Why the Military Did Not Take Over: Understanding Pakistan's Democratic Path

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On May 11, 2013, for the first time since its creation in 1947, Pakistan held general elections after a democratically elected civilian government had completed its entire five year term in power. More than 4000 candidates were contending for seats in the National Assembly (lower house of Parliament), breaking previous records. The 55% voter turnout was the highest since the 1980s – in spite of several threats from anti-state militant groups.[i] This has been a historic milestone for Pakistan, which has suffered four military coups and seen numerous civilian governments dismissed or overthrown before completing their terms. The all powerful army has governed the country for more than half of its modern history, and in the process undermined civilian institutions and increased public tolerance of authoritarianism. Therefore, the persistence of civilian rule from 2008 onward has raised several important questions about the political trajectory that Pakistan is on. Is this indicative of a "new era for democracy" in Pakistan?[ii] Does it indicate progress towards a reconfiguration of civil military relations?

This paper attempts to give an account of democratic continuation as a result of the military, based on calculations of its incentives, disincentives and opportunities, opting against a coup. It examines civil military relations in the 2007 – 2013 period in Pakistan and argues that democratic continuation occurred because of several factors that made it unfavorable for the military to stage a coup**.** First, it argues that the military was facing a institutional legitimacy crisis by the end of the Musharraf regime due to certain costly and deeply unpopular military operations in Pakistan's tribal belt. The military therefore recalculated its priorities – choosing to focus on rebuilding its image and morale, and regain public support and legitimacy. Second, even with this above mentioned crisis, the military was intent upon exercising significant power on political affairs. The best way for it to do this other than to directly govern the state was to help install a submissive, weak civilian government that it could dominate. The Pakistan Peoples Party government's weakness – owing to a long history of confrontation with the state's very popular and powerful judiciary, and several other governance crises – provided the military with such an opportunity to continue to exercise power behind a civilian 'buffer.' The military maintained this status quo by interfering in all key political affairs, and thereby undermining the government's ability for independent decision making. Third, the military calculated that by helping install a civilian government, it could also protect itself from domestic and international criticism directed at the state. As argued above, it still held key political power and influenced important decision making, while the civilian government absorbed all criticism. This provided the military with little incentive to alter the current arrangement.

Why the Military did not Intervene

Other Priorities

Pakistan's 2008 democratic transition occurred against the backdrop of a series of events that had caused a legitimacy crisis for the Musharraf regime and the military establishment. As part of the War on Terror, the Pakistani military had launched several military operations into its Federally Administered Tribal Areas (and later on in Swat in Khyber Pakhtunkhwa). However, the highly conventional 'India-centric' army was inexperienced dealing with unconventional warfare and therefore, severely disadvantaged in counterterrorism. It found this war against guerrilla fighters in remote and rugged FATA to be both "a culture and operational shock".[iii] There are at least two ways

setbacks in these operations contributed to destabilization and demoralization within the military establishment.

First, the war had proven very costly for the army. Official estimates suggest that around 1000 Pakistani soldiers had died in military operations in Waziristan by 2007.[iv] However, as argued by Roggio, the military has frequently understated casualties and the actual death toll is considered to be 3000 or more.[v] Militants also abducted soldiers in large numbers. In one incident in August 2007, more than two hundred soldiers were captured by the Taliban in South Waziristan.[vi] Adding on to the humiliation, the military attempted to negotiate with the militants by releasing some hundred detained tribesmen from South Waziristan, to which the Taliban responded by executing three and releasing thirty other soldiers.[vii] Frequent suicide attacks targeting the military also claimed several lives. As noted by Khan, the condition had become so dire that soldiers were "often more concerned about how to protect themselves from possible suicide attacks than about prosecuting the fight against the militants."[viii]

Secondly, in spite of some 70,000 troops having been deployed in the tribal belt, the military had been ineffective in curbing the spread of violence[ix]. In fact, violence and militancy spread to previously peaceful areas as the war progressed, claiming numerous Pakistani lives – militants, civilians and soldiers. This intensified the resentment and disapproval of the military among the tribal population.[x] Journalist accounts from the region reveal locals to be "hostile to the Pakistani military and instead showing their support for local rebels, whom they called Mujahideen (holy warrior)."[xi] In fact, until mid 2009, Pakistani public opinion was strongly against military action in FATA and NWFP. Instead, a majority of Pakistanis preferred to engage with militants in peace talks or negotiations of some sort.[xii]

All this had caused a crisis of morale for the army. Not only was it fighting a losing battle against its own citizens, but it also saw itself fighting someone else's – the United States' – war. According to Indian intelligence assessments obtained by the Times of India, the operations in Swat and FATA, and subsequent demoralization had resulted in increasing number of "desertions, suicides and AWOL (absence without leave) cases" among troops.[xiii] Furthermore, some instances of soldiers refusing to obey orders were also said to have been reported in Waziristan.

Pervez Musharraf's disgraceful exit from power only made matters worse for the military's reputation. The end of the Musharraf era was brought about by a massive protest movement led by lawyers who were protesting the dismissal of Chief Justice Iftikar Chaudhry. Chaudhry had been very active in demanding accountability from the military, particularly regarding enforced disappearances in Balochistan, the longtime center of a separatist movement. He had ordered investigations into the case of some 400 'missing persons' who had been detained without charges by the military – which "cast Musharraf and his regime in an extremely bad light internationally and at home." According to Musharraf, the judiciary was abusing the law, "weakening the writ of the government, demoralizing the police force" and impeding the military-intelligence establishment's efforts against terrorists.[xiv] However, the Supreme Court was insistent on pursuing these cases. Chaudhry went on to ask the government to release these individuals. Considering its poor performance in the war in FATA and in the general struggle against spreading militancy, the military had no validation to demand further laws of impunity.

The military was thus in very bad form when General Kayani took over as Chief of Army in 2007. It was "too conventional" and unprepared for fighting terrorists in FATA, highly demoralized and increasingly unpopular.[xv] Accordingly, he focused on the task of rebuilding the morale, and regaining trust of both Pakistani citizens and the international community. He declared 2008 the Year of the Soldier and took steps to improve living conditions of troops – from enhancing housing facilities to increased military hospitals[xvi]. Over the course of his term, he built counterinsurgency and counterterrorism doctrines, and reformed military strategies so as to reduce casualties and prepare troops to deal with unconventional warfare employed by militants.

A Weak Civilian Government

Regardless of the military's multiple crises, it remained the most powerful player in Pakistani politics. This was made possible due to a weak civilian government whose legitimacy was constantly threatened due to repeated confrontations with the country's popular and powerful judiciary. Public dissatisfaction with and criticism of the government only further eroded its authority. The military saw the weakness of the civilian government as an

opportunity for it to assert its authority over the latter.

The Pakistan Peoples Party government that ruled Pakistan from 2008 – 2013, faced its first major crisis due to its President Asif Ali Zardari's opposition to the restoration of Supreme Court Chief Jusitce Iftikar Chaudhry, who had been dismissed by Musharraf. Zardari feared that Chaudhry would strike down the National Reconciliation Ordinance, signed between Musharraf and Benazir Bhutto according to which the former would be allowed to continue as President while resigning from the army, and the latter, along with her husband Zardari and several other politicians would be granted amnesty for several pending corruption cases. [xvii]However, this amnesty ended on October 12, 1999 – hours short of covering charges against Sharif for supposedly "hijacking" General Musharraf's plane, due to which the former had now also been barred from contesting in future elections. This irked Sharif, who also felt betrayed that Bhutto had negotiated such a deal just months after the two had signed a "charter of democracy" agreeing to oust Musharraf and return to the country to hold elections[xviii] Sharif led the PML-N and thousands of supporters to join a protest movement led by lawyers in the country demanding the reinstatement of Iftikar Chaudhry. The movement gained widespread momentum, threatening the stability of the country and eventually prompting chief of army, General Kayani to facilitate negotiations between Zardari and Sharif. Soon enough, Chief Justice Chaudhry and other judges dismissed by Musharraf were restored. In December 2009, the Supreme Court struck down the NRO and revoked amnesty granted under it to bureaucrats, politicians including Zardari.

What followed was a period of marked tensions between the civilian government and the judiciary. Zardari's claims of having immunity as the head of state did very little to curb the Judiciary's enthusiasm in pursuing cases pending against him. This kept Zardari on his toes throughout his term, constantly threatening his government's legitimacy and functioning. In addition, the government feared that this would serve as the basis for a military coup.[xix] Zardari and Chief Justice Chaudhry's "proxy combat through the courts"[xx] reached a highpoint n 2012 when the judiciary convicted Prime Minister Gilani for 'contempt of court' and disqualified him from office. Gilani had refused to write to Swiss authorities to reopen certain money-laundering cases pending against Zardari, even though "the Swiss government said that it would not act on such a letter."[xxi] This worried observers and sparked rumors about the PPP government's ability to complete its term. Human rights lawyer Asma Jahangir called Gilani's removal from office a "soft coup" – a means to threaten the authority and legitimacy of the government and set up the stage for a military coup.[xxii]

The 'memogate scandal' of 2011 exacerbated the confrontation between the civilian government and the judiciary. The scandal revolves around a Pakistani American businessman Mansoor Ijaz having delivered a memo to United States Admiral Mike Mullen claiming to represent the Pakistani civilian government. The memo, delivered in late 2011 when US – Pakistan relations were at an all-time low following the Abottabad Raid claimed that the civilian government sought US help to restraint a potential military coup. While the military was obviously enraged and the civilian government immediately denied it had anything to do with Ijaz or the memo, it was the actions of the Supreme Court that sparked debate. The Court opened investigations into the actions of the government without any charges having been filed.[xxiii]As pointed out by Hasan, "such an investigation was the responsibility of the government, not the Supreme Court."[xxiv] The Supreme Court enthusiastically pursued the investigations well into 2012 in spite of the civilian government having asserted that it was under the parliament's jurisdiction and that it was handling the issue. The Chief Justice's decision to open investigations in this case but not in the case of the head of the ISI having "conspired to oust the elected government" shows a clear bias on the part of the judiciary, according to Hasan.[xxv]

The civilian government had been facing several governance issues, outside of its confrontations with the military and the judiciary. There were several riots and protests throughout its term, due to the state's energy and economic crises, and its abysmal record in providing public services, among other things.[xxvi] Protests caused fears of a possible coup even few months before the elections. In Jan 2013, politician and sufi scholar Dr Muhammad Tahir ul-Qadri organized a major protest demanding corrupt politicians be prevented from running for election and that the PPP government be dissolved and replaced by a caretaker government.[xxvii]

Public dissatisfaction with the PPP government skyrocketed following the latter's poor response to the 2010 floods – supposedly the worst flood in Pakistan's history. Some 2000 people died as a result of the floods, 2 million saw their

homes destroyed and more than 21 million were displaced. In addition, an outbreak of water borne diseases accompanied the direct losses of the flooding, as a result of more than 10 million people being left to consume unsafe water. Agricultural losses took a great toll on the economy. To many observers, the government's handling of the floods was inadequate. This episode was considered to highlight the inefficiencies and inabilities of the civilian administration.[xxviii]To make matters worse, the media circulated images of President Zardari "alighting from a helicopter at his sixteenth century French chateau in Normandy" in August 2010.[xxix] This not only signalled that the government was indifferent, on top of being inefficient, but also drew attention to Zardari's "allegedly ill gotten wealth."[xxx] His defense – that disaster management was the Prime Minister Gilani's responsibility and not his – didn't ease matters either. On the other hand, the military's response was widely praised; particularly its success in rescuing more than 100,000 stranded people. [xxxi]However, Fair points out that the scale of the disaster was much beyond what the civilian government was capable of handling. Furthermore, the army is "part of the same government that is accused of doing too little."[xxxii] Yet, public anger and criticism of the government did not factor in any such considerations. As noted by Ayaz Amir;

"Even when governments can't cope, they can at least show empathy. That was missing,… Who was the first person on the scene? The army chief. This has really cost [Zardari] heavily. This image will linger."[xxxiii]

In this episode, much like every other, the military and the civilian government were seen as contending political actors rather than institutions of the same regime. This competition with the more experienced and capable military constantly threatened the legitimacy and authority of the civilian government. And as the next section will demonstrate, the civilian government, during its attempts to progress towards liberal democracy and enhanced relations with the West, often found itself disconnected from the realities on the ground. Its positions on several issues contrasted with opinion of the public as well as that of the military and political opposition. The military seized this weakness, and asserted its dominance – interfering in political decision-making and ensuring submission of the civilian government.

Making Good Use of a Weak Civilian Government

While the military played a positive role in creating a stable environment for the civilian government to function as it did with restoration of Chaudhry, it was also quite confrontational. It interfered in all key political issues, leaving little scope for the civilian government to engage in independent decision-making.

One of the earliest tensions between the military and the civilian government was sparked by their differences regarding the Enhanced Partnership with Pakistan Act 2009 proposed by US Senators John Kerry and Richard Lugar. The bill, a clear sign of US interest in promoting democracy in Pakistan, significantly boosted non-military aid. Furthermore it made aid conditional upon the US Secretary of State certifying every six months that the military is working to dismantle domestic terror networks, limiting its interference in political affairs and remaining under civilian oversight. The bill irked the army which considered it to be challenging the state's sovereignty and jeopardizing national security by interfering with the military's decision making. [xxxiv]The military's position resonated with the fiercely anti-American sentiments in Pakistani society, and with Nawaz Sharif's opposition to Pakistan's increasing involvement in the US war on terror. However, the PPP government believed the bill would strengthen democracy and civilian institutions in the country. Zardari's support for the bill – not just for its so called 'pro-democracy' quality but also due to the country's need for aid from the United States – contradicted with the general anti-American sentiments in the country and isolated him from the military and political opponents. This episode only added to the perception that Zardari was acting to please the US and endangering national security in the process. The government's isolated support for the Kerry Lugar bill sparked much fear of an impending coup.

This pattern of the civilian government's decision-making being clouded by military interests continued throughout the 2008 -2013 term. The reactions of the civilian government in the aftermath of the 'Raymond Davis affair' and the Abottabad Raid indicate that it had little space to act independently of the military. In 2011, when Raymond Davis, a United States Central Intelligence Agency (CIA) contractor fatally shot two Pakistani men, alleging that he acted in self-defense when they threatened him, Zardari again found himself in a tight spot . On one side was the US claiming that Davis had diplomatic immunity because of which he be released, and on the other was an army indignant over

Davis's presence in the country for a possible unilateral covert operation. According to Pakistani officials Davis's victims were ISI personnel who had been tailing him, and their deaths "injured the Pakistani military pride"[xxxv] Under pressure from the military, as well as from widespread protests by Pakistanis outraged by the idea of impunity for Davis, the Zardari government found little space to engage diplomatically with the US. Yet, Zardari did not want to jeopardize US aid or strain bilateral relations any further. After negotiating Davis's release provided he pay blood money to the families of victims, Zardari once again found himself disconnected from the political mood in the country.

When the civilian government did indeed find itself at relatively better position than the military after the 2011 Abbottabad raid it did little to assert its independence. On May 2nd 2011, the United States launched a helicopter-borne night raid killing Osama bin Laden in the cantonment town of Abbottabad, few kilometers distance from the Pakistan Military Academy. Soon enough, the international community turned to discuss whether Bin Laden's presence in such a high profile military town was a matter of Pakistan's complicity or incapability. Worse, the military had to answer to its own citizens who were stunned at how a military operation of this capacity had been carried out in Pakistani territory by the US, without the army's knowledge.

Most importantly, the military found itself having to account for its actions to the civilian leadership. In a twelve hour session of the National Assembly, senior military and intelligence officers were called upon by the government to provide explanations and formulate a response for this sequence of events. Fair points out how the civilian government had not seen such a window to expand its oversight over the military since the 1971 separation of Bangladesh and ensuing loss of public faith in the military.[xxxvi] Regardless, the civilian law makers failed to take any action that would hold the military accountable or to establish mechanisms for oversight of military affairs. Instead, it stood by as the military spun the narrative and shifted the blame on to the US for violating Pakistan's sovereignty and for undermining the scope for bilateralism.[xxxvii]

Why Take the Blame?

As can be seen in the several cases discussed above, the military continued to exercise a great deal of power in the state's decision making. But why did it not directly rule the country instead? One explanation is that it did not want to take responsibility or open itself to criticism. Pakistan's multiple crises – in security, economy, society and politics – are all conditions that would normally invite speculations of a possible coup by the military. However, as pointed out by Fair the army does not want to take responsibility this time. She argues that the military has "no interest in taking political ownership of the various compound crises besetting Pakistan."[xxxviii] The military is therefore powerful enough to control decision making in the country, but spared of all the burdens that come along with governing the country. Zardari, too, is well aware of this; "I don't think anybody in their right mind would want to take responsibility; it's only democracy that can carry the yoke,"[xxxix]

Conclusion

This paper indicates how democratic continuation in Pakistan can be explained as a consequence of the military deciding not to intervene. This paper argues that the military chose not to intervene, not necessarily because it sought to promote democratization in the country, rather because it calculated that it would still be able to wield power over the civilian government, and thereby secure all its interests. The weakness of the civilian government created an opportunity for the military to play a dominant role in political affairs and preserve its interests. It therefore saw an opportunity to enjoy all the benefits of being in power without having to bear much of the costs.

One question to consider is if the continuation of civilian rule has contributed to factors on the ground that would deter a future coup, even if it the government barely survived. Even if democratic consolidation has not reached a point where it is beyond reversal, has this episode contributed to changing values and interests in Pakistani society? It is beyond the scope of this paper to assess or measure if any such diffusion of democratic values has taken place among Pakistan's elite or general citizenry – assuming that such a change in values would act as an effective barrier against a future military coup attempt. However, an analysis of civil military relations in Pakistan during the 2008-2013 period indicates how the civilian government continued rule does not necessarily mean that it exercised any

power or that it altered the balance of power among Pakistan's institutions. It shows how the military is still a powerful and popular political player capable of threatening the civilian government's authority and reversing democratic gains.

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