

State Civil Society during Musharraf Era in Pakistan: An Appraisal

Munir Ahmed

PhD Scholar, Department of Pakistan Studies Islamia College

University Peshawar, KP, Pakistan

Email: munirahmedpk@gmail.com

Yunas Khan

Assistant Professor, Department of Pakistan Studies Islamia

College University, Peshawar, KP, Pakistan.

Email: k_yunas@yahoo.com

Abstract

Developing countries typically find themselves at the focus of political and constitutional upheavals in addition to the complex socioeconomic issues they face. As a result, authoritarian regimes have frequently promoted this as a solution to the issues they are now experiencing in their political systems. This essay makes an effort to evaluate Pakistan's state civil society under Musharraf. The military has actively participated in Pakistan's political system since the middle of the 1950s, with varied degrees of character and scope over time. When it directly engaged, its departure was always slow and systematic, and it never transferred power to the civilian elite but instead shared it with them. Every military dictatorship, including General Pervez Musharraf's, emulated this pattern of civilization while making modest modifications to suit the situation. In his youth, he established the civil, state and society. This paper is an attempt to explain Musharraf's regime that how he came into power and established civil, state and society in Pakistan.

Keywords: *Pakistan, Musharraf, Politics, Military Regime, Power politics.*

Introduction

In addition to the complex socio-economic issues faced by developing nations, they consistently find themselves at the forefront of political and constitutional crises. As a result, authoritarian regimes have frequently inserted themselves into their political systems, often presenting this as a remedy for the challenges they face. It has been noted that weakened political institutions, inexperienced political leadership, a lack of well-established political norms, and ongoing governance challenges have created favorable conditions for military involvement in the political arena. On the

State Civil Society during Musharraf Era in Pakistan: An Appraisal

other hand, 'Huntington believes that once the military intervenes in the politics of a developing country, it tends to shape a permanent political role.¹

Pakistan's political culture has strongly linked to the pre-partition British rule. It always focuses to state concerns where civil society had little say. This state centered system is best understood by the inheritance of vice regality that always works to protect state interests rather than popular political awareness and public participation in the collective affairs.²This political and administrative mechanism had exclusively been designed for colonies. The enduring colonial legacy stemming from the British Crown's strategic concerns along its western borders in South Asia has significantly influenced the organization of administrative structures and the civil service. This historical legacy is often seen as a key factor contributing to the restricted access to political authority and the absence of a cohesive sense of political community.³

Similarly, Parliamentary democracy or cabinet system was also inherited from the British. It was caused the rise of rural landed elites to political prominence, since they had the power, money and close good relationship with the local administration to influence the results of the elections. On the other hand, frequent military intervention have ensured that democratic systems of representation, even when they are in place, continue to be manipulated by the military and civil bureaucracy. This system dysfunctional has continued unabated till now.⁴This state centered political legacy with hasty partition caused innumerable political, constitutional, economic, financial and infrastructural problems for Pakistan initially.

Particularly, unresolved territorial problems, geographical border issue and Kashmir conflict had shaped Pakistan's antagonistic relationship with India. Afterwards, a full-fledge war between India and Pakistan sowed the seeds of mutual distrust and enmity which has not been dishd out so far. It has largely contributed to the Pakistan military's dominance in domestic politics. In the very beginning, divergent views over the question of Kashmir civil military relations as early as 1947-48 and country witnessed an attempt first alleged coup in 1951. Since then, the looming threat of war with its larger neighbor has ensured that the military held a pre-eminent place within the Pakistani state and has received a disproportionate share of state resources.⁵

On the other hand, internal socio-cultural differences, ethnic pluralism, question of provincial autonomy, status of Islam in polity, language controversy, institutional decay and struggle for political powers among different political actors created a scene of blame game in political arena. Besides the early death of the founder of nation Mohammad Ai Jinnah are those major reasons which not only increased the anarchy but also encouraged the non-democratic forces including Pakistan Army and civil bureaucracy to make their strong stake in the political system of Pakistan.

THE STRUGGLE FOR DEMOCRACY AND CIVIL SOCIETY IN PAKISTAN

Consequently, Pakistan came into the clutches of non-democratic and authoritarian regimes where budding civil society was badly suffered. Pakistan was initially ruled by migrant bureaucrats; due to alienated orientation they considered indigenous political development as alarming threat to their vested interests. Therefore, they always discouraged growth and development processes of democratic and participatory governance. This particular bureaucratic attitude not only damaged the Pakistan's political culture but also fanned socio-cultural and ethnic conflict in Pakistan.

In fact, the foundation of an authoritarian streak in the polity was laid fairly early in Pakistan's history. After the assassination of the first Prime Minister, Liaquat Ali Khan, and the ascent of bureaucrat Ghulam Mohammed to the office of Governor-General, the supremacy of politicians in the political system was ceased. Elected Prime Minister Khwaja Nazimuddin was dismissed who had the majority in the legislature as he had passed budget currently. Scholar Keith Callard termed this a "governor-general's coup." He stated that three major conventions i.e. the impartiality of the governor general, cabinet and party solidarity and the role of legislature as the maker and sustainer of governments had been destroyed which badly disturbed the future political order.⁶

After the passage of time, authoritarianism rooted strongly in Pakistan polity. Resultantly, Pakistan military establishment emerged as most powerful institution and stakeholder of political power. It is seen that bureaucracy rule was dependent upon military and vice versa. This early seesaw relationship established drawing room politics in Pakistan. By the time, although bureaucracy altered the its position after regular military rule but consolidated its position in the power structure because of its accommodative nature with authoritarian political actors as they had common interest. On the other hand, Pakistan civil society was not so mature and passing through its early evolutionary stages where it was limited to its sociological aspects.

As mentioned earlier, Pakistan's journey toward fostering robust democratic practices and prioritizing people-centric political conventions, traditions, and values has encountered challenges. One of these challenges pertains to the military's intermittent involvement in politics, which has remained inconsistent. This situation, characterized by the "doctrine of necessity," led to a fracture in democratic processes and state institutions, driven by the pursuit of particular vested interests. This doctrine justified the undermining of democratic norms and institutions in favor of safeguarding self-serving agendas.

Since independence 1947 Pakistan military have ruled four times regularly by martial law and sought to legitimize through the so-called civilianization and democratization of the military regimes. The state created of partition itself suffered

State Civil Society during Musharraf Era in Pakistan: An Appraisal

partition in 1971. In other words, Pakistan's traumatic and uncertain political history indicates a full fledged struggle between the forces of authoritarianism and constitutionalism, an unending conflict between the state and civil society at the core.⁷ It clearly shows that Pakistan military is the real inheritor of colonial political legacy which always revolved around the state and even strengthened state at cost of civil society. Although Pakistan civil society has been highly suffering since the inception of this country but its progression could not be eroded completely; it is moving forward and ever increasing Pakistani people's trust on democracy and rule of law is due to civil society initiatives.

In nutshell, the role of military in politics and decision making processes can best be elaborated by the approach of 'the man on the horseback' and praetorianism. Furthermore, this unlawful and unethical political dominance of Pakistan military is frequently justified with the provision of national security and integrity, eradicating corruption, improving law and order situation. In 1950s and 1960s it assumed the duties for modernization; in 1970s it fought with alienated political elements in East Pakistan and Baluchistan; in 1980s it adopted an additional role as a defender of ideological frontiers; in 1990s it established as most powerful stakeholder in the political affairs of the country by making itself potential member of 'troika' with the president and prime minister as the other two members.⁸

It is evident in 1990s that military after becoming most powerful member of officially unannounced Pakistani 'troika' tried to have permanent position in political affairs of the state. It was not only a question of supremacy but also highly important matters of Pakistan military economic and financial interests which had been multiplied by its frequent intervention and retention in political governments of this country. It is, therefore, military establishment cannot afford to aloof from the polity for extended period of time. so they searched out new domain of political power. As S. Akbar Zaidi discusses in his work:

Since the military has been in government for many decades in the past, it has also been a key player in the management of the economy, and has been the sole arbitrator and controller of issues regarding the defense budget. He further stated that political reasons and interests are bad enough for militaries to interfere and intervene in a country's political process, when the military had substantial economic and financial interests and claims; it is less likely to give up control of the state affairs or of its dominating position.⁹

This state of affairs witnesses that military establishment is always searching to protect its vested interests by dividing political forces. As Ayesha Siddiqi argues that Pakistan military's economic interests create a vested interest that would potentially discourage the armed forces from allowing democratic institutions to function and flourish; and since its economic empire has been constructed and developed on the basis of military's dominating political and institutional power,

source of further encouragement for the military to enhance its economic power would lead to increasing its entrenchment in politics.¹⁰It is, therefore, apart from the political interests, the military is compelled to make and retain a dominant position in the polity either influencing while sitting outside the political affairs or materializing coup for the sake of military collective economic interests. This approach is highly poisonous for democracy and rule law in this country.

MUSHARRAF'S ERA IN PAKISTANI CIVIL SOCIETY

As far as Musharraf military regime is concerned, it has been proved to be the continuation of authoritarianism since the inception of this country. The nature, justification and modus operandi of this rule was not different from the previous military regimes. However, apart from General Pervez Musharraf's personal inclination and temperament towards liberal, secular and progressive environment; there were many national and international factors responsible of civil society activism during his rule.

It is noted that this activism differed his rule from the previous ones. Military political role, regime legitimization and uniform were the burning issues debated heavily and openly. Freedom of expression especially by the independent and free media, promotion of ICTs, Boomin higher education and building of investor trust were the things happened during the Musharraf regime which had never been seen in the previous military regimes.

Although death of General Zia ul Haq caused abrupt changes in the political life of this country; military establishment showed constitutional solutions of emerging events. Therefore, democracy was restored through the elections but it does not mean military establishment surrendered its political position for ever; it had not been done even after the humiliation defeat in 1971 war with India which resulted disintegration of this country after twenty four years of its inception. Certainly they remained active and stayed at back door of power politics. Benazir Bhutto of PPP got government in certain limitations. A part from other things the previous foreign policy remained intact with the same foreign minister. It was the tactical move of the military through which it built public trust regarding democracy which was badly suffered by longer period of Zia military regime.

Pakistan modern history witnesses advent of democracy by the governments of two major political parties in last decade of twentieth century i.e. PPP and PML (N) led by Benazir Bhutto and Mr. Mohammad respectively. Both key political figures run the business of the government being a Prime Minister twice in time; but unfortunately none of them completed constitutional tenure of five years. It is interesting to note, that they just initiated the cleaning process (what political, constitutional, social, economic, cultural and institutional impurities created by long authoritarian regime of Zia) by reconciliation and trust building in their first government but faced obstacles and finally unlawful dissolution of the assemblies.

State Civil Society during Musharraf Era in Pakistan: An Appraisal

When they came in power second time comparatively in better positions in terms of political sagacity, leadership maturity and parliamentary experiences; they again faced same situation where someone confidently (what done with them when they came into power first time). Undoubtedly, It was latest strategy of authoritarian forces to weaken the budding democratic order in Pakistan. Similarly, feudal and religious elite of political parties linked with military establishment were remained instrumental for authoritarian rule of military and bureaucratic establishment in Pakistan. It is very unfortunate that continued rift and blame game (Time and again, top Leadership of PPP and PML labeled anti-Pakistan and Security risk to each other) especially between two major political parties strengthened and justified (political leadership was not able to run the country) authoritarianism.

It is evident that there were many issues of political stability, good governance, accountability, constitutionalism, rule of law and institutional development remained unresolved during governments of these two political parties. In fact long authoritarian military regimes left unaccountable political, constitutional, social, economic, diplomatic and institutional problems; democratically elected civilian government came to power for short period and dished out while military authoritarian regimes enjoyed extended duration. They were remained consistent and duly supported all those forces that proved to be endangered for elected civilian governments. Resultantly, these modern initiatives of parliamentary democracy and participatory governance could not flourish as their resilience towards breaking of vicious circle of authoritarianism remained intact.

THE STRAINED CIVIL-MILITARY RELATIONSHIP DURING SHARIF'S SECOND TERM

Mr. Mohammad Nawaz Sharif came into power second time with heavy mandate. His landslide victory in general elections of 1997 and later formation of government gave him courage and confidence to rule the country uninterruptedly. On the other side, establishment never withdrew its pivotal decisive position. This state of institutional mind created hidden and invisible rift between the elected governments and military where both always tried to make and show more powerful than other. By the time, civil military relationship was plagued and led clashing like situation especially after the proposal announcement of National Security Council (NSC) with the membership of four uniformed top ranking officers which was caused Mr. Sharif's displeasure. Later on, the Chief of Army Staff (COAS) General Jahangir Karamat resigned in October 1998; Prime Minister Mr. Nawaz Sharif appointed General Pervez Musharraf as the army chief by superseding two senior military officers.

The tension between the elected civil government and military establishment could not be deescalated. Mr. Nawaz Sharif wanted to be most powerful because of his heavy mandate; while the army could not sacrifice its dominant position before the elected civilian chief executive. 'This contrasting position was clearly observed after

the resignation of COAS General Karamat. While the situation was further aggravated when the Prime Minister kept the position of Chairman Joint Chiefs of Staff Committee (CJCS) vacant for five months (from November 1998 to March 1999) and later Musharraf was reluctantly appointed as CJCS. Besides, Prime Minister Nawaz Sharif appointed Lieutenant General Ziauddin as the Director General (DG), Inter-Services Intelligence (ISI) without consulting COAS General Musharraf.¹¹

The later strategic development increased tension between civilian government and military establishment; particularly when Kargil armed conflict broke out in May 1999 between India and Pakistan. It was the unilateral act of military establishment and COAS General Pervez Musharraf. Originally Pakistan military conceived the Kargil plan after the Siachen conflict but the plan was rebuffed repeatedly by senior civilian and military officials.¹² General Musharraf was a real strategist behind the Kargil Conflict.¹³ Initially, he ordered for secret infiltration to district Kargil of Kashmir which was caused fierce Indian repercussion From March to May 1999.¹⁴ Subsequently, full war was seen between the two countries. Mr. Sharif was annoyed on this act of Pakistan military establishment which damaged regional peace process.

As recently both the governments India and Pakistan initiated to cease ever increasing mutual antagonism and distrust between the two countries. For the sake of this objective both the elected prime ministers were found much interested to build up good relationship. In the first episode, The Prime Minister of India, Mr. Atal Bihari Vajpayee (belong to Bhartiya Junta Party BJP)¹⁵ visited to Lahore in February 1999. He left memorable good gestures for cordial relationship between India and Pakistan; his famous poem against war was recited by him at Minor-E-Pakistan (Pakistan Tower) at Lahore. Similarly, Pakistani counterpart Mr. Nawaz Sharif also promoted goodwill gestures in his speeches during the visit. It was indeed short lived honeymoon carving out cordial dimensions of India Pakistan relations. However, these initiatives were sabotaged by the Kargil conflict.

MUSHARRAF'S MILITARY TAKEOVER AND ITS IMPLICATIONS

After Washington accord on July 4, 1999; Mr. Nawaz Sharif ordered to withdraw Pakistani forces from the Kargil which once again upheld the civilian government.¹⁶ But this decision had severe implications for elected civilian government. 'Mr. Sharif testified Musharraf began preparations of a coup after the Kargil conflict'.¹⁷ In fact, tension between Mr. Nawaz Sharif and General Musharraf originated from the Kargil issue and increased due the government decision of withdrawal of the forces. This resulted preparation of coup against Mr. Sharif government by Musharraf which was planned between end-July and mid-September 1999. It was learnt by Mr. Nawaz Sharif. For mitigation purposes, he specially sent his brother Chief Minister of Punjab province Mr. Shahbaz Sharif along with the then

State Civil Society during Musharraf Era in Pakistan: An Appraisal

Chief of ISI Lieutenant General Ziauddin to the US for support against Musharraf designs. The US administration warned the military establishment against coup. In spite of this US warning, Musharraf remained committed to his plan but deferred its practical implementation.¹⁸

At last but not the least, Pakistan military returned to political power in a bloodless coup on October 12, 1999 after ousting the civilian elected government of Mr. Nawaz Sharif. 'COAS General Pervez Musharraf took over power, with extended support of middle class and secular elite. In his early days he referred himself by the corporate title of Chief Executive made all those lofty claims as made by all earlier military dictators.¹⁹ At the moment, there were no organized protests within the country to the coup.²⁰ General Musharraf has pleaded his coup being different from the earlier military adventures. He avoided the use of martial law and justified his intervention with the dominant theme of good governance which was promised through the stern process of accountability and structural reforms.²¹

Primarily, it was the continuation of earlier three military authoritarian regimes. However, there were two significant changes in the disposition of the senior military officers during this fourth phase of direct military rule in Pakistan. Firstly, the military was no longer willing to stay on the sidelines by losing its stake in the polity and viewed itself as major and critical to internal stability and integrity. This demands a direct and constitutional role in the state affairs. Secondly, the military expanded its non-professional responsibilities to such extent that it could not be possible to leave the ground free and independent activities of civilian political leadership.²²

OPPOSITION FACED BY THE MUSHARRAF REGIME

Unlike that of previous military governments, the Musharraf regime had distinction that has been its ability to carry with it numerous differing social groups and factions. This regime has been wholeheartedly supported by the large sections of the middle classes, political actors, urban political groups especially their leadership belong to middle classes, who have had no qualms of shifting alliances where their politics has been based on opportunism and not principle; by a section of civil society, which considers itself to be liberal, modern and democratic which misled itself into believing that General Pervez Musharraf represented some form of moderation and progression in terms of religious sentiments; by the military and the beneficiaries of military rule; and by a small though powerful economic elite which considers Musharraf's policies as forward looking.²³

In the beginning, General Pervez Musharraf was warmly welcomed and supported by the secular and modern civil society; because he showed himself as agent of change; which would bring the real democracy, rule of law, eradication of poverty, abolition of gender discrimination and socio-economic development. These agenda items had compatibility with the agenda of modern secular civil society so they

inclined towards him.

Prominent civil society activists and leaders like Javed Jabbar, Omer Asgher Khan, Zubaida Jalal and many others 'leading professionals from development sector were joined Musharraf's cabinet'.²⁴ Important portfolios such as information & broadcasting, education, environment, women development, population planning and local government have been allocated to these personalities.²⁵ Actually it was tactical move of Musharraf junta for getting international legitimacy as western nations did not accept military dictatorship and secular civil society had been connected with west for accomplishment of their agenda of democracy and development. So this Alliance with secular civil society proved to be helpful for international recognition.²⁶

On the other, traditional religious segment of civil society initially hypocritically remained silent. They were expecting the conventional friendly motives of military establishment towards them as it was seen during Zia military rule. Contrary to this, Musharraf imitated from Turkish political model and regarded Atta Turk as a role model for him. He talked in the language of development studies, development sector and exhibited liberal and secular outlook which explicitly tilted him towards modern secular civil society.

Resultantly, religious segment of the civil society regarded Musharraf an open threat to their interest so started tension between this religious civil society and Musharraf regime. It was accelerated when his government launched Mudrasia reforms policy. He was combating with the civil society especially religious one throughout his reign.

The combat was recorded fierce when Musharraf coined the term enlighten moderation. It totally negates the fundamentalism and extremism in Muslim societies. Enlighten moderation insists on the moderate practicing of religious affairs and Muslim should accommodate themselves in the modern and progressive world; as emerging scientific and technological realities could not be denied so Muslims should adopt them for the sake of socio-economic development. The term enlightened moderation was unveiled by Musharraf during the OIC Summit Conference at Malaysia in 2002. This vision painted Musharraf modern, secular and liberal who wanted progressive solutions of the manifold problems of Pakistan. Religious civil society severe criticized this vision of Muslim emancipation and declared a well-planned conspiracy of western nations.

"Support, Strategies, and Controversies: The Musharraf Regime's Grip on Power"

Now traditional religious civil society was at war with Musharraf regime. The Jamaat-e-Islami Pakistan condemns new philosophy of General Pervez Musharraf and labels it as a neologism for Westernization and American imperialism. Islam is dynamic religion and provides the solutions of all issues of humanity of all time. It is

State Civil Society during Musharraf Era in Pakistan: An Appraisal

also religion of enlightened moderation which cannot make hurdles in the way of democracy, progress and development.²⁷ On the other hand, modern secular civil society did not prove strong part of Musharraf initiatives, it is because of lack of boldness in modern secular civil society as well as they were not satisfy with the Musharraf policies and strategies especially towards restoration of democracy and human rights situation in Pakistan. Therefore, civil society activists and leaders were parting. Two famous personalities like Javed Jabbar resigned from the cabinet while Omer Asghar Khan was gunned down.

Anyhow, General Pervez Musharraf had well planned everything and chased targets quite assiduously. His coup overthrew Nawaz Sharif and jailed him on the charges of plane hijacking, murder attempt and criminal conspiracy. General Musharraf started a political game with PPP and factionalized PML and other political parties. He muzzled media and projected his regime as savior of Pakistan. He successfully molded the judiciary in his favor and subverted the bureaucracy by appointing his cronies and friends at key posts.²⁸ The newspaper Dawn reported that after October 12, 1999 military takeover there were 1,027 military officers inducted on civilian posts in different ministries and divisions and Pakistan's mission abroad; including 104 serving and retired Lieutenant Generals, Major Generals or equivalent ranks from other armed services.²⁹

Keeping in view the political dynamics of Pakistan, Musharraf played tactically as on the occasion of coup in October 1999 unlikely his predecessor General Zia ul Haq he did not announce the time for future democratic set up as well as returning the military to barracks. While the regime had been remained under the tremendous pressure international community for the restoration of democracy. The Commonwealth of Nations (TCN) and South Asian Association for Regional Cooperation (SAARC) severe criticized the overthrowing of democratically elected civilian government of Nawaz Sharif. On 23 March 2000, two days before the visit of US President Bill Clinton; General Pervez Musharraf announced local bodies' elections throughout the country as the first step towards the real democracy.³⁰

Right from the inception of Musharraf regime, he tried his best to differentiate his rule from his predecessors Ayub Khan and Zia ul Haq as best political solution through his speeches and official statements while he was doing the same tactics as his predecessors had done. Local bodies elections have been remained the common practice of all military dictators who searched their constituencies through local leadership elected by the local bodies' elections. Majority of this leadership belongs to rural areas of country so their loyalty facilitate to control of majority areas Pakistan. 'Ayub Khan's Basic Democracies (BD) system blessed him to be President of Pakistan in February 1960 and later 1965 referendum as elected local councilors served as the Electoral College. Similarly, Zia ul Haq issued local bodies ordinance and conducted election in 1979 and 1983. Later on, he was elected directly through the referendum in

December 1984 by support of elected local leadership.³¹

Comparatively, there is no such difference in nature and modus operandi of the previous military regimes and Musharraf regime; latter followed commando action style vocally as well as practically in implementing their political designs for legitimizing and strengthening of his rule. 'He assumed the office of President by ousting Mr. Rafique Tarar and agreed self-exile of Mr. Nawaz Sharif and his family to Saudi Arabia. On the other side, he got the support of main political parties by fictionalization of main political parties & pressure groups. Non-party basis Local bodies 'elections alienated political figures from the net of their parties. After elections new political leadership was highly dependent for development projects so majority of them opted as loyalists to Musharraf.

As far as judiciary is concerned, it followed the same precedents in true letter and spirit as practiced by its predecessors. When Emergency was proclaimed, the constitution was put in abeyance and Provisional Constitutional Order (PCO) was issued a temporary governing framework by general Pervez Musharraf; the judges were compelled to take new oath under the PCO. Six out of thirteen judges of the Supreme Court refused to take new oath and resigned from the bench including then Chief Justice Saeeduzzaman Siddiqui. This time Syed Zafar Ali Shah a PML (N) leader challenged the Musharraf's extra-constitutional act of October 1999. Are constituted Supreme Court of Pakistan decided the case famously known Zafar Ali Shah versus Pervez Musharraf (2000).³²

Supreme Court of Pakistan gave the verdict in this case which not only validated the coup on the grounds of the doctrine of state necessity but also virtually granted unlimited power to military regime including to amend the constitution. However court fixed three as the time-frame for the Army's return to the barracks. This time-frame had been counted from the date of coup. Military regime welcomed the decision of apex court as regime saw the verdict a legitimized cover of its extra-constitutional act of entrance to the political power.³³ While the Supreme Court may have laid down the rule that elections were to be held before three years.³⁴

Legitimization to authoritarian regimes was not a unique event in case of Musharraf's regime by the Supreme Court of Pakistan. The court gave similar verdicts thrice time in the history of Pakistan. First time in the case of Moulvi Tamizuddin(1955), its decision benefited Governor General Ghulam Mohammad who dissolved the first Constituent Assembly of Pakistan unconstitutionally. Secondly, the court validated extra-constitutional act of Ayub Khan's 1958 in the case Dosso. Thirdly Zia ul Haq Martial Law 1977 was legalized by the Supreme Court in Nusrat Bhutto Case. Although some honest and courageous judges always refused to sanctify authoritarian regimes so resigned but by and large judiciary always attempted to explain its repeated failure to protect the constitution through what they called the

State Civil Society during Musharraf Era in Pakistan: An Appraisal

"doctrine of necessity" which relied on the dubious argumentation that army intervention could save the country. This is the real cause of poor degree of credibility on judiciary, which hampered the growth and development of democratic civilian institutions in Pakistan.³⁵

LOCAL GOVERNANCE AND POLITICAL MANEUVERS

The decision of Supreme Court and pressure of international community compelled General Pervez Musharraf to present the roadmap of restoration of democracy in Pakistan. In first step, he announced Devolution of Powers Plan a local government system; under this plan government conducted local bodies election in 2001. By September 2001, local bodies' elections had been completed successfully in Pakistan.³⁶ Musharraf government claimed that devolution was significant for the sake indiscriminate development process and consolidation of real democracy in Pakistan. On the other sides, the political parties termed this scheme of local governance as 'old wine in new bottle'. It is impossible to build democracy at grass roots level without the participation of political parties. This official sponsored wave politicization at local level strengthened feudal system and socio-economic mafia in the society'.³⁷

Zahid Hussain believes that General Musharraf's plan of restoring true democracy through the local bodies elections was in fact a scheme of accumulating maximum political powers which would facilitate not only consolidation of political base but also perpetuate his rule. It was seen that this local bodies plan clearly tailored to create a new power base for the military regime. Actually this plan for the devolution of powers may in fact lead to the centralization of more powers with the central government at the expense of provincial autonomy'.³⁸ Although this plan empowered the local governance system but more than a dozen departments of province devolved to province while center did not devolve its departments to provinces which created a rift between the districts and provincial governments.

Subsequent upon the successful installation of local bodies' scheme, a direct referendum had been conducted on April 30, 2002 to get him elected President of Pakistan for five year. 'Election Commission of Pakistan announced 98% votes were casted in favor of Musharraf. However, independent observers and press expressed strong reservation about the officially announced turn-out'.³⁹ It is noted that, when he was arranging elections of local bodies; political parties were expecting that local councilors would be Electoral College but Musharraf did not declare them Electoral College and elected through direct referendum. In fact, Musharraf used the fresh local leadership in his favor differently. He entrusted the responsibilities of people mobilization during campaign and polling course of action for presidential referendum to newly elected local leadership.

Local councilors, Nazims and Naib Nazims considered Musharraf rule indispensable for their survival and development. This mutual trade-off gave

constituency to military rule and patronage to new local bodies system. The national and international media have widely reported the irregularities during the referendum by the part government machinery. They also reported how General Musharraf misused municipal councilors and other governmental instruments in villages, towns and cities from Chakwal and Faisalabad to Lahore and Peshawar to stuff ballot boxes and blatantly rigged. Mian Raza Rabbani, Acting General Secretary of the PPP, summed up Musharraf's loss of the moral high ground when he declared that campaign for referendum has once again burst the bubble of good governance of the regime'.⁴⁰

CONSTITUTIONAL AMENDMENTS AND THE (LFO)

After securing his position as strong political figure i.e. President of Pakistan and Chief of Army Staff, Musharraf followed the same tactics as his predecessors practiced. He wisely used the local elected representatives for future political set up as well as creation of 'King's Party' for provincial and central government. Pakistan Muslim League had been remained most favorite political party for vivisection of military rulers. It had willingness for the same course of action. So this time a like-minded faction was separated from Pakistan Muslim League Nawaz PML (N) later labeled Pakistan Muslim League Quaid-I-Azam PML (Q) headed by veteran politician Chudhary Shujhat Hussain and Chudhary Pervez Elahi.

In next episode, he was announced general elections of National Assembly and provincial assemblies. Before the elections, he introduced twenty nine far reaching constitutional amendments under the heading of the Legal Framework Order (LFO) in August 2002.' Most interesting part of this constitutional amendment package was the attempt to institutionalize the military role in politics by establishing a Turkish model National Security Council (NSC) through which army commanding officers command over the civilian government permanently. Besides, an amendment empowered the President to dismiss elected government and dissolve the National Assembly without the consent or consultation of the Prime Minister. The LFO also gave far greater presidential powers than had existed hitherto in the political and constitutional history of Pakistan'.⁴¹

Interestingly, This LFO glued with the Constitution of 1973 in this way that there was no such need of indemnification by the Parliament. General Pervez Musharraf opined that his regime was duly validated by the Supreme Court of Pakistan and allowed him all necessary amendments for transition to democracy. Perhaps he forgot the reality that legislation is the sole right of the parliament, apex court of law has no right to legislate rather to interpret and safeguard the laws made by the parliament. Therefore, Resultantly, a new debate on the legal position of LFO started where Musharraf and loyalists pleaded that elections October 2002 were conducted under the LFO; it was the part of constitution and impossible to wrap it. Anyhow 'it was clear that the COAS cum President is sticking to his guns and wants

State Civil Society during Musharraf Era in Pakistan: An Appraisal

to retain his power over and above the parliament under the LFO'.⁴²

Later on, Musharraf government held elections to Parliament and four Provincial Assemblies in October 2002. The PML (Q) enjoyed the state patronage which enabled as single largest political party in the National Assembly and Punjab Assembly; while the PPP came second in the National Assembly and obtained the largest number of seats in Sindh Provincial Assembly.⁴³ An Alliance of six religio-political parties named Muttahida Majlis-e-Amal (MMA) got majority in NWFP provincial assembly and substantial number of seats in National Assembly and Baluchistan provincial assembly. The military regime fully facilitated the emergence of MMA for reason that were not ideological, but tactical, the MMA new strength being developed at the cost of the mainstream political parties opposed to general Pervez Musharraf.⁴⁴

Afterwards, the process of establishment of central and provinces' governments began. The presidency with the help of intelligence agencies played an active role in creating the PML (Q) led coalition government at Centre, Sindh and Baluchistan. While in Punjab PML (Q) had majority to form government and MMA had clear majority in NWFP. Thus, the National Assembly begun to function on November 16, 2002 with the coalition government headed by Mr. Zafarullah Jamali and General Pervez Musharraf took the oath as the elected President of Pakistan for next five years. The provincial governments were installed in November-December and the upper house Senate was composed through elections in the last week of February 2003 and resumed functioning on March 12, 2003 which marked full restoration of democracy.⁴⁵

LFO was intensively debated and protested in the newly elected National Assembly; the major issues raised by the opposition political parties were the Musharraf's presidency with the post of Army Chief and presidential discretionary powers especially dissolution of lower house of the Pakistani legislature. This led to a political deadlock with both the secular opposition unified under the banner of Alliance for Restoration of Democracy (ARD) and the newly emerged MMA, comprising of the Islamist parties. General Musharraf courageously countered this by making a tactical deal with the Islamist opposition in December 2003. According to this deal both the parties (MMA and the Government) agreed to bring the constitutional amendments before the Parliament and president would vacate the office of Army Chief by 31 December 2004. On the other hand, secular opposition alliance ARD continued their struggle against Musharraf.⁴⁶

POLITICAL MANEUVERS

Agreement with MMA enabled PML (Q) to muster the support of two-third majority in the parliament. Therefore they were able to pass LFO in the shape of Seventeenth Amendment successfully. This ultimately indemnified almost all decrees and acts of Musharraf during the state necessity phase, including the revival of the

presidential power to dissolve the national assembly.⁴⁷

On January 1, 2004, Musharraf had won a confidence vote in the Presidential Electoral College comprising of both houses of Parliament and the four provincial assemblies. He received 658 out of 1170 votes, a 56 percent of the total votes of the Electoral College; while legislators of opposition parties both ARD and MMA walked out and did not cast their vote. Later on, General Musharraf garnered a simple majority to pass the President to Hold Another Office Act (PHAA), which seems to violate the sanctity of the parliamentary democratic constitution. This act virtually allowed General Pervez Musharraf as the COAS also to assume the office of the President of Pakistan. Therefore, said act was passed allowing Musharraf to keep both offices. Constitution Article 63 clause (1) paragraph (d), read with proviso to Article 41 clause (7) paragraph (b), allows the President to hold dual office⁴⁸

Judiciary was still living in the regime of state necessity. Being a custodian of the constitution of Pakistan, its doors were knocked against constitutionalism, unlawful acts and vivisection of parliamentary democracy but man at helm of the affairs won the battle again and again. 'In the Pakistan Lawyers Forum Case (2005), the Supreme Court of Pakistan validated both the Seventeenth Amendment and PHAA, based on an extension of the doctrine of state necessity. This legitimization not only shattered the hopes for democracy in Pakistan but also strengthened the popular perception of the subservience of the Supreme Court to the military government.⁴⁹Musharraf wisely played his cards for his consolidation in the new era of controlled democracy.

General Musharraf did not satisfy the performance of Prime Minister Mir Zafarullah Khan Jamali. According to him, Jamali proved himself to be an ineffective prime minister to forcefully implement his policies in the country.⁵⁰Within two years, he resigned and Musharraf accepted the resignation of Prime Minister Jamali. Later he asked President of PML (Q) Chaudhry Shujaat Hussain to appoint a new prime minister in place. He nominated Mr. Shaukat Aziz finance minister as new Prime Minister of Pakistan. Constitutionally, he needs a seat of lower house of the legislature; therefore, Shujaat Hussain became the Prime Minister for transition period. Later on, Shaukat Aziz won the seat of National Assembly in by-election and took the oath of the Prime Minister of Pakistan. Musharraf regarded Mr. Aziz as his right hand and had blind trust on him; so as he transferred all executive powers to him.

Being former employee of Citibank, Mr. Aziz was tasked to focus economic and financial affairs on top priority of agenda.⁵¹While the political affairs had been entrusted to the President of PML (Q) Chaudhry Shujaat Hussain and The President was mostly concerned to handle the international affairs as the 9/11 incident and later US invasion of Afghanistan changed the international scenario. This new troika

State Civil Society during Musharraf Era in Pakistan: An Appraisal

played well in the political arena of Pakistan. President proved to be extremely capable while running the government foreign policy affairs; support towards US against the war on terror brought the dividend which paved the way for stabilization of Pakistan economy; under Prime Minister Mr. Aziz economic growth reached to a maximum level and biggest capital market of the country showed remarkable performance, Karachi Stock Exchange (KSC) broke the all previous record of share business by crossing psychological limits.

As President's close colleague and President of PML (Q) had been tasked to look at the political affairs. He obtained and managed good political support for the government through dialogue and political maneuvering. He had been touched regularly with political leadership of both orientations i.e. Islamist political parties and secular political parties. These economic and political strategies ultimately stabilized the Musharraf's presidency. For the retention of both offices of General Pervez Musharraf, such an environment was created by passing such resolutions in the center and provincial legislature that uniformed president was in the best interest of the country. Therefore, Musharraf dishonored agreement with MMA and pro-Musharraf Legislators passed a bill which allowed him to be President of Pakistan with the office of COAS.

Later political development seems tension like situation with the MMA; in fact it was the new wave of strategy specially designed with the framework of foreign policy and international concerns. Religious leaders who were supporting the Taliban (The Jamiat-e-Ulama-e-Islam) and the Jihadis in Kashmir (The Jamat-e-Islami) are now diverted to the parliamentary political games. Their new assignments benefited Musharraf in terms of projection of his international commitment towards terrorism and extremism. Similarly, their involvement and integration in the political structure (The Parliament and the Government of NWFP) will prevent them from advocating a strict Sharia based radical regime.⁵² However, they raised the voices for Islamic system tactically which aimed to exhibit their active position for the system before masses. Hasbi bill of NWFP government and destruction of female still photos advertisement sign board in Peshawar were just drama electors.

These tactics towards the implementation of so called Islamic system were further facilitated and benefited to Musharraf's rule. He argued his position as a potential retaliation against the forces of religious extremism before the international community especially Americans and European nations so got tremendous diplomatic, economic, financial and military assistance from them as well as got the international legitimation with elevated caliber of political leader in the comity of nations. This military and non-military assistance not only strengthened his political position in political as well as military power structure. On the other hand, modern civil society remained supportive to him against religious extremism and radicalism. By the time, Pakistan civil society and local leadership provided strength and regime

got legitimacy internally.



This work is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).

References

- ¹Mohammad Waseem, *Politics and the State in Pakistan*,(Islamabad: National Institute of Historical and Cultural Research Centre of Excellence, Quaid-I-Azam University, 2007), p.349.
- ² Syed Atiq ul Hassan, *The Governance and Democracy in Pakistan*, Media Monitors Network, www.mediamonitors.net/syedatiqulhassan 18-7-2002.
- ³ Marco Mezzera and Safiya Aftab, *Democratization and Transitional Justice Cluster, Country Case Study: Pakistan State-Society Analysis, Initiative for Peacebuilding*,p.14.
- ⁴Ibid., p.16.
- ⁵ Ibid.,pp.16-17
- ⁶Ishrat Hussain, Pakistan and Afghanistan: Domestic Pressure and Regional Threats: The Role of Politics in Pakistan's Economy, *Journal of International Affairs*, Columbia School of International and Political Affairs, Vol.63, No.1, Winter 2009, p.1. See also: Keith Collard, *Pakistan: A Political Study*, Oxford: Allen & Unwin Ltd. 1968.
- ⁷Veena Kukreja, Pakistan Since the 1999 Coup: Prospectus of Democracy, in Veena Kukreja and M.P.Singh, eds., *Pakistan Democracy, Development and Security Issues*, (New Delhi: Sage Publication, 2005), p.59.
- ⁸ Iftikhar H. Malik, *State and the Civil Society in Pakistan: Politics of Authority, Ideology and Ethnicity*, (London: Macmillan Press Ltd, 1997), p.72.
- ⁹ Sakbar Zaidi, *Military, Civil Society and Democratization in Pakistan*, (Lahore: Vanguard Books, 2011), pp.23-24. Also see: Ayesha Siddiq, *Military Incorporated: Inside Pakistan's Military Economy*, (London: Pluto Press), pp.5-45, 2007.
- ¹⁰Ibid., p.25.
- ¹¹ Veena Kukreja, *Pakistan since the 1999 Coup: Prospectus of Democracy*. It is to be noted that Chairman Joint Chiefs of Staff Committee (CJCSC) is the apex military body. It consists of three forces chiefs; Chief of Army Staff, Air Chief Marshal and Admiral representing military, air force and navy simultaneously. Whereas its chairman is chosen among them by rotation. Former COAS General Jahangir Karamat was the Chairman of Joint Chiefs of Staff Committee (CJCSC); after his resignation in October 1998, the position of (CJCSC) remained vacant for five months which shows that civil government annoyed with army.
- ¹²Paul Kapur, *The Covert Nuclear Period: Dangerous Deterrent: Nuclear Weapons Proliferation and Conflict in South Asia*, (Singapore: NUS, 2009), pp.117-18.
- ¹³ Mary Anne Weaver, *General on Tightrope Pakistan: in the Shadow of Jihad and Afghanistan*, (New York: Farrar, Straus and Giroux, 2003), pp. 25–31.
- ¹⁴Ibid.
- ¹⁵ Bhartiya Janata Party (BJP) which had been considered, most prejudiced and antagonistic towards Pakistan; all these misperceptions dished out by the Indian

Prime Minister, Mr. Atal Bihari Vajpayee when he visited to Lahore, Pakistan.

¹⁶BBC News, *Pakistan and the Kashmir Militants*, July 5, 1999.

¹⁷New York Times, *Clash over India Led to Coup*, March 9, 2000.

¹⁸Ibid, pp.62-63.

¹⁹Faisal Devji, *Pakistan's False Alternatives*, www.culanth.org/pakistan/PakistanFalseAlternatives.pdf, 07-8-2012.

²⁰Dugger, Celia W, "Pakistan's New Leader Is Struggling to Assemble His Cabinet", *New York Times*, October 10, 1999.

²¹Veena Kukreja, *Pakistan Since the 1999 Coup: Prospectus of Democracy*, p.63. See also: Ian Talbot, General Pervez Musharraf: Saviour or Destroyer of Pakistan's Democracy?, *Contemporary South Asia*, Vol.II, No.3, 2002. He stated that the language of General Pervez Musharraf was like the language of Development Studies in his address to nation on 17 October 1999 where he spoke for good governance, accountability and structure reforms which will replace the shame parliamentary democracy in Pakistan.

²²Hasan Askari Rizvi, *Democracy in Pakistan*, Paper prepared for the Project on State of Democracy in South Asia as part of Qualitative Assessment of Democracy, Lokniti Programme of Comparative Democracy, Centre for the Study of Developing Societies, Delhi.

²³Hasan Askari Rizvi, *Democracy in Pakistan*.

²⁴Ibid.

²⁵Aisha Ghaus Pasha and Muhammad Asif Iqbal, *Defining the Nonprofit Sector: Pakistan*, Working Paper of John Hopkins Comparative Nonprofit Sector Project, Baltimore: Centre for Civil Society Studies, Institute for Policy Studies, The Johns Hopkins University, 2003, p.21.

²⁶Abdur Rehman, Dynamism of Pakistan's Civil Society: Religious-Secular Rivalry and its Resources, *Journal of International Development and Cooperation*, Vol.12, No.2, 2006, p.61.

²⁷Ibid.

²⁸Veena Kukreja, *Pakistan since the 1999 Coup: Prospectus of Democracy*.

²⁹S Akbar Zaidi, *Military, Civil Society and Democratization in Pakistan*, p.25. Also see: The Dawn, Karachi, October 3, 2003, and S. Akbar Zaidi, A Benevolent Dictatorship, *Economic and Political Weekly*, Vol.34, No.42, October 16-22/23-29, 1999.

³⁰Veena Kukreja, *Pakistan Since the 1999 Coup: Prospectus of Democracy*, pp.65-66.

³¹Hassan Askari Rizvi, *Electoral Process in Pakistan*, in Syed Farooq Hasnat and Ahmed Faruqi eds., *Pakistan Unresolved Issues of State & Society*, (Lahore: Vanguard Books Pvt Ltd, 2008), p.14.

³²Dr. Richard Blue and Richard Hoffman, *Pakistan Rule of Law Assessment*, A Report of United States Agency International Development (USAID), Coffey International Development, Management Systems International Corporate Offices, Washington DC, p.3.

³³Sohail Hahmood, *The Musharraf Regime and the Governance Crisis: A Study of the Government of Pakistan*, New York: Nova Science Publishers, 2001, p.8.

³⁴S. Akbar Zaidi, *The Political Economy of Military Rule in Pakistan: The Musharraf Regime*, ISAS Working Paper, Institute of South Asian Studies, National

University of Singapore, No.31, Dated 9 January, 2008, p.11.

- ³⁵ International Crisis Group, *Reforming the Judiciary in Pakistan*, Brussels: Crisis Group Asia Report, No.160, October 16, 2008, p.3.
- ³⁶ S.Akbar Zaidi, *The Political Economy of Military Rule in Pakistan: The Musharraf Regime*, p.7.
- ³⁷ Veena Kukreja, *Pakistan Since the 1999 Coup: Prospectus of Democracy*, pp.66-67.
- ³⁸ Zahid Hussain, *Empowering the Khakis*, Karachi: News line, September 2000, pp.50-53. Also see: Ayesha Jalal, *The State of Martial Law: The Origin of Pakistan's Political Economy*, (Cambridge: Cambridge University Press).
- ³⁹ Hassan Askari Rizvi, *Electoral Process in Pakistan*, p.15.
- ⁴⁰ The Daily Dawn, Islamabad, April 22, 2002.
- ⁴¹ S.Akbar Zaidi, *The Political Economy of Military Rule in Pakistan: The Musharraf Regime*, p.11.
- ⁴² Veena Kukreja, *Pakistan Since the 1999 Coup: Prospectus of Democracy*, pp.73.
- ⁴³ Hasan Askari Rizvi, *Democracy in Pakistan*, np.
- ⁴⁴ Stephen P.Cohen, *Pakistan and the Crescent of Crisis*, in Ivo Daalder, Nicole Gnesotto and Philip Gordon eds., *Crescent of Crisis: US European Strategy for the Greater Middle East*, (Washington DC: The Brookings Institution, 2004), p.212.
- ⁴⁵ Ibid.
- ⁴⁶ Rajshree Jetly, *Pakistan in Regional and Global Politics* eds., (New Delhi: Rutledge Taylor & Francis Group, 2009), p.xv.
- ⁴⁷ Dr.Richard Blue and Richard Hoffman, *Pakistan Rule of Law Assessment*.
- ⁴⁸ <http://www.wikipedia.org/Pervez> Musharraf, dated 22-8-2012.
- ⁴⁹ Dr.Richard Blue and Richard Hoffman, *Pakistan Rule of Law Assessment*.
- ⁵⁰ Pervez Musharraf, *In the Line of Fire, Memoir*, New York: Free Press, a Division of Simon & Schuster, Inc.p.368.
- ⁵¹ BBC TV, South Asia Report, 10:22 PM, August 19, 2004.