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Pakistan: Striving for Democracy

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Pakistan’s on-going experiment with democracy is three years old. It was in February 2008 that the general elections brought up the two political parties – Pakistan People’s Party (PPP) and Pakistan Muslim League-Nawaz Sharif Group (PMLN) – that faced the wrath of the state under the military government of General Pervez Musharraf. Elected coalition governments were set up at the federal and provincial level in March-April 2008. The federal coalition government was headed by the PPP and it made some significant strides on road to democracy over the last three years. The 18th constitutional amendment (April 2010) removed the major distortions introduced by the military governments of General Zia-ul-Haq (1977-1988) and General Pervez Musharraf (1999-2008). It increased the quantum of autonomy to the provinces by transferring 10 departments from the federal government to provinces and introduced a formula of equitable sharing of natural resources between the federal and provincial governments. Earlier, the award of the National Finance Commission allocated for the first time 56 to 57.5 percent of the revenue collected by the federal government to the provinces (December 2009). The federal government also announced a package of development work and creation of jobs in Balochistan (November 2009). These decisions are being implemented in a phased manner.

This does not mean that democracy has become secure and non-reversible in Pakistan. It is passing through a difficult and uncertain phase where the possibility of stagnation or reversal cannot be ruled out. Democracy is threatened not only by the factors that have traditionally haunted the earlier experiments with democracy but some new factors make one cautious, if not pessimistic, about the future of democracy. The traditional factors include the colonial legacy, the nationalist movement and the impact of the partition, problems pertaining to political leadership and political management and the rise of the bureaucratic-military elite, intermittent breakdown of the constitutional and political order and direct and indirect military rule. The new factors that pose serious challenge to the current effort to sustain democracy include Islamic extremism and terrorism that threaten the state as well as the society. Democracy is also under pressure due to the economic crisis because Pakistan was never confronted with such an economic crisis both at the macro and micro level.
Pakistan experienced three phases of civilian-democratic rule in the past: August 1947-October 1958, December 1971-July 1977, December 1988-October 1999. These periods were followed by direct military rule and civilianized-military or indirect military rule. The most serious challenge for any civilian ruler that followed long years of military rule was how to maintain a balance between the imperatives of participatory governance and the pressures from the top military brass. If the civilian government wanted to satisfy the electorate and powerful political groups it could not afford to alienate the top generals who generally had a negative view of the civilian political leaders to run the state. The military exercised influence from the sidelines on the policy-areas of its choice during the years of civilian-elected rule. The following table outlines different phases of Pakistani history in terms of civilian-democratic governance and military rule:

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Note: Zulfikar Ali Bhutto took over power from General Yahya Khan on December 20, 1971, as the leader of the PPP that became the majority party in the Post-1971 Pakistan. However, martial law rule continued till April 21, 1972 when a new interim constitution was passed and enforced by the National Assembly.
This paper focuses on Pakistan’s track record on road to democracy. It highlights the dichotomy between the professed democratic values and the ground political realities that are marked by democracy deficit. This is followed by a review of the factors that hindered the growth of civilian political institutions and processes and enabled the military to rise to power. These factors have been divided into broad categories: traditional factors and the immediate causes. The paper also examines the military’s expanded role in the political, social and economic domains, adversely affecting the prospects of democracy in Pakistan.

**The Paradox**

Pakistan faces a paradox of democracy. The politically active circles and societal groups support democracy in principle. They acknowledge constitutionalism, the rule of law, independent judiciary, socio-economic justice, accountability of the rulers and, above all, fair and free elections as the characteristics of a desirable political system. They recognize fair, free and transparent elections as the legitimate path to power and refuse to acknowledge the legitimacy of military take-over. These principles reflect time and again in their speeches and statements. A large part of societal discourse also supports democracy and representative governance. All the political parties in the present-day Pakistan express their determination to protect and advance democracy and constitutional rule.

However, these principles do not always reflect in day-to-day politics. The political realities often negate these principles. Pakistan has lived more under direct or indirect military rule and authoritarian civilian rule than under directly elected governments. Most civilian and military rulers have pursued personalization of power and authoritarian political management. They assign high premium to loyalty on the part of party members and often use state patronage and resources in a highly partisan manner. The tradition of constitutionalism and the rule of law is weak and there have been complaints of official interference in elections from time to time. Pakistan’s premier intelligence agency, ISI, interfered in the general elections between 1988 and 1997.

The wide gap between the professed democratic values and the operational realities of authoritarianism and non-viable civilian institutions can be described as an important feature of Pakistan’s political experience. However, if democracy has not consolidated, military and authoritarian rule could not gain legitimacy as a substitute to democracy.

Pakistan’s elected governments have often failed to acquire performance legitimacy. This has two dimensions. First, how far the basic principles of democracy are implemented in letter and spirit? These principles include constitutional liberalism, the rule of law, independent judiciary, civil and political freedoms and equal citizenship to all. Second, an elected government must also ensure good and effective governance
that addresses the socio-economic problems. It must ensure basic facilities for education, health care and take effective measures for economic security and secure and stable life for all citizens. It must fight against poverty and underdevelopment and check sharp socio-economic inequities. If the elected government performs poorly on these counts it cannot acquire or sustain performance legitimacy which in turn erodes electoral legitimacy.

However, the poor performance of elected government or periodic breakdown of constitutional and political order has not dampened the passions of the politically informed and active people for democracy. One Pakistani writer has described this phenomenon in these words: “…Despite democracy languishing for most of the past fifty years, despite being in tantrums, in doldrums, and in utter disarray, the passion for democracy could yet never be extinguished nor dislodged from the deepest recesses of the social consciousness of the general Pakistani populace.”

Democracy faces three additional challenges in Pakistan. First, repeated military rule has created its beneficiaries who not only find faults with the performance of the elected civilian governments but also argue that western democracy does not suit the temperament of the people who are authoritarian and traditional in their orientations and lack education and political maturity to make intelligent decisions at the time of election. They engage in persistent campaign against democracy. This task is made easy when the elected government falter on performance.

Second, Islamic political parties take part in the elections and their elected members sit in the parliament or the government. However, democracy and elections have instrumental relevance for them. As elections give political legitimacy, they want to use this legitimacy to introduce an Islamic system to their satisfaction. Democracy is not an article of faith for them, but an instrument to achieve the “superior” goal of establishment of a puritanical Islamic socio-political and economic system.

Third, Pakistan has a number of militant Islamic groups based in the tribal area and the mainland. They have no faith in constitution or democracy and use violence and intimidate others so as to establish their rule under the rubric of the Sharia-based Islamic State. Their frequent resort to roadside bombings, suicide attacks and violent attacks cause insecurity in the society and undermine the prospects of democracy.

The current democratic order faces a paradox. On the one hand there is a widespread support for sustaining the democratic system. On the other hand a large number of people are alienated mainly because of the poor performance of elected governments or they are not fully convinced that it has answers to Pakistan’s problems or they prefer a puritanical Islamic order. The divided societal disposition will adversely affect the efforts to sustain democracy in Pakistan.
The elected executive and parliament are also under pressure because of the antagonistic disposition of the Supreme Court in the name of judicial activism. The judges often make adverse comments in the courts on the working of the government and, for months, the Supreme Court kept pressure on the federal government for initiating criminal proceedings against President Asif Ali Zardari in Swiss courts, although the Constitution provides immunity to the President against criminal proceedings. Knowing the disposition of the Supreme Court the opposition is challenging a large number of policy decisions of the federal government in the Supreme Court. They hope that the Supreme Court would either knock out the federal government or President Zardari.2

**Traditional Causes of Democracy Deficit**

Pakistan’s democratic deficit cannot be explained with the help of a single factor. A number of factors and circumstances have to be examined to understand the problems of democracy in Pakistan.

**Colonial Legacy and Institutional Imbalance:** Pakistan inherited institutional imbalance from the British at the time of independence which accentuated over time. Most of the regions that constituted Pakistan had a weaker tradition of representative governance. The Punjab and NWFP (now renamed as Khyber Pakhtunkhwa) were the main recruiting ground for the Indian Army that engendered respect for the established authority, starting from rural influential people to the army and the bureaucracy. This created admiration for militaristic ethos rather than participatory norms. On the civilian side the bureaucracy acquired more autocratic-paternalist disposition. As the Punjab and NWFP figured prominently in Pakistan’s power structure, the colonial tradition of militarism, autocratic and paternalistic tradition strengthened because the political leaders were unable to assert their primacy. Consequently, the state institutions like the bureaucracy, the military and the intelligence agencies were more organized and powerful than the political and civilian institutions, like political parties, societal groups, elected assemblies. The political leaders who inherited power at the time of independence lacked the experience of handling the state institutions and the bureaucracy. The imbalance could not be rectified in favour of the political leaders and political institutions.

**The Leadership Crisis:** The Muslim League leadership that assumed power in Pakistan at the time of independence was unable to assert its primacy over the state institutions. Rather, it relied on the bureaucratic-military elite to cope with the problems caused by the partition and to put together an administration for the new state. This reliance not only increased the importance of these state institutions but also enabled some of the senior bureaucrats to move to key political offices, i.e. cabinet, governor-general/president, prime minister. They used their links in the bureaucracy to manipulate politics and sustain them in power.
A large number of political leaders who held political positions in Pakistan came from the regions that were left in India. They had to compete for influence with the local elite that was more interested in promoting their social and economic interests in the local contexts. They were not so moved by the abstract two-nation theory or Indian threat. This divergence was more pronounced in East Bengal where both planks of Pakistan nationalism lost salience within a couple of years. The dominant West Pakistan based political elite was more interested in securing its hold over power against the Bengali majority. This dampened its zeal for democracy and equated their domination with Pakistan’s territorial and ideological security, especially vis-à-vis India – a notion that did not evoke support in Eastern Bengal.

The Muslim League could not transform itself from a nationalist movement to a nationwide party that evoked voluntary loyalty of diversified Pakistani population. A large number of its leaders hailing from the Pakistani territory had joined the party a couple of years before independence and thus did not have long experience of working together for shared political agenda. The feudal elements established their control over the Muslim League within a couple of years who were not committed to democratization and constitutionalism. Rather, they created personalized alliances to promote personal power agendas. Other political parties were no better and they suffered from weak internal organization, poor leadership and uninspiring programmes. The political leaders could not provide a powerful and coherent leadership to set the state agenda and take an effective control of the bureaucracy and the military.

The decline of civilian leaders and institutions was accompanied by the ascendancy of the bureaucratic-military elite who worked in close harmony with an aura of protecting the solidarity and national interests of the state, pushing aside the political elite and discouraging competitive politics.

The military-bureaucracy cooperation strengthened during the military rule when the military ruled the country with the help of the bureaucracy. The military had the upper hand over the bureaucracy. However, the bureaucracy’s clout increased vis-à-vis the political forces and the ordinary people. With the exception of the civilian government of Zulfikar Ali Bhutto (December 1971-July 1977), the civilian governments relied heavily on the bureaucracy and attempted to woo the military.

The role of the intelligence agencies in the political domain caused many distortions in the political process and undermined the prospects of democracy. This role expanded manifold during the military rule by General Zia-ul-Haq. He relied heavily on the Inter-Services Intelligence (ISI) and the Military Intelligence (MI) to pursue the political agenda. A civilian intelligence agency was also used, i.e. the Intelligence Bureau (IB). The ISI’s position was strengthened as it played a key role in building Afghan-Islamic resistance to Soviet troops in Afghanistan with the cooperation of American CIA. Most funding to Afghan-Islamic resistance from American CIA and other
sources was processed by the ISI, enabling it to strengthen its influence on the Afghan-Islamic resistance and use these funds to bolster its organizational strength. The ISI interfered in the 1988 and 1990 general elections by providing funds and campaign support to the opponents of the PPP led by Benazir Bhutto. Similarly, its blessings helped Nawaz Sharif to obtain two-thirds seat in the National Assembly in the 1997 elections.

During the military rule of General Pervez Musharraf the ISI and the MI closely monitored politics and were the main channels of interaction with the political forces. The ISI maintained close connections with the media and the political forces and used these linkages when and if needed to pursue the Army’s political agenda.

**The Rise of the Security State:** Pakistan shaped up as a security state from the early years of independence, assigning the highest priority to defence and security against the perceived external threats. It also suffered from the fear of internal collapse due to economic, administrative and internal security problems in the early years of independence. India was viewed as the major source of security threat with which Pakistan developed several disputes at the time of independence and in the subsequent years. The war on Kashmir (1947-48) and the belligerent statements of Indian leaders convinced Pakistani leaders that India was out to undermine the new state of Pakistan. Afghanistan also made irredentist claims on Pakistani territory in NWFP and Balochistan.

The rulers of Pakistan assigned the highest priority to survival of the state rather than its democratization. Since then security considerations have continued to shape Pakistan’s political choices. The focus was on centralization of power, impatience towards dissent and strengthening of the military. All Pakistani governments assigned more national resources to defence and security than to education, health care and social development. This contributed to atrophy of civilian institutions and democracy.

Syed Jaffar Ahmed thought that Pakistan’s emergence as a national security state that assigned the highest priority to external security strengthened the military and weakened the political institutions and the society. These views are shared by Rasul B. Rais who argues that the decline of the political institutions and the ascendancy of the military were linked with Pakistan’s perceived external and internal insecurities.

The troubled relations with India, especially the Indo-Pakistan wars, have caused several distortions in Pakistan’s political choices. The threat of India was often invoked in Pakistan to suppress political dissent and to justify delays in holding the elections. Pakistan’s relationship with the United States focused more on Pakistan’s military security needs. The Army Chief made a significant contribution to building the alliance relationship with the U.S. in the mid-1950s. The invigoration of the U.S.-Pakistan
relations in 1980s and since September 2001 can be attributed mainly to security considerations.

Pakistan’s security paranoia made it extremely difficult for the rulers to pay adequate attention to strengthening the civilian institutions and processes in the democratic framework. If the relations between India and Pakistan improve the latter would find it easy to function as a normal state oriented towards democracy. It would also be able to pay more attention to societal development, promote socio-cultural and political pluralism and resolve the political and social conflict through dialogue and accommodation. This means that the reduction of external security pressures, especially improvement of India-Pakistan relations, can facilitate democracy in Pakistan.

**Political Consensus-Building:** A minimum consensus on the operational norms and processes of the political system is the beginning point of democracy. This consensus needs to expand on the basis of positive impact of democratic governance which in turn helps the democratic norms and processes to endure.

The leaders of the movement for the establishment of Pakistan did not articulate a definite political framework for the post-independence period. They focused on getting a separate state and talked in very broad terms about the future course of action to avoid differences on these issues which would have weakened their efforts to establish a separate state.

In the post-independence period, the political leaders and parties agreed on the need of having a democratic political order and they talked of Pakistan’s relationship with Islam. However, they found it difficult to evolve a widely shared consensus on the details of institutions and processes under the rubric of democracy and Islam. The constituent assembly took almost 19 months to pass the Objectives’ Resolution for the constitution. Additional 7 years were required to frame the constitution. This constitution was knocked out by the military after 2 years and 6 ½ months in October 1958.

The 1962 Constitution introduced by the military government in June 1962 was based on a selective consensus. A section of the political class, especially the leaders from East Pakistan, questioned its legitimacy. This constitution was set aside when another general, Yahya Khan, assumed power in March 1969.

The 1973 Constitution (the present constitution) represented the widest possible consensus on any constitutional document in Pakistan. However, the military governments of General Zia-u;-Haq and General Pervez Musharraf introduced far reaching changes in 1985 and 2002 respectively to serve their power interests. Interestingly enough the parliaments approved most of these changes in 1985 and 2003.
The parliament elected in February 2008 removed most of these distortions through 18th constitutional amendment (2010) which had the backing of all the parties represented in both houses of the parliament. Hopefully, this consensus endures over time.

**Periodic Restrictions on Political Parties:** Periodic breakdown of constitutional order and restrictions on politics and political parties by the military governments adversely affected the growth of political parties.

First military government of Field Marshal Ayub Khan (1958-1962) banned the political parties, confiscated their record and disallowed a large number of political leaders from participating in politics for six years, 1960-66. His government also introduced the Political Parties Act, 1962, that regulated the activities of political parties. This Act is still operational, although several changes have been made in it. Second military government of General Yahya Khan (1969-1971) placed restrictions on the activities of political parties. This ban was lifted when the December 1970 elections approached. Third military government of General Zia-ul-Haq (1977-1985) began his rule with restrictions on political activities and, in 1979, banned all political parties. It subjected the PPP to punitive action, including an undeclared restriction on the publication of photograph of its leader, Zulfikar Ali Bhutto in the press, after he was hanged to death in pursuance of a dubious judgment of the Supreme Court. In 1985 it held party-less elections to exclude the leaders of established political parties. Fourth military government of General Pervez Musharraf (1999-2002) did not ban their activities but targeted the PPP and the PMLN for punitive action.

Political parties have their own problems that adversely affected their role. Most political parties lack effective internal organization and depend on their leaders who ran them like their fiefdoms. The internal pattern of authority has been oligarchic with no established tradition of open competitive internal party elections. As most parties depend on donations from affluent members they exercise enormous influence in party affairs.

Political parties form electoral alliances and set up coalition governments but these moves are generally temporary in nature because each coalition partner works towards maximizing its gains at the expense of others. The principal partner in a coalition has to make policy compromises and accommodate the partners for distribution of state patronage and other rewards of power to sustain the coalition government. The imperatives of democracy of democracy are often ignored.

Most Pakistani political leaders have local or regional electoral following which compromises their capacity for nationwide mobilization. The military regimes co-opt some leaders as a part of their effort to civilianize their character. Such leaders are
given nationwide projection but they cannot sustain themselves at the top after losing the blessings of the military and the intelligence agencies.

Islam and Democracy: Pakistan articulates its national identity with reference to Islam. This raises the issue of compatibility of democracy with Islam. There is a divergence of view on this issue. Some religious scholars maintain that western democracy and Islam do not go together and that democracy’s notions of the sovereignty of people and one person one vote conflict with Islamic notion of governance and political management. They think that democracy has to adjust to the requirements of Islamic principles and teachings. The orthodox and conservative religious leaders want to establish a puritanical Sharia based state with the primacy of the religious elite. They totally reject the notion of democratic state.

Some orthodox Islamic leaders and parties view elections and democracy as a mean to an end rather than an ideal to be achieved. They recognize its instrumental relevance for acquiring popular legitimacy to introduce Islamic political order as articulated by them.

Most Pakistanis favour a relationship between Islam and the political system. However, they reject the notion of puritanical religious state. They emphasize the Islamic principles of socio-economic justice and egalitarianism, viewing Islamic principles and teachings as a source of inspiration and law-making rather than a specific structure of governance. Law-making, in their view, is to be done by an elected legislature that fulfils the basic requirement of a modern democratic order.

Pakistan’s constitutions and the ruling elite subscribed to the latter view of the relationship between Islam and Pakistani political system. The orthodox clergy questioned the Islamic nature of these arrangements but the ruling elite rejected their demands.

General Zia-ul-Haq was the first Pakistani ruler to use the state apparatus to implement the orthodox perspective of Islam in the society. This was done to win over conservative and orthodox Islamic clergy for his military government. However, the greater identification of the state with Islamic orthodoxy accentuated differences among various Islamic denominational groups. A host of extremist and sectarian groups that emerged during these years used violence against each other. Some of them joined hands with the military government to oppose what they described as western democracy, elections on the basis of universal adult franchise, women rights and equality of all citizens irrespective of religion.

Some of the changes made in the legal and constitutional system by General Zia-ul-Haq to promote Islamic orthodoxy were not changed by his successors because they lacked sufficient political support to confront orthodox Islamic and extreme political right
elements. Consequently, a number of laws of the Zia era are still applicable in Pakistan that are discriminatory towards women and religious minorities and especially the Ahmadiya community.

**Deficit of Democratic Culture:** Democracy presupposes a participatory and tolerant societal disposition. This does not mean that democracy must wait for democratic norms and values to develop in the society. If democracy is practiced in its true spirit, the orientation of the people tends to change over time. They gradually adopt tolerant and accommodating disposition.

The gap between the imperatives of democracy and the orientations of the people is wide in Pakistan. Individual behavior often manifests non-democratic and authoritarian orientations in family and societal contexts. This creates a strain between the professed values and how the society functions.

Most people commit themselves to democracy only as rhetoric or for criticizing the political adversaries for their alleged violation of democracy. Not to speak of military governments, civilian rulers have often showed impatience towards dissent.

Democracy also suffers because the respect for law and lawful authority has declined a lot in Pakistan. Street agitation and disruption of traffic on highways or in busy streets of a city are common practices. Defiance of the state authority or laws is viewed as a sign of power. A powerful person is the one who can get away with defiance of laws and regulations that apply on ordinary people. Most opposition leaders encourage their supporters to defy the state authority.

**Newly Emerging Threats to Democracy**

A host of new challenges to democracy have surfaced in Pakistan in the first decade of the 21st Century which will continue to haunt in the second decade

Religious extremism and militancy are the most formidable internal threats to democracy, political stability, societal harmony and socio-cultural pluralism. The growing Islamic orthodoxy and militancy have not only generated pressures on religious minorities but have also accentuated inter-denominational conflicts among the Muslims. The people now manifest less patience for religious and cultural divergence, and self-styled Islamic vigilantes threaten those not sharing their religious perspectives.

Pakistan’s state and society are threatened by the growing trend of Islamic extremism and terrorism. Suicide attacks, roadside bombings and commando-type raids on government and private property are common occurrences in Pakistan. Human toll from such attacks is high. There have been many instances of violence against the Ahmadis and Christians in addition to conflict between the Shias and the Deobandis. Pakistan is also witnessing intra-Sunni conflict wherein the followers of Deoband/Wahabi Islamic tradition and the champions of the Barelvi Islamic tradition
conflict with each other, either for controlling mosques or for challenging each other’s religious doctrine and rituals.

Since 2007, various militant Islamic groups, especially the Pakistani Taliban, have been targeting major cities in mainland Pakistan by suicide and roadside bombings, with greater frequency. Pakistan experienced maximum more attacks in 2009 than in any single year. According to the data released by Pakistan’s Ministry for Interior Affairs, there were 1,780 terrorist incidents (including suicide attacks), killing 2,072 and injuring 6,253, including 1590 security personnel. This figure was higher the corresponding figure for 2008. The city of Peshawar experienced more suicide and car bombs in October-December 2009 than any other Pakistani city.

The troubled internal security and stepped up violence has further compromised the capacity of the federal and provincial government to ensure good and effective governance. These governments are finding it difficult to effectively cope with the law and order situation created not only by the religious extremists and terrorists but also by criminal gangs and other anti-social elements. There is a conspicuous failure of the elected governments to address the socio-economic problems that afflict the state system and society. Corruption and mismanagement have greatly undermined governmental efficiency. State patronage is being employed in a highly partisan manner, thereby giving greater premium to loyalty rather than professionalism and performance.

The economy is heavily dependent on two foreign sources: economic assistance from foreign countries and international financial institutions; and transfer of funds into Pakistan (remittances) from Pakistanis settled abroad. Pakistan’s own economy is unable to generate enough resources to sustain the expenditure on loan repayment, defence and security, administration, health and education and development projects. The federal government has already announced cuts in the budgetary allocations for public sector development projects for the financial year 2010-1011.

The ordinary people are hit hard by price hike, shortages of essential food items, increased oil prices in the international market, and the continued neglect of their welfare, especially inadequate allocations to education, health care and civic facilities. The economy is especially hurt by acute electric-power and gas shortages.

The political class and other politically active circles have misplaced priorities. They devote less attention to working together in order to address the aforementioned challenges, and pay more attention to advancing their partisan agendas. Even on issues of religious extremism and terrorism the opposition parties are not forthcoming in supporting the government. They may condemn terrorism in principle but avoid condemning specific militant Islamic groups for involvement in specific terrorist incidents. On the other hand, they criticize the government for being what they describe as subservient to the United States on terrorism issues in the region. Islamic parties openly sympathize with the Taliban/Al-Qaeda and oppose military action in tribal areas.
The traditional causes and the current socio-political and economic pressures have built enormous pressure on the latest experiment with democracy. The political leaders reiterate their commitment to sustaining democracy but mere sloganeering cannot sustain democracy. However, their approach to the problems and difficulties faced by Pakistan does not engender hope that Pakistan would bring these problems under control in the near future. The long term prospects for democracy are uncertain.

**Basic Structure of the Constitution**

Pakistan experimented with three regular and two interim constitutions in addition to the long years of military rule when the constitution was either abolished or suspended. Under military rule, the constitutional framework, if any, was subject to the discretion of the military ruler who could make changes to enable him to exercise the maximum freedom to manage the affairs of the state.

The current constitution was unanimously approved by the National Assembly in 1973. However, the military government of General Zia-ul-Haq suspended the constitution on assumption of power in July 1977. He revived the constitution after making a large number of changes through an executive order, called the Provisional Constitutional Order, 1985, that enabled him to manage the affairs of the state effectively after bringing an end to direct military rule. General Pervez Musharraf adopted the same course of action after assuming power in October 1999. He suspended the 1973 Constitution to rule freely and made several changes in it through the Provisional Constitutional Order, 2002, which enabled him to stay at the helm of affairs after the restoration of the constitution. Though most changes made by the military rulers were endorsed by the parliament by 8th constitutional amendment (1985) and 17th constitutional amendment (2003), many political leaders and parties questioned these changes.

The parliament elected in February 2008 appointed an all-parties committee in 2009 to review the changes made by the military rulers in the 1973 Constitution and suggest amendments. This committee deliberated on the issue for several months and unanimously prepared an amendment which the two houses of the parliament adopted as the 18th constitutional amendment. It removed most of the changes made by the military governments and restored the balance of power in favour of the prime minister and the parliament.

The constitution has established a parliamentary system of government with the prime minister as the focal of executive authority who is answerable to the lower house of the parliament, National Assembly. He is elected by the National Assembly as the leader of the house and then the president invites him to form the government. After assuming office he must seek a vote of confidence from the National Assembly which also has the right to remove him by a vote-of-no-confidence.

The president, elected for 5 years by the two houses of the parliament and four provincial assemblies, has very limited discretionary powers. He can neither remove the
prime minister nor dissolve the National Assembly in his discretion. He makes key executive appointments on the recommendations of the prime minister. Though he is the supreme commander of the armed forces, he appoints services chiefs on the recommendation of the prime minister.

The parliament has substantial legislative and financial powers and it monitors the working of the federal government, i.e. prime minister and cabinet. It has unlimited power to amend the constitution and works mainly through various committees. At the operational level its performance suffers because of the lack of interest of the members whose attendance is generally poor and the sessions are brief. However, on occasions the party leaders use their influence to bring their members in the house. The political parties have a tendency to take the issues to the streets and employ extra-parliamentary pressures on the government and the parliament. Take the example of the blasphemy law, this has been discussed more in public meetings and protest marches and threats by the Islamic parties than in the two houses of the parliament. Despite the categorical statements of the prime minister in the National Assembly, the Islamic parties and groups continue their protest marches and public meetings.

The constitution ensures the independence of judiciary and the judges of the Supreme Court and the provincial High Courts are appointed through a shared process involving the judiciary, the parliament and the executive. A judicial commission headed by the chief justice of the Supreme Court initiates the appointment process and the names are sent to a parliamentary committee of 8 members which has the power to reject the names. After the names are cleared by the parliamentary committee, these names go to the prime minister who forwards these to the president for formal appointment. The president and the prime minister have a nominal direct role in the appointment of judges of the superior courts.

The Supreme Court and the High Courts have been actively engaged in judicial activism since March 2009 when the PPP-led federal government reluctantly restored the Chief Justice under pressure from the military and the political forces. They were removed unconstitutionally by the military-dominated government of General Pervez Musharraf in November 2007. Judicial activism has enabled the superior judiciary to step into the domains of the executive and the legislature, building strains on the PPP-led federal government that already faces problems in the political domain. The Supreme Court’s insistence in 2010 that the federal government should approach the Swiss court to revive criminal proceedings on corruption against President Asif Ali Zardari and periodic comments of the judges about the performance of the government in various cases (regular appeals and the issues taken up on its own), as published in newspapers, had a clear anti-government connotation. This accentuated the political problems that is already weak and presides over a divided political landscape.

Realizing that the superior judiciary is building pressure on the federal government, the opposition leaders and groups file cases against the government. A large number of government decision and actions, including purely political issues, are being challenged in the Supreme Court or the High Courts, especially the Lahore High Court,
with the hope that the superior judiciary will directly reprimand the federal government, providing a basis to the opposition to seek the removal of the government.

This is an attempt on the part of the superior judiciary, a non-elected state institution, to free itself from the influence of the elected executive and the legislature, and step into the domain of the executive under the pretext of judicial activism. In the past, the military attempted to free itself from the influence of the elected institutions and it succeeded to a great extent. Now, the superior judiciary is asserting itself vis-à-vis the elected civilian institutions.

Independence of judiciary is a pre-requisite for democracy. However, this is not the only condition for the success of democracy. All state institutions have to work within their domain, respecting each other’s role. An institutional balance and harmony are needed to salvage democracy. Major political deficiencies cannot be rectified by judicial decisions. Any attempt by the Supreme Court to rectify the weaknesses and deficiencies of the current democratic order through its judgments will be counter-productive.\(^\text{10}\)

A strong tradition of military rule has created a strong centre with limited autonomy to the provinces. The 1973 Constitution has expanded the scope of autonomy for provinces. However, the federal government enjoys a host of special powers over the provinces. The 18\textsuperscript{th} Constitutional Amendment has expanded the scope of provincial autonomy by removing the Concurrent List of distribution of power between the federation and the provinces, transferring most subjects to the provinces. Consequently, 10 departments of the federal government will be transferred to the provinces by June 2011.

A number of other measures in the 18\textsuperscript{th} Constitutional Amendment strengthen the position of provinces in the federation: (i) the role and powers of the Council of Common Interest, now headed by the prime minister, have been strengthened for engaging in periodic consultation with the provinces and taking important decisions relating to the issues under the domain of the Council of Common Interest. (ii) The provinces have been allowed to directly seek loans from abroad. (iii) the federal government shall consult the concerned provincial government before constructing hydro-electric stations in its territory. (iv) All "mineral oil and natural gas within the province or the territorial waters adjacent thereto shall vest jointly and equally in the province and the federal government."

In order to devolve power from provinces to the lower levels, the system of elected local government exists in Pakistan. The constitution (article 140A) has authorized the provinces to “establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments.” During the years of Musharraf rule the federal government introduced the system of local government and the provincial governments could not change the law without the prior consent of the president. This restriction came to an end on December 31, 2009, allowing the provinces to legislate on their own on local government. The 18\textsuperscript{th} constitutional amendment has formalized this. The elections to
local government institutions were held in 2001 and 2005. In 2010, provincial assemblies passed new local government laws and the local elections are expected to be held in 2011.

**The Military and the Political System**

The future of democracy is also linked with the disposition of the military towards civilian institutions and processes. The military dislodged the constitutional order and assumed power directly on four occasions. It also ruled indirectly by civilianization of its direct rule on three occasions after constitutional and political engineering, cooption of a section of the political elite that agreed to play politics in cooperation the generals and the holding of carefully managed elections. This ensured the continuity of the general who staged the coup and his close associates at the helm of affairs even after the restoration of constitutional rule.11

The political arrangements evolved by the military rulers reflected military ethos of hierarchy, discipline and management rather than political participation and accommodation of diverse perspectives. These military rulers also manipulated the political forces and leaders mainly through the intelligence agencies either to restrict their role or to win them over to their side.

The long years of direct and indirect rule have also enabled the military personnel to spread out in the government and semi-government institutions, the economy, especially industrial and commercial activities, real estate business, transport and civilian construction work. It also got involved in running of educational and training institutions, including the setting up universities and colleges in the private sector.12

The military has thus developed varying degrees of stakes in all the major sectors of state policy because its interests have expanded into non-professional fields to such an extent that all major state policies have direct and indirect implications for its professional or extra-professional role.

The elected civilian government that replaces the direct or indirect military rule, as the current civilian government replaced General Musharraf’s civilianized military government in March 2008, faces an uphill task of balancing the imperatives of representative governance with the need of maintaining good working relations with the top military brass. No civilian government can afford to alienate the top generals because the political forces are divided and civilian democratic rule is not yet firmly established.

The military’s importance has further increased because of its role in controlling religious extremist and terrorist groups in parts of Pakistan. It conducted successful security operations in Swat/Malakand and South Waziristan in 2009 and dislodged the Pakistani Taliban and other religious extremist groups. It is currently fighting these groups in the tribal agencies of Orakzai, Khyber, Bajaur, and Kurram. Both the Army and the Air Force played their roles effectively to contain terrorism. The paramilitary forces joined them in this effort.
The military’s success in counter-terrorism and counter-insurgency has increased its importance because the civil administration, the police and the paramilitary had earlier failed to protect these areas against the religious extremists and terrorists.

The troubled relations with India since the Mumbai terrorist attacks on November 26, 2008, have also increased the importance of the military as the security shield against a bigger and militarily powerful India. The periodic demands by India’s strategic community in the aftermath of the Mumbai incident to launch punitive surgical airstrikes on selected sites in Pakistan, limited war or capturing of some Pakistani territory by rapid moving combat force units made Pakistan’s policy makers more conscious of the security pressure from India, increasing the relevance of the military for external security.

The additional factor contributing to military’s position in the domestic context is the troubled situation in the Baloch districts of Balochistan. The civilian government is threatened by serious law and order problem, target killings of non-Baloch and kidnapping for ransom. The Baloch separatist groups are believed to be getting financial support from outside of Pakistan.

The military’s reputation got another major boost by the contribution of the Army, the Navy and the Air Force towards rescue and relief work for the flood affected people in August-October 2010. They are now actively involved in rehabilitation and resettlement of the flood-affected people. These contributions helped to boost the image of the military as a task oriented and efficient machine helping the people in distress.

In addition to countering terrorism and ensuring security against Indian pressures, the top commanders are attending to rehabilitation of the image of the military in Pakistan that had suffered a lot in the last two years of the Musharraf rule. The top brass of the Army faced virulent criticism at the societal level during these years. The Army top command is now working towards retrieving the reputation. Various efforts in public relations, including the 2010 army exercise, have helped to boost its image.13

The Army Chief has been devoting much attention since he assumed the office in the last week of November 2007 to improving service conditions and facilities for officers and other ranks. Greater attention is being given to improving the quality of life for the junior officers, JCOs, NCOs and other ranks that did not benefit from the Musharraf government’s favors for the military.

These factors coupled with the long years of direct and indirect rule have turned the military into the most formidable political player. It has the capacity to influence policy making and implementation even when it is not exercising political power.
Three Domains of Civil-Military Relations

The relationship between the elected civilian leadership and the top military commanders can be divided into three major categories:

1. The policy areas where the military shows no interest.
2. The exclusive military affairs where the top brass do not want any civilian interference.
3. The shared decision-making issues areas. The military does not want the civilian leaders to make decisions without any consultation and sharing with the top brass.

The top military commanders are not interested in day-to-day administrative, social and political affairs. They want the civilian government to handle the issues like the appointment to the cabinets and the bureaucratic slots, posting and transfer of civilian officers, disbursement of civilian budget, management of civic issues and problems, development projects, administrative matters and law and order.

The top brass do not want any civilian interference in what they consider as their professional affairs. These include the military’s internal organizational matters, promotions, postings and transfers of officers, service discipline and disbursement of defence expenditure. The top brass think that if civilian political leaders interfere in the military’s service matters and organizational issues, its internal discipline would erode. They keep the civilian leaders at an arm’s length when it comes to their internal organizational and professional affairs.

The top brass of the military resist civilian interference in the military dominated intelligence agencies, i.e. the ISI and the MI. They are often perturbed by civilian criticism of their industrial ventures and commercial and business activities.

The largest number of policy-issues involve a shared decision-making by civilian government and the top brass of the military. The top brass resent unilateral decision making by civilians on these issues. Invariably the military and intelligence establishment makes the maximum contribution to the shared decision-making which is implemented through civilian institutions.

An important shared area is the defence expenditure. The military does not want the civilian government to unilaterally cut back on defence spending. However, the senior command is willing to discuss any change in the defence expenditure. Others areas of joint decision-making include the nuclear policy, relations with India (including Kashmir), Afghanistan, the United States and China (mainly security related issues, including defence production) and weapons procurement. It closely monitors how the civilian government ensures internal stability and peace and guarantee effective economic management.

The policy decision on counter-terrorism are jointly made by civilian leaders and the top military commanders. The latter want the former town their security operations for
countering terrorism. Once a policy decision on countering terrorism is made, its implementation is left to the discretion of the army headquarters and the field commanders.

The military’s disposition is crucial to the nature and direction of political change because the political parties are weak and divided and the society is afflicted with acute socio-economic crises, religious extremism and terrorism. This civilian government finds it difficult to function as a coherent and efficacious entity capable of asserting its primacy in the political system. It looks towards the military for support, enabling the military to influence the government and policy making from the sidelines.

The military’s support is critical to the survival of the weak and divided civilian government, especially when it is facing an acute internal crisis. The military’s top brass may or may not extend support or help to defuse the crisis through back channel interaction with the political forces.

However, the military top brass do not align permanently with any political party or group. They function as an autonomous political player, building alignments with civilian leaders from time to time rather than seeking a permanent arrangement with a particular political leader or group. Their decisions are shaped by their own analysis of the political situation and the needs of internal harmony and stability as well as their professional and corporate interests.

The military top brass can pursue their political agenda through the Inter-Services Intelligence (ISI) and the Military Intelligence (MI). For example, it viewed the direct references to the military and the intelligence agencies in the Kerry-Lugar bill (September-October 2009) as a deliberate attempt by Pakistan’s civilian government to interfere in its internal organizational and service matters through the American law. It invoked the ISI linkages with the political Right and the media to launch a massive campaign against the proposed law. The PMLN adopted a tough stand against the Kerry-Lugar bill after the Punjab Chief Minister and the leader of the opposition in the National Assembly met with the Army Chief in the last week of September 2009. The military thus demonstrated its capacity to build pressures on the civilian government through intelligence agencies.

The military’s capacity to support some and build pressure on others is expected to become crucial if the confrontation between the executive and the Supreme Court crosses the breaking point. If the Supreme Court decides to reprimand the civilian government, the civilian leaders will not be able to resist the Supreme Court pressures without the backing of the military. If the top brass of the military decide to back the Supreme Court, the civilian government is likely to collapse.

The military has the potential to be instrumental to making or breaching a civilian government if internal chaos paralyzes the government. Though it also has the capacity and experience to directly assume power this is likely to be the least desirable option for the top brass under the present circumstances. Several factors dissuade the military from direct assumption of power and encourage indirect role from the sidelines. The
dissuading factors are the complex internal security and economic situation, an understanding among the divided political parties and groups to contest the direct assumption of power by the military, active engagement of the military in counter-terrorism and counter-insurgency, and the international factors that discourage direct assumption of power. The military has realized that its role in countering terrorism earns greater respects at home and abroad and builds its reputation vis-à-vis the civilian government that often fails in fulfilling their basic obligations towards the citizenry. However, the poorly-performing civilian government will not be able to make democracy viable and assert its primacy over the military.

The military’s role will also depend on the internal state of affairs in the army. How long it continues to stay insulated from societal polarization and religious cleavages? Some evidence is slowly cropping up to suggest that the lower echelons of the Army and the intelligence agencies manifest some sympathy for Islamic militancy. If some of the divisive trends that characterize the society penetrate the military, its internal coherence may be adversely affected. This can weaken discipline and undermine its ability to undertake a swift and peaceful take-over of the state apparatus. This is becoming increasingly important because the base of recruitment to the army is expanding in terms of area, ethnicity and orientations of the new entrants. Education and socialization within the army have thus gained greater importance for promoting internal coherence, discipline and professionalism. Further, the military’s direct intervention is also discouraged by proliferation of societal formations, political activism and complexities of socioeconomic forces. For future coups – if any – the top brass will have to take into account more factors for ensuring a swift, orderly and gentle take over.

Concluding Observations

Despite popular support for the notion of constitutionalism, representative governance and the Rule of Law, Pakistan track record on democracy has been poor. There were 4 phases of democratic rule and 4 periods of direct military rule. We can add three phases of civilianized military rule when the military rulers changed to elected governments but there was no meaningful shift in power from the ruling generals and the major policies remained unchanged. A section of the political elite were co-opted into the system who agreed to work within the parameters set out by the generals.

Participatory political institutions and processes did not function long enough to develop strong roots in the society and become self-sustaining. Pakistan experienced periodic constitutional and political breakdown, rise of the bureaucracy and the military, the assumption of power by the generals who tampered with the political system to sustain their primacy in the political system.

If the over ambitious generals did not allow the autonomous growth and sustainability of democratic institutions and processes, the political leaders and societal
forces were equally responsible for abysmal performance of civilian rulers and setbacks to democracy.

The return of the political leaders and political parties in the February 2008 general elections has engendered the hope, once again, that Pakistan may be able to sustain participatory political system.

The growing role of the electronic and print media and greater activism on the part of the civil society creates the hope that the latest experiment of democracy may be successful. However, the challenges to the revived democracy are numerous and strong. These challenges are posed not only by a self-confident military that wants to protect its professional and corporate interests but also by the failings in the civilian sector. The future of democracy is threatened by poor governance and management by the federal and provincial governments, a troubled economy, declining internal stability and harmony, religious and cultural intolerance and terrorism.

The future of democracy depends on the transformation of Pakistani state and society which is not likely to take place in the near future. Some people are confident that Pakistan's latest return to democracy will usher in a genuine era of democracy. Such optimism is questioned by others who express doubts if democracy can endure. Still others recognize flaws and deficiencies in the present day democracy but want to carry on with this experiment: “... if Pakistan has a future, it has got to be democratic. One must, of course hope for a far better democracy, for governments more attuned to people’s needs and less inclined to disregard the popular will. This goal cannot be furthered through yet another military interlude.”

Democracy in Pakistan can go either way. It can collapse and Pakistan can return to political chaos or military rule of some kind. It can shape up as a stable system through a gradual and sustained process. If Pakistan's political leadership can address its weaknesses and the military shows patience, democracy has prospects in Pakistan.

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ENDNOTES


4 Ibid., pp.32,34.


9 For the appointment of judges of the Supreme Court, the Judicial Commission comprises: the Chief justice of Pakistan (chairman); four senior most judges of the Supreme Court; a former Chief Justice or former judge of the Supreme Court nominated by the Chief Justice of Pakistan for a term of two years; Federal Minister for Law and Justice; Attorney-General of Pakistan; and a senior advocate of the Supreme Court nominated by the Pakistan Bar Council for a term of two years. For the appointment of the judges of the High Courts, the Judicial Commission will also include the Chief Justice of the High Court concerned; the most senior judge of the concerned High Court; Provincial Law Minister; and a senior advocate to be nominated by the provincial Bar Council for a period of two years. The 8 member Parliamentary Committee will have equal representation of the two houses as well as of the government and the opposition. The Committee can reject a nomination with a vote of 6 members and it has to state the reasons.


