powers. (InayatUllah, 2006, p.99)

#### **Center-Province rift and Regime's responses: Baluchistan issue**

Under a military hybrid regime, the role of political elites, including parties in power or opposition to lessen the Centre-province rift remained generally limited as their exertions were just confined in proposing suggestions and sitting in the committees but having no power to validate their recommendations. Baluchistan problem was discussed numerous times in debates in National Assembly and Senate, but this did not paved grounds for a viable federal solution. Despite the acknowledgement of Bloch grievances regarding provincial autonomy, political leadership in Pakistan largely remained reluctant to propose or initiate any constitutional amendment to address the Centre-province issues and it is viewed as a subversive attempt to the national solidarity and cohesion. No serious efforts had been made to resolve the Bloch conflict through political means except setting up two powerless committees whose recommendations were never implemented.<sup>16</sup> Final report of committee on Baluchistan was presented to president Musharraf instead of submitting it to parliament to initiate a political consensus which refuted Parliament's right to approve or disapprove the suggestions. Hafiz Hussain Ahmed of MMA condemned the submission of a report to the president as it was Parliament right to validate or nullify the recommendations. Recommendations made by these committees remained confined to the paper work and till the end of the regime period in 2008, these were not implemented.

It is important to note that in a federal state, the second chamber is largely constituted to ensure provincial representation and equality irrespective of their size of population, territory and other potentials. In this case not only Senate of Pakistan was bypassed but National Assembly was also not involved in final decision making. This

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<sup>16</sup> Recommendations by two commissions on Baluchistan significantly included the increase of development in the province and to distribute the shares of resources in a more equitable manner.

validates the one of the arguments of this research that without practicing the federal process and following the federal notion, any political package or development scheme neither substitute the demands of provisional autonomy nor it consolidates the federation. Lack of political prescription escalated the proximity of the fifth phase of insurgency<sup>17</sup> in Baluchistan. Lack of effective and appropriate measures led the conflict in Baluchistan into a more violent turn when General Pervez Musharraf was attacked in December, 2005 in Baluchistan during his visit to the province. This surfaced the proximities of a military solution to a political conflict in a smaller unit of the highly centralized federation. Adeney expounds that military solutions to Bloch problem was already under consideration for months and proximities of dealing the issue with force was not entirely result of this attack on Musharraf. She further explicates that this military operation in Baluchistan stimulated the hard feelings against Centre where the army was perceived as a force for Punjabi occupation.(Adeney, p.117).

Problem stem from the fact that it was not entirely a Centre-provincial conflict as the federal government was represented by an authoritarian regime of a military dictator, though a constitutional and elected government was formed as a result of 2002 elections but important national and foreign policy decisions were primarily under control of General Pervez Musharraf with military support. Federal stand views was mainly represented by the sole opinion of Musharraf largely manifested by security paradigms and military perception of the viewing ethnic element as a source of conspiracy against the integrity of state.<sup>18</sup> This led Central government in a state of denial by not looking into this problem as an issue of power sharing or provincial autonomy rather it was professed that these demands were part of the hidden agenda backed by some external help. Musharraf during his visit to Quetta in August, 2008 accused Bloch of getting outside aid by stating that “I am one thousand percent sure that the element involved in target killings and subversive activities are being financed and trained by foreign elements who don’t want peace in the country”(The Daily Times, August 8, 2008). Looking the Bloch issue from only national security perspective rather political or federal solution to calm down the situation, a wide

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<sup>18</sup> Federal government’s approach of looking Bloch insurgency from its apprehension regarding some external incursion to aid the separatists proved evident by some events. However this research doesn’t consider this as a prime cause of Centre-provincial rift under the period concerned. The issue of Baluchistan was internationalized when a Republican Congressman, Dana Rohrabacher, introduced a bill in a U.S Congress sub-committee, recognizing the Baluchistan’s right to self-determination while blaming Pakistan especially Punjabis to annex Baluchistan through invasion in 1947 and exploitation of rich resource province . See for further detail( Khan 2014:17)

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indiscriminate military operation was launched against both federalist and separatist Bloch leaderships which left less room for federalists to sustain with their stand views advocating the solutions for Bloch problem within federal apparatus.

It is important to note that military regime due to their legitimization issues and consolidation of power opted a selective co-option not with the Federalists, but with religious political parties in the Baluchistan, which was a repeated attempt of replacing the ethnic demands by a religious discourse and identity. This also augmented the trust deficit between the federal government and Bloch leadership as ethnic claims were considered as disloyalty to the federation. Confrontational political between elected and non-elected federal institutions is one of the traits of political system of Pakistan. Superior Judiciary in Pakistan largely dominated by its Chief justice remained in conflict with political leadership especially during the period of elected prime ministers Benazir Bhutto and Mian Mohamaad Nawaz Shariaf (1988-1999). Judiciary has been supportive to military coups in Pakistan by validating their unconstitutional seizure of power but in March 2007 as result of dismissal of Chief Justice (CJ) Iftikhar Mohammad Cuaudary by Musharraf and a consequent eruption of Lawyer's Movement largely supported by Civil society provided an unprecedented judicial response to president cum Army chief.<sup>19</sup> The full bench of Supreme Court On 29 July, 2007, struck down presidential reference to remove CJ and his earlier position was restored ( Zaidi, 2015, P.4). The threat of judicial activism led Musharraf to impose an Emergency on 3 November, 2007 and promulgated Provincial Constitution Order (PCO) which also empowered president to amend the constitution. More over superior courts were also dispossessed of their power to make any order against President.(Khan, 2016, P.503) \These authoritarian practices caused a pro democracy movement in Pakistan and weakened Musharraf's position. After general elections of 2008, unfavorable governments of PPP at Center and PML(N) in Punjab and political consensus between major political parties to commence the impeachment process of president Musharraf eventually forced him to resign from office of the president 18 October, 2008.

### **Conclusion:**

The role of the military is one of the significant features of federal politics of Pakistan. Pakistan throughout its course of history either remained under the direct military rule or short lived civilian-democratic periods were deeply affected by the much enhanced role of this non-representational but the most powerful state institution. The concept of 'National Security paradigm' and state discourses of identity largely based on

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<sup>19</sup> It was observed that suspension of CJ Chuadary was largely caused by preceding judicial activism by the court that developed the nervousness of Musharraf regime to face the potential challenge of its legitimacy.

religion provided enough space to military to act as guardian of state and authority to pronounce national interests. Military's 'role and rule' in politics are largely facilitated by judicial decisions, selective political co-option with bureaucracy and religious political parties, incompetency of political leadership to resolve their conflicts and disagreements through institutional means and persistent trends of centralization of political power. It is imperative to note that when military regime comes into the power in Pakistan; it incorporates certain constitutional changes as a part of legitimizing its rule which shifts the political power from federal and representative institutions to individual personalities largely a military general cum president. This limits the working and functioning of federation with its constitutional spirit and federal practices are least exercised under such regimes.

Musharraf regime was not at all different in the intent from its previous military led regimes in Pakistan. The process of legitimizing of military rule involved the constitutional engineering, which, though did not alter the federal parts of the constitution, but enhanced the presidential powers which led to decline the role of federal and provisional assemblies. These constitutional alterations created an institutional imbalance in the federation where federal practices lessen to minimal levels. Issues and challenges of provincial autonomy were largely managed by use of force and coercion which developed drifts between center and provinces. This research provided that federal notion and practices are more facilitated by democratic continuity of civilian governments and strengthening of federal institutions as in the military led regime or a military hybrid regime, authoritarian features of state are more emphasized.



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