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Civil-Military Imbalance in the Administration of Pakistan: A Case Study of Musharraf Era

Jamshed Khan*, Asmat Ullah Wazir**

Abstract

In Pakistan we witnessed a sharp division/tension between the civil-military bureaucracy from the very birth of our country. Initially civil bureaucracy was holding the cake & eating it too. But soon the military bureaucracy replaced the civil-bureaucracy. Frequent impositions of martial laws further facilitated this process so much so that Musharraf regime did the maximum harm to our state & society. He boastfully proclaimed, "If you want to keep the army out, you have to bring it in". As a result of his policy all key positions of various state institutions were assigned to military manpower. Masses or their representatives were never allowed to play their role in the administration of the affairs of the state & this tug of war still goes on. In this article, our aim is to assess the saga of Musharraf regime & its aftermath.

Keywords: Military, Bureaucracy, Administration, Musharraf, Pakistan

Introduction

From the very inception, the imbalance persisted between apolitical institutions and the representatives of the people, owing to its inherited legacy that bequeathed to Pakistan from imperial British in India. The two institutions i.e. the bureaucracy and the military, almost at harmony with one another, remained most of the time quite strong and assertive and frequently impeded the smooth transition to democracy. Nevertheless, after independence, within a short time the powers of bureaucracy underwent a major change by being subjugated to the supercilious army. Taking the advantage of its numerical strength, the army wrought different coups and toppled the legitimate civilian governments. Not only this, once coming into power they erected various

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institutions and brought about tremendous changes and in the political system to create a support base and weed out some political leaders which could pose a potential threat to the dictators at helm of affairs. Unfortunately, such discretionary creation of different institution and bringing technical changes in the system created further mayhem even after the eventual departure of the de facto ruler. Much the same was the case with Gen. Pervez Musharraf's spate of reforms which considerably disturbed the equation of powers between civilian and military institutions. More often the civilian institutions were sidelined and their functions were carried out by the military personnel with minimum aptitude and understanding of the business of the institutions. This frequent tampering with the laws and conduct of the civilian institutions by military men caused great set-back to the political system of the state. Pakistan, like India, was heir to the institutions of the state which had evolved during the long course of British dominion the subcontinent. The form of constitution and, the system of administration, the arrangement of court law, the organization of the army, to name but a few, found continuity in the new-born state, providing the apparatus of governance and environment of conditions under which Pakistan began its life. With these institutions also came new ideas which had inspired their existence and traditions which had attended their growth.¹

The bureaucracy carried the inevitable stamp of despotic rule and served the purposes of the empire. The civil services were organized in shape of service cadres. At the apex stood the Indian Civil Service (ICS), which was considered the steel frame work of Indian administration. The tradition of exclusive exercise of authority made them view the politicians with particular distrust. The superior services were not ready to yield to the authority of the elected representatives who were destined to inherent the political powers.² Thus the state was by public interest as conceived by the 'guardian' bureaucrats who distrusted the public will as being irrational and uninformed. These measured not only conserved the institutional ethos of bureaucracy which controlled various key posts in government departments, but also nurtured in it 'attitude of aloof superiority to the masses'.³

The need for securing the frontiers of India and ensuring internal peace and stability had led to the creation of Indian army. Political neutrality and professionalism was cultivated as the major attributes of the army. Consequently, the Indian army became the most effective instrument of power and diplomacy in the region of South-East Asia. The army, as it passed on to Pakistan, was a fully grown institution. It could not, however, accustomed itself to be controlled by elected

representatives of the people. The army shared with the bureaucracy its distrust of the politicians who were seen as a source of disorder.⁴

Thus, Pakistan inherited very strong apolitical institutions such as the mighty and well-disciplined army and a haughty bureaucracy which developed a strange contempt for the political leadership of the newly created state. Moreover, the two institutions fomented deep nexus and often created problems for the smooth transition to democracy.⁵ Thereafter, the power imbalance between the very strong bureaucratic institutions and the very weak representative and democratic institutions has been one of the greatest causes of political instability in Pakistan since its independence.⁶ The concentration of power in the executive branch, usually controlled directly or indirectly by the civil and military bureaucracies, has considerably weakened the legislature as well as the judiciary.⁷ These institutional imbalances often resulted in various regime changes such as bureaucratic oligarchy, military dictatorship and elected political authoritarianism.⁸ The major change that has taken place over time is that the power and influence of the civilian bureaucracy has increasingly been replaced by the military.⁹ In the short history of Pakistan; sixty three years life span, it has experienced some four military coups which deeply entrenched the armed forces in the political system of the state. In these long years of military adventurism the structures and powers of state institutions were severely disturbed. On the other hand, the military has become organizationally and institutionally stronger especially in terms of their governance skills. The military now gets much better governance and administrative training than the civilian bureaucracy.¹⁰ This has changed the power balance from the colonial era and the first two decades after independence when the civilian bureaucracy was the strongest institution. Though historically the bureaucracy considered the military as their allies but the yesteryear drastic changes wrought by Pervez Musharraf in the structure and function of bureaucracy were strongly resented by them.

On 12 October 1999, the then Prime Minister Nawaz Sharif tried to dismiss Pervez Musharraf and replace him with the family loyalist, ISI Director Lt-General Khwaja Ziauddin as the COAS,¹¹ but other corps commanders did not allow him to take the charge of his new position. The national television went off the air for a few hours. After a few hours it was announced that Nawaz Sharif government has been dismissed. Musharraf with help of other generals staged the fourth coup in Pakistan.¹² Later on it was decided by the military leadership that martial law would not be imposed and the new set-up would soon be announced. On 14 October 1999, Musharraf proclaimed emergency throughout Pakistan and assumed the office of Chief Executive. He proclaimed that

the constitution would be held in abeyance but the President (Rafiq Tara), would however, continue in office.¹³ It was also announced that the National Assembly, the Senate and the four Provincial Assemblies would stand suspended and their speakers and chairmen were also suspended.¹⁴ The infamous Provisional Constitution Order was promulgated. According to his Provisional Constitution Order, the courts were barred from issuing any order against the Chief Executive and any person exercising his powers. No judgment could be pronounced by the Army Court tribunal against the Army Chief or any authority designated by him. Fundamental rights not in contravention to the proclamation or any further orders would continue to be in force.¹⁵ This proclamation was issued by General Musharraf according to the deliberations and decisions of the Chiefs of Staff of the Armed Forces and Corps Commanders of the Pakistan Army. The accompanying order stated that despite the suspension of the Constitution, Pakistan would remain subject to the orders of the Chief Executive. The period for the military rule was not specified. The complete military dictatorship had thus established itself once again. It was all back to square one.¹⁶ During his stay in power (1999-2008), he initiated a series of reforms and erected various institutions which disturbed the balance between civil and military in administration in the following ways. The hard fact is that former President Musharraf's government took the practice of appointing serving and retired military officers into the civilian bureaucracy to unprecedented levels. During his rule, almost all the major civil service institutions were headed by military officers.¹⁷ The fact is proved by his statement, "If you want to keep the army out, you have to bring it in".¹⁸

Public accountability is a very important strategy to eradicate the monster of corruption. Corruption weakens the fabric of society. Keeping this factor in consideration almost all the developed states have evolved such strategies which ensure the element of public accountability to a greater extent. In the case of Pakistan the scenario with regard to corruption has been altogether different. Pakistan has faced severe and ubiquitous corruption since its inception at hands of corrupt politician and bureaucrats.

During the Musharraf era the dominant rhetoric and slogan was to ensure public accountability across the board and to elimination of corruption. As a result of this rhetoric a powerful agency came into existence in 1999 and this agency was referred to as National Accountability Bureau.¹⁹ Furthermore, the National Accountability Bureau (NAB) was created under the National Accountability Ordinance, 1999 as the successor organization of Ehtesab Bureau. The military regime promised for accountability by which those who owe amount of

banks and government are to be nabbed and corrupt elements will be weeded out. The rulers also asserted that they would go cleansing of politics.²⁰ The institution was led by Lt. General Muhammad Amjad and later by other Lt. Generals Khaild Maqbool, Muneer Hafiez and Shahid Aziz.²¹ With the approval of the National Anti Corruption Strategy (NACS) in 2002, two new functions of awareness and prevention were also entrusted to NAB. Subsequently, Anti Corruption Operations (ACO) and Economic Crime Wing (ECW) of the Federal Investigation Agency (FIA) were transferred to NAB along with manpower, budget and workload. Indeed, in the beginning NAB played vital role in checking corruption and bringing to book the accused persons. NAB had been an effective instrument for the President and the establishment to sort out politicians if they try to act independent of the set of norms, set by the state functionaries. Moreover NAB had played a vital role in cobbling together the ruling Democracy and Governance in Pakistan coalition, headed by PMLQ, by threatening those politicians with dubious credentials to support Musharraf. Hence these politicians not only escaped accountability but got yet another opportunity to make hay.²²

Since, the accountability process of NAB proved to be flawed. A pre-condition for accountability is that it should not be selective in nature and should be across the board. Whereas, NAB did not ensure public accountability rather it served as a tool to ensure and elongate Musharraf's rule.²³ The selective accountability has been reckoned by the fact the NAB never apprehended a member of higher judiciary or an official of Pakistan army.²⁴

Nevertheless, the National Reconciliation Ordinance, promulgated on Oct. 5, 2007, President General Pervez Musharraf claimed that it would promote a positive political environment and uproot the politics of vendetta and victimization in the country by offering a general comfort to the accused persons for creating a better political atmosphere in the country. The National Accountability Bureau (NAB) would be there and would take fresh corruption cases with proper evidences.²⁵ This discussion takes us to the conclusion that the NAB failed to ensure public accountability during Musharraf era and served as a tool to provide strength to the rule of a military dictator.

Furthermore, in Pakistan the devolution schemes have always been introduced by military regimes.²⁶ The logic behind the devolution is the fact that such endeavors form a nexus between the centralized government (militarily engineered) and local bodies. This nexus promotes the vested interests of both the mentioned tiers of government. General Pervez Musharraf through National Reconstruction Bureau (NRB) introduced Devolution of Power Plan under federally

promulgated Local Government Ordinance (LGO). It is worth mentioning that the NRB was headed by a (retired) Lt. General Tanvir Hussain Naqvi. This system, as opposed to the earlier, placed civil bureaucracy and administrative structures under the elected representative, i.e. Nazim.²⁷ The most significant accountability change is that the de facto head of district administration under the previous system, the deputy commissioner (DC), used to report to the non-elected provincial bureaucracy, whereas in the present system the head of the district administration, the District Coordination Officer (DCO) reports to the elected district Nazim. The Musharraf regime has considerably weakened the provincial bureaucracy by reassigning a large proportion of their functions to elected local governments and by abolishing the office of the deputy commissioner.²⁸ Similarly, the Police Ordinance 2002 curtailed the power of police in district to a significant level. Apart from the bureaucracy's resentment, the newly established Local Governments resulted in all out confusion and disputes frequently erupted between the district Nazim and the civil servants.

The elected Nazims were provided with enormous powers and this devolution scheme had negative impacts on the functioning of the overall civilian bureaucracy. The institution of police needs a fair degree of autonomy to perform its function. The police as law enforcement agency must be kept free and independent from any kind of political interference. But through the mentioned devolution plan, the police was turned to be the servant of elected Nazim.²⁹ In most of the districts the land lords were elected as the heads of the district administration. They had complete control over the revenue of their respective districts and enjoyed complete monopoly over the matter as they had their own revenue collection officers.³⁰ The devolution scheme weakened and demoralized the higher bureaucracy and it has steadily drawn military into local politics and administration.³¹ The prime objective of the military junta by creating the local body was to evolve a support base and also to provide legitimization to the usurpation of the power. But the end result of this adventurism was marked by pervasive confusion and enormous tussles between the elected bodies and the haughty bureaucracy.

Interesting thing is that Pervez Musharraf was not only ideologically impressed of Mustafa Kamal Ataturk rather he tried to imitate him practically; therefore he constituted the National Security Council³² as a constitutional body much on the pattern of Turkish political system which is considered a legacy of Ataturk.³³ Its members were the President, the Prime Minister, the four provincial Chief Ministers, the leader of the opposition of National Assembly, the

Chairman of Senate, the Speaker of National Assembly and the four men in uniform- the chairman of Joint Chiefs of Staff committee, the chief of army, air force and navy.³⁴ The National Security Council was to serve as a forum for consultation to the president and the government on matters of national security including the sovereignty, integrity, defence and security of the state and crisis management. The establishment of National Security Council sent a wrong message for democracy because the NSC was seen as a symbol of military supremacy over the civilian affairs.³⁵ Thus a permanent political role was assigned to the military.³⁶ By making the NSC a permanent constitutional body, Musharraf not only hamstrung the democracy rather he put the lot of the army as an institution at great stake which had a negative impact on their professional career in the long run.

Whenever a dictator takes over, constitution becomes his first target either by abrogating, suspending or amending it to fit his whims. Ayub Khan abrogated the 1956 constitution. Zia suspended and subsequently altered the 1973 constitution by bringing the 8th amendment in it which changed the power structure of the state.³⁷ The civilian government of Nawaz annulled the 8th amendment by 13th amendment. Musharraf almost did the same as Zia did. In the beginning he suspended the constitution and then on 24 December amended the constitution by bringing the seventeenth amendment in the constitution.³⁸ The striking feature of the amendment is that it tilted the balance between the two forces: political force that is the people's representative and apolitical that is the President. Article 58 (2) (b) of the constitution was revived through which the President regained the power to dissolve the National Assembly according to his discretion. Similarly, according to article 112 (2) (b), the governors could dissolve the provincial assemblies which would be referable to the Supreme Court within fifteen days of such an exercise.³⁹ Furthermore, according to the original constitution, the president who is a toothless figurehead accumulated all the executive powers in his hands at the expense of the Prime Minister. Thus, a military dictator- turned-President subdued all the political system to one and only one person that is the President.⁴⁰ Indeed, elections were held during his rule for the election of members of National Assembly and Provincial Assemblies but the process of democracy was a highly controlled one.

Judiciary is a very important organ of a government and democratic system its main function is to serve as the guardian of the constitution and ensure rule of law in a state. It safeguards fundamental rights of the people and it prevents encroachment on the part of different institutions by having a vigilant check over the organs of the state.

Unfortunately, in Pakistan the judiciary has a checkered history. In Pakistan judiciary has never assumed (prior to the recent judicial crisis and activism) an independent role. During the military regimes in Pakistan, it was often tried on priority basis to bring the higher judiciary under its tentacles and paradoxically the dictators faced very little or almost nominal resistance from this organ and willingly subdued to their whims and caprices. The same pattern repeated itself during the era of Musharraf. Judiciary was not touched initially by the dictator but when the sympathizers of Nawaz challenged the take-over of Musharraf then it was thought that now the regime has to bring changes to the superior judiciary and Musharraf decided to administer fresh oath of office to all the judges of superior courts on January 26, 2000.⁴¹ Six judges of the Supreme Court refused to take the new oath and they were kept away from the process. With regard to the case of Musharraf take over the newly formed Supreme Court under Justice Irshad Hasan Khan came up with the verdict that Musharraf had “validly assumed power by means of extra constitutional step in the interests of the state”.⁴² However, whenever military sensed a threat from the higher judiciary then it took emergent steps to tame the judiciary. On November 3, 2007, Musharraf issued a proclamation of emergency suspending the constitution.⁴³ It was put forward that the country as a result of the worsening law and order situation was in a state of emergency and extra constitutional steps were needed to bring the situation under control. Again the target was the higher judiciary. A new PCO was issued and the member of higher judiciary would be obliged to take a fresh oath. It was alleged by the military regime that the judiciary was working at cross purpose with the executive in its fight against terrorism.⁴⁴ As a result seven Supreme Court and scores of High Court judges refused to take oath and they were dismissed.⁴⁵ This dismissal of judges resulted in severe judicial crisis in the country. The crisis owed to the all out military efforts to control the state system. Thus during Musharraf regime, even the judiciary was not spared which is otherwise held with high esteem in democratic countries.

The foreign policy of the state was not remained immune of his grabbing hand. In democratic states foreign policy is found by civilian policy makers and then the policy is implemented with help of civilian bureaucracy. But when military, popularly known for aggressive episodes starts interfering, it creates problems and disharmony with neighboring regional states. The study of Musharraf foreign policy makes the point quite clear. During his assertive rule there was little space for the civilian to maneuver.⁴⁶ Having no civilian input in his foreign policy Musharraf brought Pakistan to an international isolation. In the initial years of his rule, Musharraf had not normal relations with

USA and Europe and at the same time he was not welcomed by the neighbors in the region.⁴⁷ Yet, the incident of 9/11 changed the fate of his foreign policy. Pakistan joined the alliance of the US in the war on terror. The events of 9/11 provided a chance to Musharraf to come out of his isolation, yet he failed to pursue the core interests of the country through his foreign policy. The above elaboration of some events does not mean that only these institutions were the sole victim of the Musharraf scourge. Similarly, other different institutions got negatively affected by military interference during his era. The following are some of the instances which need space and time to discuss in detail.

The appointment of serving and retired military officers to different department caused disgruntlement amongst civil servants who saw their promotion prospects blocked by military appointees. The late Lt. Gen. Gulzar Kiani was appointed as a chairman of Federal Public Service Commission (FPSC). It is worth mentioning that the above institution is responsible for recruiting high civil servants to the bureaucracy. Intelligence Bureau (IB) and Federal Investigation Agency (FIA) were headed by army men. The Army controlled all state institutions—civil service, foreign policy, economic policy, intelligence agencies and other organizations. Lt. Gen. Khalid Muqbool and Lt. Gen. Husain Shah were appointed governors of Punjab and NWFP (KPK) respectively. In addition, the military has carved out a role and position in the public and private sectors, including industry, business, agriculture, education and scientific development, health care, communications and transportation.⁴⁸ Under Musharraf the Army finally became the country's most important player in the generation and distribution of economic resources and Wealth.⁴⁹ In short words, military were at the driving seat of the political system and the subordinates were expected to follow the dictations forwarded by the upper echelon of the institution that were from the army itself. He hijacked the political system of Pakistan which is not deemed an anomaly because in most of the cases dictators deploy his own stalwarts in the system at key positions to ensure optimal subjugation.

Conclusion

In a nutshell, we come to the conclusion that whenever a military dictator stages a coup he brings immense changes in the existing political system to get firm grip over the affairs of the polity and to make it fit for the elongation of his dictatorial rule. He carries out massive purges of the civil servants in the guise of different reforms. Furthermore, the most odious aspect of their scourge is that institutions are hard hit. Party loyalists are inducted in different important institutions to ensure utmost

subservience and subjugation to his rule. One comes across hundred of incidents in the history of Pakistan where the dictator brought tremendous changes in the state system and institution by molding it according to his own wishes and desire. Consequently, in this show down vast resources of the state are wasted. In addition, the institutions are shackled severely. Moreover, the moral of the civil servants is seen at the lowest ebb.

Much of the above odd things took place during Musharraf saga. In the name of national accountability, he founded an institution called National Accountability Bureau (NAB), which was quite instrumental in harassing his opponents. Not surprisingly, in majority cases it was staffed with serving or retired army men. Nevertheless, the bureau recovered some old debts and took to task those who were involved in the invidious affairs of corruption. Yet, the bitter truth is that the institution of army and its personnel remained immune to the process of the bureau. Similarly, the judiciary also enjoyed utmost immunity from the bureau scrutiny. Its hard pursuit was dominantly directed against the politicians. Interestingly, at the end of Musharraf saga, he proclaimed general amnesty for those who had looted the state treasure through National Reconciliation Ordinance, which was sounded as if Musharraf is the King of Pakistan and he has actually created the state of Pakistan. His sincerity and commitment to the cause of accountability is doubted here.

Similarly, he introduced the Devolution Plan under National Reconstruction Bureau, which got a mixed response from the masses. Though publicly, he made big claims of devolving the democracy to the grass root level of the society. But the fact is that he was searching for legitimization of his usurpation of powers. The peculiar aspect of his policy is that he assigned greater powers, particularly the administrative powers, to the inexperienced elected bodies. Moreover, he subjected the professionally trained high bureaucracy of a district to the Nazim which highly affected the conduct and governing skill of the bureaucracy. Some analysts are of the view that he deliberately moved the plan in order to reduce the powers of state bureaucracy. Additionally, in the process of devolving powers to the grass root, in return the feudal again made their inroads to come to the powers who also contributed in distorting the essence of the process.

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