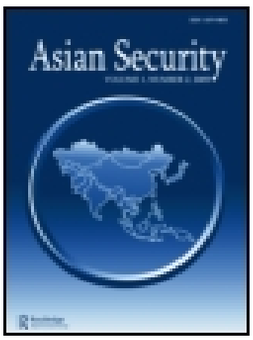

Asian Security

ISSN: 1479-9855 (Print) 1555-2764 (Online) Journal homepage: https://www.tandfonline.com/loi/fasi20

Pakistan's Democracy: The Army's Quarry?

Nawaz, Shuja, *Crossed Swords: Pakistan, Its Army, and the Wars Within* (New York: Oxford University Press, 2008), 600 pages, hardcover, $34.95. Siddiqa, Ayesha, *Military Inc.: Inside Pakistan's Military Economy* (London: Pluto Press, 2007), 304 pages, paperback, $35.

C. Christine Fair

To cite this article: C. Christine Fair (2009) Pakistan's Democracy: The Army's Quarry?, Asian Security, 5:1, 73-85, DOI: 10.1080/14799850802611552

To link to this article: https://doi.org/10.1080/14799850802611552

Asian Security, vol. 5, no. 1, 2009, pp. 73–85

ISSN 1479-9855 print/1555-2764 online
DOI:10.1080/14799850802611552

Routledge
Taylor & Francis Group

REVIEW ESSAY

Pakistan's Democracy: The Army's Quarry?

C. CHRISTINE FAIR

Nawaz, Shuja, *Crossed Swords: Pakistan, Its Army, and the Wars Within* (New York: Oxford University Press, 2008), 600 pages, hardcover, $34.95.

Siddiqa, Ayesha, *Military Inc.: Inside Pakistan's Military Economy* (London: Pluto Press, 2007), 304 pages, paperback, $35.

Abstract: *This review essay is based upon Shuja Nawaz'* Crossed Swords: Pakistan, Its Army, and the Wars Within *and Ayesha Siddiqa's* Military Inc.: Inside Pakistan's Military Economy. *Based upon these two author's insightful volumes, this essay explores the roles of both military and civilian actors and institutions in the undermining of Pakistan's constitutional rule of law. While conventional wisdom places the onus disproportionately upon the military's penchant for interventionism, this review essay contends that the army has intervened only with the active assistance of civilian institutions which are subsequently further eroded with every military takeover. Thus any long-term solution to democratize Pakistan must focus both upon the army's presumed "right" and "obligation" to intervene in Pakistan's political system while simultaneously strengthening and professionalizing those civilian institutions needed for providing good governance with accountability.*

On August 7, 2008 the faltering (and now defunct) coalition government of Asif Zardari's Pakistan People's Party (PPP) and Nawaz Sharif's Pakistan Muslim League-Nawaz (PML-N) announced that they would impeach President Pervez Musharraf. On August 18, Musharraf announced his resignation. In reality, impeachment was never likely for a number of reasons. First, it was doubtful that the shaky government had the support of two-thirds of the legislators in both the senate *and* national assembly, as required by law to impeach him. While few Musharraf loyalists from the Pakistan Muslim League-Q (PML-Q) prevailed in the February 2008 elections, the senate remained a bastion of his supporters. Senate elections are scheduled for August 2009.

Second, and more importantly, the very commencement of impeachment proceedings against Musharraf undermined the fundamental interests of the army. The army is Pakistan's most powerful institution and has ruled the country for more than half of Pakistan's 61 years as an independent state. Since 1947, the country has suffered four military leaders: Ayub Khan (1958–1969), Yayha Khan (1969–1971); Zia ul Haq (1978–1988); and Pervez Musharraf (1999–2008).[1] While the army had no compelling

The author is grateful to Jason Kirk for his thoughtful critique of this review essay. Any oversights or errors are solely the fault of the author.
Address correspondence to: C. Christine Fair, at. e-mail: c_christine_fair@yahoo.com.

interest to protect its former leader, a high-profile process to impeach Musharraf would have been tantamount to censuring the army itself and its presumed mandate – if not arrogated *obligation* – to intervene in Pakistan's political affairs when the army deems it necessary. Once the process of impeachment began, it would have quickly transformed into an indictment not just of Musharraf but of the army and its history of interventions. Thus even if the government had inadequate support to impeach Musharraf, the process itself would have been bad news for the army and its presumed right to interfere in the governing and misgoverning of the state. This galvanized army leadership to preempt the process altogether by pressuring Musharraf to resign. In the end, Musharraf did what was expected of him: once the charge sheet was released, he refuted all accusations as he resigned his post in defiant indignation.

Musharraf's fall had been long anticipated. Since 2004, when he reneged on promises to resign as the army chief, his domestic predicament became ever more untenable as he simultaneously sought to appease numerous and disparate stakeholders.[2] In March 2007, he made a fatal mistake. He dismissed a popular Supreme Court justice, Iftikhar Mohammad Choudhury, who began challenging a suite of Musharraf's policies including privatization of public assets at below-market rates and illegal detention of citizens and rendering them to the United States. He insisted that the Musharraf government account for the "missing" persons, a move that was very popular. (Contrary to US officials' claims, he did not insist upon their release.[3]) Musharraf feared that the activist court would challenge the dubious legality of his planned reelection in early October 2007. Musharraf's extra-constitutional removal of Choudhury galvanized a limited but effective mobilization of civil society that became known as the "Lawyers' Movement." Musharraf's moves against the judiciary were temporarily halted when the Supreme Court ruled against the propriety of Choudhury's ejection and reinstated him. The movement continued, pressing on for democracy and Musharraf's ouster.

While civil rights activists, journalists and mainstream and Islamist politicians alike joined the movement, it never took on mass proportions. This was likely due in part to the fact that, with few exceptions, trade unions and student organizations are largely defunct in Pakistan.[4] It was also due to Musharraf's mobilization of the police and intelligence agencies to harass activists. He also unilaterally enacted illiberal media curbs under which journalists could face jail terms as well as a five million rupee ($82,000) fine for any live program or publication that "defames" him, the army or the government.[5] Pakistan's National Assembly, under PML-Q leadership, also amended the Pakistan Electronic Regulatory Authority (Pemra) Ordinance in June 2007 imposing harsh curbs.[6] Those restrictions were not lifted until April 2008.

Notwithstanding the increased cost in participating in the democracy movement, the movement resonated with Pakistanis who wanted Musharraf to resign and to hold free and fair elections. His policies of siding with the United States under President Bush, fighting counterinsurgency operations (howsoever limited and ineffective) in the Federally Administered Tribal Areas (FATA), and detaining suspects in the name of the "war on terror" deeply vexed the polity. Increasingly, Pakistanis held the army itself in contempt. Under Musharraf, Pakistan's army became increasingly demoralized – forced to fight a war against its own citizens in support of the war on terror, which

the army did not embrace. As Pakistan's own citizenry turned against the army, the army turned on Musharraf.[7] Musharraf made his fatal miscalculation on November 3, 2007, when he declared a state of emergency to preempt any effort by the Supreme Court to nullify his reelection as president. As he did so in his capacity as army chief, not president, the move was extra-constitutional and legally tantamount to martial law.[8]

The Emergency was short-lived. Musharraf hand-picked a presumed ally, General Ashfaq Pervez Kiyani, to supersede him as Army Chief and stepped down from that post on November 29, 2007. Musharraf, confident that he had the army's continued support, declared that general elections would take place in early 2008. Having worked out, with Washington's assistance, a power sharing deal with Benazir Bhutto, he was certain that he would remain on as president for another five years. Ms. Bhutto's tragic assassination ended all of his hopes. As Pakistanis blamed Musharraf and his functionaries for her death, there were few prospects that his PML-Q could prevail in the postponed February elections.[9] In February Pakistanis voted for change and issued a clarion call for the departure of Musharraf and his political cronies.

Democracy proponents have been elated by this long-awaited sequence of events. There is little doubt that Musharraf's resignation – at threat of impeachment – is as important as it was unprecedented. Never before had an army chief been reprimanded for taking over the country. Musharraf could have found himself in ever greater trouble as his seizure of the state and other actions likely comprised acts of high treason under Article 6 of Pakistan's 1973 constitution. The penalty is death or life in prison. While in uniform and in charge of the country, he had immunity. Stripped of his epaulets, he was dependent upon the army for protection. While the army had no desire to protect Musharraf, it had no interest in seeing its right to intervene in the country's management impugned and undermined. Thus it is unlikely that Musharraf was ever seriously at risk despite his foes' calls for such proceedings. His situation seriously improved when Nawaz Sharif, the chief proponent of this approach, left the government.

At first blush, these developments seem to auger a new and brighter day for democracy and constitutionalism in Pakistan. Alas, democracy advocates are certain to be disappointed, and likely sooner than later. Both Ayesha Siddiqa and Shuja Nawaz, in their respective recent and prescient volumes on the Pakistan army, explain why it is unlikely that Pakistan's civilians will ever be able to tame Pakistan's men on horseback. Both volumes, using different data and arguments, posit an army that has accumulated enormous power and exists beyond any civilian control. Both describe the Pakistan army (and other services) as accumulating wealth and resources for their institutions but also for retired and serving generals privately. Both authors, in their own way, narrate massive transfers from the public exchequer to private officers' holdings, especially that of senior generals. Both authors describe an army that enjoys sweeping support for its preeminent role in governing the state directly or indirectly, in part because of the "national security state" it has done much to foster. Ironically, both authors suggest that until the civilians are able to secure greater control over the military, Pakistan will teeter from crisis to crisis while the army prosecutes reckless policies abroad. However, neither offers any reason for optimism that the civilians will ever be so capable. This is due not only to army hegemony but also to the sad fact that Pakistan's civilian leaders

are beneficiaries of the current hybrid system of weak autocracy and weaker democracy. Whereas Nawaz concludes his volume with (somewhat unconvincing) recommendations for ushering the military back to its barracks, Siddiqa concludes hers by recounting the necrotic impacts of the military's financial and political adventures upon its corporate discipline and corps d'esprit. Neither author's analysis inspires genuine hope that Pakistan will ever know constitutionalism and rule of law.

"Predatory" Generals or "Culture of Entitlement"?

Both Siddiqa and Nawaz come to essentially similar conclusions about the army's accumulation of resources and power, albeit with different empirical bases and interpretation. Nawaz, throughout his 600-page historical and curiously autobiographical account of the institution, illustrates fundamental dilemmas of state building in Pakistan. He recounts the army's role in building a national security state and the concomitant role in decision-making in Pakistan's foreign policies, securing domination of the country's financial resources, and accumulating massive personal benefits for army personnel. Siddiqa's account differs in detail and tone, but not in substance. First and foremost both authors concur that the country's military, bureaucratic and civilian elite have failed abjectly to promulgate a constitutional democracy in part because of the enduring fundamental disagreements among Pakistan's civilian and military leaders and civil society – a category that includes Islamists. Since 1947, these groups have vociferously debated whether Pakistan should be a presidential or parliamentary system, where the balance of civil–military power should reside, what role is appropriate for Islam in the state, what degree of autonomy is suitable for the provinces and other aspects of devolution, and whether and how the state should incorporate areas such as the Federally Administered Tribal Areas.[10]

Both Nawaz and Siddiqa posit the army as one of the most enduring and recalcitrant impediments to a democratic political system in Pakistan. The army is the predominant institution in the country and it remains well beyond civilian control. Both Nawaz and Siddiqa concur that the army is not the only culprit in this civil–military quagmire. The army has never come to power on its own. Rather, it is has always come to power with the assistance of the civilian bureaucracies and politicians. The Supreme Court has always blessed the various "Provisional Constitutional Orders" and "Legal Framework Orders" promulgated by the country's various military rulers. In fact, Pakistan's supreme court has pioneered the so-called "doctrine of necessity" to legitimize the coups.[11] The military also rules in connivance with co-opted political elements that are eager to remain in the political establishment rather than outside of it. In fact, both authors are critical of the ways in which Pakistan's political leadership and the civilian bureaucracy aid and abet the erosion of democracy and entrenchment of military dominance. These civilian elites have always viewed the military as a tool for furthering their own objectives. Even during periods of purported civilian governance, political parties in opposition have used the army to undermine their opponents with the intent of proroguing the government and bringing about early elections. As Siddiqa poignantly notes the army derives its potency from the civilians' "acceptance of the military as a political arbiter, compounded with its prominent role as the guardian of the country's security, sovereignty, and ideology."[12]

This is the curious problem of Pakistan's hybrid system, elaborated by both Siddiqa and Nawaz. Even though democracy has been unable to fructify in Pakistan, authoritarianism has been unable to obtain the kind of legitimacy that would permit a junta-like system to emerge. Even the generals accept the notion that democracy is to be aspired to, even if they contend that Pakistan or Pakistanis cannot be trusted with anything more than a limited democracy overseen by the generals. As Nawaz explains, "all military rulers desperately seek legal cover for their extra-constitutional actions, while deep down they understand that they only [source] of the legitimacy is the power inherent in their military command."[13]

Both authors note the enormous resources that the military has come to accumulate. The military essentially dictates its budget to the government by submitting a one-line budget amount which is not subjected to scrutiny. In June 2008, the military submitted a two-page budget for all services to the senate with a breakdown under six separate headings. (This was a major PPP promise and the army, appreciating domestic and international demands, obliged.) The budget presented was no doubt misleading as its pensions for the huge force are excluded. Unfortunately, the budgetary exercise in the senate had little more than symbolic importance. Neither the senate nor the national assembly, under Article 82 of the constitution, can change the budget request.[14] This move was widely interpreted as one of Kayani's ongoing efforts to portray – for domestic and international audiences – a greater willingness to subject the military to civilian oversight. These moves were meant to restore the army's relations with Pakistan's polity and to mollify a US Congress eager to condition military aid to civilian governance.

One area of significant divergence in the two volumes is the *intentions* ascribed to the army. Nawaz acknowledges that the army and other services have accumulated an economic empire, through direct involvement of the armed forces' various business enterprises and foundations, and by granting advantages to particular officers and their families. However, Nawaz ascribes this to a culture of entitlement that gradually developed within the army, which ineluctably accumulated vast resources and concomitant influence over an ever-expanding network of co-optable beneficiaries.

In contrast, Siddiqa argues tenaciously that this behavior is predatory. In her characterization, the leadership of the army has successfully and methodically appropriated ever more resources with increasing impunity with the explicit intent of hoarding power and resources. In sharp disagreement with Nawaz, for Siddiqa the military's enhancement of its financial autonomy was not a coincidence or an ineluctable development. Rather the military with forethought cultivated financial autonomy to enable it to appropriate a permanent and capacious role for itself in managing the state and its affairs. This began in earnest under Zia, who promulgated a number of legal instruments to transform the military from a tool of policy implementation to one of formulating policy. This connection between the military's business empire (what Siddiqa calls "MILBUS") and policy is important because it exposes a basic truth: as long as the army has an inordinate role in policy formulation, it will likely pursue policies that continue to define Pakistan as a national security state to further its corporate *business* and political interests. The military would have few incentives to pursue peace building with India, as a durable peace (absent new security threats) would justify reductions

in the army's size and diminish its claim to resources and domination of state apparatus. While Siddiqa is likely right, her descriptions do convey the impression that the army writ large enjoys such benefits. This rather overstates the case. While enlisted and junior officers enjoy some limited benefits (e.g. small flats or parcels of real estate), the most significant spoils are enjoyed by the senior-most leadership.

Both authors concur that the perceptions of army behavior held by any given officer are quite different from those held by critics of the military's financial and political power. Even though Siddiqa believes that the army has been predatory in its empire-building, any particular officer does not see the institution's activities as "exploitation." Rather he is likely to simply see inordinate access to resources as privileges to which he is entitled due to his selfless service to his country. Ultimately, the resources of the various foundations which employ retired officers and other perquisites are justified as "welfare activities." In this sense, there is more similarity in both authors' positions than may be gleaned from the tones of the respective volumes.

Both volumes tend to focus on the army; however, Siddiqa describes how the other services, in an effort to enjoy similar largesse and welfare activities, have mimicked the army's strategy of resource accumulation. The weakness of Siddiqa's volume is the limited data available for this study. As the author admits, financial data on military-related business ventures are not available. Thus she has built her volume upon a relatively thin empirical basis. Neither author offers much hope that the tide can be turned, at least in part because the army (and other services) has expanded its base of influence and numbers of persons who benefit from the current situation, including the political classes.

The National Security State and the Prominence of the Army

When the military has not ruled directly, it has ruled indirectly by pressuring the political parties, by undermining popularly elected governments, by manipulating party rifts, and even by creating new political parties (e.g. PML-Q and PML-N) to act as the military's political proxies, which the army (with assistance from the intelligence and police agencies) then helps to prevail at the polls. As both Siddiqa and Nawaz explain, the reasons for the army's dominance are historical. Pakistan came into being as an insecure state, with a territorial dispute over Kashmir and a contested border with Afghanistan. Many Pakistanis harbor a deep, persistent belief that India does not accept Pakistan as a separate state and seeks to re-absorb it. This view is an article of faith among the polity and military alike, a point that both Nawaz and Siddiqa concede. (The establishment actively nurtures this perception by influencing curricula in Pakistani schools and managing the public discourse about its neighbor.[15]) Indeed, the army's willingness to intervene politically and economically stems from its enduring belief that it is both the preeminent guardian of Pakistan's foreign and domestic interests, but also of the "ideology" of Pakistan, variously construed.[16] This view is generally shared by the citizenry, and endures despite the polity's cyclical disgruntlement with the missteps taken by military leaders when they directly hold power. This notion that the military (especially the army) is the guarantor of an insecure state stems in great measure from the way in which the sub-continent was partitioned.[17]

This worldview of the army has a number of ramifications apart from the sustained enervation of democracy. The army has a revisionist agenda, seeking to change the

regional status quo in Kashmir, and it created a highly stove-piped decision-making process noted by the absence of a rigorous national security debate and competent civilian input. This combination of factors explains in some measure how the army has pursued a variety of reckless policies at home and abroad. Nawaz eloquently describes repeated military debacles, poor strategic and tactical planning, and misrepresentation of battlefield developments to a population consistently misinformed by state media. As Nawaz explains, while the army and civilian elites alike often refer to the threat India poses to Pakistan, Pakistan has initiated every war it has fought with India with the possible exception of the 1971 war. (In that war, India intervened because Pakistan's assaults on its Bengalis drove them into Indian territory, which precipitated a humanitarian crisis. Nawaz' account of this war is surprisingly sympathetic to the Pakistanis and places much more blame upon the Bengalis for perpetrating the violence that characterized the spin-up to the war than do other treatments of that conflict.) Both Siddiqa and Nawaz explain that these policies have both sustained the Indo-Pakistan security competition and confirmed the reality of the Indian threat among Pakistanis, who are often ignorant of their army's activities, including its culpability in commencing hostilities, fostering proxy elements and failing to achieve victory in its varied efforts.[18]

These historical factors, posited by both authors, explain in part why the army sees itself, and is seen by many Pakistanis, as the guarantor of an inherently insecure state. Pakistan's civilian institutions are unable to constrain the army because of their own weaknesses, but also because they ultimately embrace or at least tacitly accept this narrative. During the army's various tenures, it has expanded its grip over ever larger economic interests; cultivated and co-opted bureaucratic, industrial and political elites; weakened the capacity of political actors; diminished opposition to the concept of military intervention by accumulating ever more stakeholders, and secured strategic partnerships with the United States, which have been very lucrative for the army.[19] With each round of failed military government, the political system has become more incapable of governing once the army leaves.

In light of the major role the army plays politically and economically in Pakistan and the concomitant retarded development of the civilian institutions which could otherwise control the military, the army will not permanently disengage from politics. Even if the army were to decide – for its own institutional reasons – that continued political intervention corrodes morale, discipline, and professionalism, without a simultaneous increase in the civilians' political will and capacity to govern, future retrenchment from politics will be transient. Civilian institutions have been unable to exert control over the military – points repeatedly emphasized by both Nawaz and Siddiqa.

The Army in the Post-9/11 World

Nawaz' treatment of the army in the post-9/11 world disconcerts as it illuminates. It is clear from the account of Nawaz and others that Pakistan's perceptions of an adverse security environment have worsened since 9/11. These perceptions should be a key concern for US policymakers because they increase the probability of conflict in South Asia. Musharraf entered into an alliance with the United States for three reasons. One,

he sought to protect Pakistan's nuclear weapons program. Two, he sought US intervention to resolve the Kashmir issue with some acknowledgement of Pakistan's interests. Three, he wanted to preempt Indian overtures to forge better ties with the United States to counter Pakistan. (Recall that within days of 9/11, India offered to let the United States use its air bases to attack Afghanistan.)[20] Pakistan has not just failed to achieve these goals; from its point of view, its position has been significantly undermined. The US–India nuclear deal and impossibility of a comparable deal with Pakistan requires Pakistan to rethink its nuclear deterrent. Similarly, US–India relations have become broad-based and strategic. They are now driven in large measure by threats emanating from Pakistan. While the United States has quietly encouraged both countries to resolve the Kashmir issue, the most probable solution means ratifying the status quo, a position that Pakistan has not yet embraced.[21]

The US-led Afghan war has created many challenges for Pakistan. Some elements within the Pakistan army believed that Pakistan should have changed course on the Taliban even before 9/11. The Taliban offered few advantages and imposed heavy costs to Pakistan. Nonetheless, the Taliban did curtail Indian influence in Afghanistan. In post-9/11 Afghanistan, India has become Afghanistan's most important regional ally. It has opened up several consulates in border provinces, secured sensitive contracts to build the Ring Road, which connects Herat, Kabul and Kandahar, and has deployed the paramilitary Indo-Tibetan Police Force to provide security for Indian personnel in the country. India currently enjoys – as it has tended to do historically – much closer relations with Kabul than does Islamabad.[22]

Since 2003, Pakistan has remonstrated India concerning its "excessive" consular presence. It has accused India of exploiting its access in Afghanistan to support militants in Baluchistan, tribal areas, and attacks within the Pakistani heartland. India and Afghanistan have blamed Pakistan's ISI and Pakistan-backed militant groups for attacks on Indian targets within Afghanistan, including the dramatic July 2008 attack on the Indian embassy in Kabul and assassination attempts against Afghan President Hamid Karzai.[23]

Since the fall of the Taliban, Afghanistan has emerged as an important theatre for Indo-Pakistani security competition. Fears of Indian encirclement are not limited to New Delhi's presence in Afghanistan. India's relations with Iran, rapprochement with China and access to Central Asian states (including two bases in Tajikistan) animate Pakistan's concerns that it is being surrounded by hostile states, or states friendly to India.[24]

In light of these developments in its neighborhood and its past approaches to contending with its perceived threats, Pakistan is taking steps to manage these risks. Pakistan's tribal areas are a known sanctuary where Taliban, al Qaeda and a raft of other militant groups enjoy domicile, healthcare, recruitment facilities and training centers.[25] Increasingly, observers believe that Pakistan is dedicating state resources to support the Taliban operating in Afghanistan, while working with the international community to eliminate al Qaeda. Accusations abound that Pakistan's paramilitary Frontier Corps, as well as retired and serving ISI personnel, are aiding and abetting the Taliban. Even Musharraf conceded the role of retired ISI personnel in Afghanistan during the August 2007 Peace Jirga in Kabul.[26]

International, Afghan and Pakistani sources have provided increasing evidence that Pakistan-based militants like Lashkar-e-Taiba, Jaish-e-Mohammad are operating against international and Afghan forces in Nuristan and Kunar, among other Afghan provinces.[27] Ahmed Rashid alleges that President Musharraf himself was not only aware of these pro-Taliban activities, but ordered them. Rashid argues that early US decisions to use a small footprint, to rely upon "warlords" distrusted by Pakistan to provide security, and to demur from "state-building," all telegraphed to Islamabad that the United States was not serious. Driven by the imperatives of geography, Pakistan's leadership determined that it was in its best interest to continue supporting the Taliban.[28] This calculation has yet to change. A key challenge for US policymakers will be to convince Pakistan's new civilian and military leadership that intervening in Afghanistan is not in Pakistan's strategic interests, or to emplace policies that make Pakistan's adventurism more costly. Currently, there is little sign that Pakistan's assessment and strategy will change over the course of the next several years.

It is also not obvious from either Nawaz or Siddiqa's account of the army and civilian worldviews alike that a genuinely civilian-led Pakistan would exhibit behavior that is significantly different. The dominant strategic assessment is, in good measure, shared by military and civilian elites. In fact, the track record of civilian leaders suggests that a genuinely civilian-led Pakistan would evidence considerable policy continuity. Prominent civilian leaders have engaged in political deals with the militant groups such as Sipah-e-Sahaba-e-Pakistan (SSP) and other Islamist parties. Second, the Taliban became Pakistan's explicit ally in Afghanistan during Benazir Bhutto's second term in office with the guidance her interior minister General (Ret.) Nasrullah Babar.[29] The Taliban received training, financing and other forms of patronage through the military and intelligence services and this policy continued to enjoy support under Nawaz Sharif. Third, civilians have generally supported the so-called Kashmir jihad. Finally, as the civilians are even more sensitive to public sentiment, they would be unlikely to move decisively away from a policy of appeasement towards the Pakistan Taliban unless they began targeting the civilians again.[30]

Towards a Pakistan at Peace with Itself and at Peace with its Neighbors

Surely, it is debatable whether a truly civilian-led Pakistan would, over time, evolve from a national security state and devote fewer sources towards its dangerous security competition with its neighbors and focus on the task of governing the state and investing in its people. However, it is a certitude that Pakistan, under direct and indirect army control, will continue to pursue policies that are dangerous for Pakistan, the region and the international community. While both authors acknowledge that the civilians must develop discipline and respect for constitutionalism and exert, over time, robust institutional control over the army, both concur that the primary onus must be placed upon the army to demur from political interference. Both authors identify the army's enduring sense of entitlement that it can and indeed should take over the government when top generals assess that the civilians have failed. Both authors dilate upon the army's corporate belief that it can manage the state better than the civilians, despite a paucity of evidence for this claim. These institutional perceptions are a function of army education, which is imbricated with disdain for civilian

politicians and their institutions and concomitant belief in the army's superior understanding of the state's needs and ability to satisfy them. Nawaz and Siddiqa's analyses underscore a simple reality that civilian control over the military ultimately will require the army to reorient its various education and acculturation processes before it can transform its culture. It will also require the army to exercise greater institutional discipline. All officers take an oath that commits them to abjure political involvement. The institution rarely censures its own for violating that oath.

Shuja Nawaz argues that even greater change is required to mitigate the risks of further military domination. Army reorganization, he contends, is needed to ensure a "coup-proof" system. His proposed system builds on a new command structure that was announced in 2007. That proposed restructuring, which has not been fully implemented, created three new commands: the Northern, Southern, and Central Commands, which would be responsible for the administrative arrangements of the army's nine corps that fall within the respective commands. Some observers attribute this unprecedented move to reorganize the army under regional commands to institutional demands to rationalize higher decision-making. For the army chief, managing the collegium of corps commanders has been difficult. Given that the corps commanders are essentially Pakistan's ruling elite, the group has often been fraught with personality clashes and personal ambitions. However, the more likely motive was an attempt by then army chief and president Musharraf to dilute the influence of the corps commanders by requiring them to act through a higher level of authority.[31]

Nawaz suggests that these regional commanders should be four-star generals, which would help dilute the army chief's pervasive influence. He also suggests that the Chairman of the Joint Chiefs of Staff Committee (CJCSC) should be the principal military advisor to the government, rather than the army chief. At present the CJCSC is a figurehead position. In such a system, the army chief would be responsible for managing the support of the army and interacting with the regional commanders. Nawaz believes that distributing power over many more four-star generals will help dilute the power of the army chief and make coups more difficult.[32] An alternative view is that it makes coups easier to effect because the army chief needs to manage a consensus among fewer generals than in the current system. Nawaz also believes that a broader recruitment base is needed to make the army more truly nationally representative and less beholden to specific provincial, ethnic or language interests.

In the end, Nawaz concedes that there is no way of circumventing the most fundamental requirement to build up a viable political system to help stave off coups and submit the army to civilian control. Unfortunately, while all of these interventions are possible, none of them are likely to come about over any meaningful time horizon. (These challenges are further frustrated by the ways in which Pakistan's principal partner, the United States, has prioritized the army over civilian capabilities and leaders, and by Pakistan's external security perceptions, which afford the army inordinate control over decision-making and access to resources.)

Conclusion: The Future of the Army in Pakistan?

Genuine civilian control over the military is not likely in any policy-relevant future, both due to the army's own reluctance to step down permanently, and due to the structural

impediments that will retard the ability of civilians to govern effectively. One of the conclusions of both volumes is that neither the military nor the civilians have any adequate incentive to promulgate an enduring constitution or uphold fundamental respect for rule of law. Neither author offers any genuine optimism that the status quo will change for the better. Both rightly draw attention to the historical pattern of US patronage of Pakistan. Historically, Washington has dedicated the bulk of its assistance during periods of military rule, while failing to invest in civilian capabilities before, during, or after the military regime's tenure. While it remains to be seen whether massive investment in civilian capacity would demonstrably increase capacity, it has never seriously been tried. Washington has tended to prefer supply-driven assistance with inadequate focus upon accountability and transparency while resisting efforts to make funding contingent upon performance or outcomes. Thus even the largess dedicated to the Pakistan military has had few impacts upon army performance, and has been deployed mainly to buttress Pakistan's capability to fight its enemy – India – and not to advance the interests of the United States.

While the long-term prognosis is dismaying, there are some near-term positive developments. First, a military intervention is not imminent, for several reasons. The army's morale is at an all-time low since the 1971 loss of Bangladesh and army personnel are still held in some disregard among Pakistanis who hold them accountable for the failed and unpopular policies of Musharraf.[33] The army's leadership is interested in rehabilitating the morale of the institution and rebuilding its pride of place among ordinary Pakistanis. The diminished standing of the army will serve as a break to any army interference in civilian affairs in the near term, as has been witnessed by the army's stated distance from the Musharraf impeachment proceedings as long as legal processes are followed.[34] Thus the army is unlikely to step back into direct governance over the course of the next year or so.

Second, the current army chief Kiyani appreciates that the United States wants the army to have greater civilian oversight and he is anxious to give the patina of such control. Whether or not Kiyani is a true supporter of democracy remains to be seen. But he kept the army out of the February 2008 elections, withdrew army personnel from civilian billets and, in a surprising departure from army norms, even briefed the prime minister on counterinsurgency operations in FATA.[35] However, international observers' exuberance about this development was not merited: simply briefing the prime minister on army actions is not tantamount to seeking input, much less rendering policy subservient to the civilian leadership.

A third sign of progress has been the army's willingness to submit a brief budget to the parliament for debate. As discussed above, this was a first in Pakistan's history but had little more than symbolic importance.

While these developments suggest that the army will not move in coming months, none of them suggest a permanent disavowal of political interference. Pakistan's mangled constitution still retains presidential dominance, as enshrined in article 58 (2)(b), which allows the president to dismiss the national assembly,[36] and article 82, which shields military expenditures from public scrutiny. As popular contempt for the army recedes, the public may again embrace military rule as an alternative to civilian ineptitude. This will cancel any gains made. While many kinds of reform are possible, they are not probable. Pakistan's military and civilian elites will likely be unable to address these challenges of

constitutionalism and civilian control over the military with its own resources and of its own accord. Personal and corporate interests are likely to trump national interests in the absence of some significant shock to this system, either through external pressure or through unexpected domestic events. All of this suggests that for the foreseeable future, Pakistan will continue to be a source of insecurity for the region and beyond.

NOTES

1. Musharraf remained the president until August 2008 even although he stepped down as chief of army staff in November 2007.
2. After securing Musharraf's agreement to step down as army chief by December 2004 (a demand advanced most strongly by the Mutehida Majlis Amal [MMA]), the national assembly passed the Seventeenth Amendment to the constitution in December 2003, which legitimized Musharraf's decrees since he seized power in 1999 (including the Legal Framework Order [LFO]). Zaffar Abbas, "Analysis: Musharraf sidelines parliament," *BBCNews.Com*, August 21, 2002. Available at http://news.bbc.co.uk, accessed December 14, 2008; K. Alan Kronstadt, "Pakistan's Domestic Political Developments" (Washington D.C.: Congressional Research Service, 2005).
3. Author discussions with US Embassy personnel in Islamabad in April 2008.
4. Christopher Candland, "Workers' Organizations in Pakistan: Why No Role in Formal Politics?" *Critical Asian Studies* Vol. 39, No. 1 (March 2007), pp. 35–57. The lawyers' movement is new and was effective at bringing about Musharraf's political demise. But it is not organized around any articulated polices such as reforming the process of judicial appointments; rather it sought to achieve particular aims such as the reversal of Musharraf's actions.
5. See Salmon Sood and David Rohde, "Pakistan's News Media No Longer Silent, but Musharraf Has Muted His Critics," *New York Times,* December 11, 2007.
6. Human Rights Watch, "Pakistan: Media Restrictions Undermine Election: Curbs on Journalists Hamper Election Reporting," February 16, 2008. Available at http://www.hrw.org, accessed December 14, 2008.
7. Christine Fair, Clay Ramsay, and Steve Kull, "Pakistani Public Opinion on Democracy, Islamist Militancy, and Relations with the U.S." (Washington D.C.: USIP/PIPA, January 7, 2008). For figures demonstrating Pakistani fears about the 2008 elections and their non-military preferences, see IRI. "IRI Index: Pakistan Public Opinion Survey, January 19–29, 2008." Available at http://www.iri.org/mena/pakistan.asp, accessed December 14, 2008; and IRI, IRI Index: Pakistan Public Opinion Survey, June 1–15, 2008. Available at http://www.iri.org, accessed December 14, 2008.
8. See Human Rights Watch. *Destroying Legality: Pakistan's Crackdown on Lawyers and Judges* (New York: HRW, 2007).
9. According to a nationwide poll by Gallup Pakistan, nearly half of the sample suspected government agencies (23%) or government allied politicians (25%) to have been behind her death. See Gallup Pakistan, "Press Release: Benazir Bhutto's Assassination," January 11, 2008. Available at http://www.gallup.com.pk, accessed December 14, 2008.
10. Paula R. Newberg. *Judging the State: Courts and Constitutional Polities in Pakistan* (New Delhi: Cambridge University Press, 1995); and Zulfikar Khalid Maluka, *The Myth of Constitutionalism in Pakistan* (Karachi: Oxford University Press, 1995).
11. Pakistan's judiciary, long beholden to executive power, has repeatedly deployed the "doctrine of necessity" to justify military intervention and to indemnify the coup makers' actions. Pakistani jurists have developed this "doctrine" from common law and the legal theory of the Austrian jurist Hans Kelsen (*Grundnorm*). The doctrine of necessity finds that courses of action which are not otherwise legal are legal by virtue of necessity. See Human Rights Watch, *Destroying Legality*; International Crisis Group, "Winding Back Martial Law in Pakistan" (Islamabad/Brussels: Crisis Group, November 12, 2007); V. Venkatesan, "Coups and Courts," *Frontline* Vol. 24, No. 3, November 24–December 7, 2007. Available at http://www.hinduonnet.com, accessed December 14, 2008.
12. Ayesha Siddiqa, *Military Inc.: Inside Pakistan's Military Economy* (London: Pluto Press, 2007), p. 58.
13. Shuja Nawaz, *Crossed Swords: Pakistan, Its Army and the Wars Within* (New York: Oxford University Press, 2008), p. 379.
14. Mumtaz Ali, "Senate Debates Defence Budget for First Time," *The News*, August 13, 2008. Available at http://thenews.com.pk, accessed December 14, 2008.
15. See Husain Haqqani, *Pakistan: Between Mosque and Military* (Washington DC: Carnegie Endowment for International Peace, 2005); K. K. Aziz, *Murder of History: A Critique of History Textbooks used in Pakistan* (Lahore: Vanguard Books, 1998); A. H. Nayyar and Ahmed Salim, *The Subtle Subversion: The State of Curricula and Textbooks in Pakistan-Urdu, English, Social Studies and Civics* (Islamabad: Sustainable Development Policy Institute, 2003); Iftikhar Ahmed, "Islam, Democracy and Citizenship Education: An Examination of the Social Studies Curriculum in Pakistan," *Current Issues in Comparative Education* Vol. 7, No. 1 (December 15, 2004), pp. 39–49.
16. Yayha Khan portrayed the army as the protector of Pakistan's "ideological frontier," and this role has endured. See Haqqani, *Pakistan*, especially ch. "Defending Ideological Frontiers" in particular, pp. 51–86.

17. See also Stephen P. Cohen, *The Pakistan Army* (Berkeley and Los Angeles: University of California Press, 1984); Veena Kukreja, *Contemporary Pakistan: Political Processes, Conflicts and Crises* (New Delhi: Sage Publications, 2003); Hasan Askari Rizvi, *Military, State and Society in Pakistan* (New York: St. Martin's Press, 2000); Brian Cloughly, *A History of the Pakistan Army: Wars and Insurrections* (Karachi: Oxford University Press, 1999).
18. Most Pakistanis did not and do not believe that their country began the wars in 1947, 1965 or killed Bengalis in the 1971 war. Pakistani media incorrectly characterized the Pakistanis as winning and many Pakistanis believed they had won the conflict, until the varied terms of the armistices revealed otherwise. See discussions in Nawaz, *Crossed Swords*.
19. Siddiqa, *Military Inc.*; Nawaz, *Crossed Swords;* Dennis Kux, *The United States and Pakistan, 1947–2000: Disenchanted Allies* (Baltimore, MD: The Johns Hopkins University Press, 2001).
20. C. Christine Fair. *The Counterterror Coalitions: Cooperation with Pakistan and India*. (Santa Monica: RAND, 2004).
21. Fair. *The Counterterror Coalitions.*
22. See C. Christine Fair, "Pakistan's Relations with Central Asia: Is Past Prologue?," *Journal of Strategic Studies* Vol. 31, No. 2 (April 2008), pp. 201–227.
23. Scott Baldauf, "India–Pakistan rivalry reaches into Afghanistan," *Christian Science Monitor*, September 12, 2003; Sudha Ramachandran, "Now it's war against India in Afghanistan," *Asia Times Online*, July 9, 2008. Available at http://www.atimes.com, accessed December 14, 2008. See Pakistani senator Mushahid Hussain's accusation that India is training Baluch militants in Afghanistan available at "RAW is Training 600 Baluchis in Afghanistan': Mushahid Hussain," May 14, 2006. Available at http://www.boloji.com, accessed December 14, 2008.
24. See Fair, "Pakistan's Relations with Central Asia."
25. Numerous US intelligence and military officials have attested to the role of Pakistan's tribal areas as sanctuaries for these groups. See J. Michael McConnell, Director of National Intelligence, *Annual Threat Assessment of the Intelligence Community for the Senate Armed Services Committee*, February 27, 2008. Available at http://www.dni.gov, accessed December 14, 2008; John D. Negroponte, Director of National Intelligence, Annual Threat Assessment of the Director of National Intelligence, January 11, 2007. Available at http://www.fas.org, accessed December 14, 2008
26. Carlotta Gall, "Afghan Rebels Find a Haven in Pakistan, Musharraf Says," *The New York Times*, August 12, 2007.
27. Author fieldwork in Afghanistan between June and October 2007; Kathy Gannon, "Pakistan militants focus on Afghanistan: Jihadist groups are increasingly attacking U.S., NATO forces in Afghanistan," *Associated Press*, July 14, 2008. Available at http://ap.google.com, accessed December 14, 2008.
28. Ahmed Rashid, *Descent into Chaos: The United States and the Failure of Nation Building in Pakistan, Afghanistan, and Central Asia* (New York: Penguin, 2008).
29. Babar served as Inspector General of the Frontier Corps and as the Governor NWFP and was responsible for running ISI operations in Afghanistan in her father's government.
30. Deals with the Taliban sustain the support of most Pakistanis. In contrast, few support military action against them. See Fair *et al*. "Pakistani Public Opinion on Democracy, Islamist Militancy, and Relations with the U.S." For figures demonstrating Pakistani fears about the 2008 elections and their non-military preferences, see IRI, "IRI Index: Pakistan Public Opinion Survey, January 19–29, 2008." Available at http://www.iri.org, accessed December 14, 2008; and IRI, IRI Index: Pakistan Public Opinion Survey, June 1–15, 2008. Available at http://www.iri.org, accessed December 14, 2008.
31. Brigadier Arun Sahgal, "Pakistan Creates Army Commands to Mollify Restive Military," *Boloji.com*, August 20, 2007. Available at http://www.boloji.com, accessed December 14, 2008.
32. See Nawaz, *Crossed Swords*, pp. 580–581.
33. "IRI Index: Pakistan Public Opinion Survey, January 19–29, 2008."
34. Farhan Bokhari, "Army walks away from Musharraf," *Financial Times*, August 17, 2008. Available at http://www.ft.com, accessed December 14, 2008.
35. One correspondent wrote of the April 2008 brief, "In an unprecedented development, Pakistan's security establishment on Wednesday gave extensive briefing to country's top political leadership on internal and external security situation and the state of war on terrorism." See Afzal Khan, "War on Terror: Kayani briefs political bigwigs," *The Tribune* (Chandigarh), April 3, 2008. Available at http://www.tribuneindia.com. See also "Army briefs PM on NWFP situation," *The Nation*, June 25, 2008. Available at http://www.nation.com.pk, accessed December 14, 2008.
36. Pakistan's political and military elites have long debated whether Pakistan should be a parliamentary or presidential democracy. While the 1973 constitution enshrined a parliamentary democratic system with the prime minister as head of state and a titular president, this was reversed with the military coup of Zia ul Haq. Zia introduced amendment 58(2)((b), which granted the president (Zia) to dismiss the national assembly. Despite the return to democracy in 1990, this provision could not be repealed by either of the governments of Benazir Bhutto or by the first term of Nawaz Sharif. It was not repealed until 1997. When Musharraf seized the government in 1999, it was again reinstated. It remains in place despite the reemergence of democracy in Pakistan. Its fate remains in question under an Asif Zardari presidency. Few analysts believe that Zardari would forfeit such capacious powers afforded the president by 58(2)(b).

C. Christine Fair is the Managing Editor of *India Review* and a Senior Political Scientist at the RAND Corporation. These views represent those of the author and not those of the RAND Corporation.