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SNAPSHOT

The Pakistani Military's New Coup Playbook

Democracy Is Still on a Leash in Islamabad

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Bensemra / Courtesy Reuters

Will Democracy Survive? Protests in Islamabad, 2013. (Zohra

Pakistan is on the verge of an historic moment: This spring, for the first time, an elected administration will hand off power to another one after serving out its term. The Pakistan Peoples Party (PPP) government, which came into power in 2008 following reasonably free and fair elections, holds a number of dubious distinctions -- its massive corruption, its refusal to expand Pakistan's miniscule tax base by imposing industrial and agricultural taxes on parliamentarians and their patronage networks, its inability to address the colossal power and gas shortages that have plagued the country, its weakness in addressing Pakistan's pervasive security problems, and its inability to stem intolerance against religious and ethnic minorities. But despite the litany of shortcomings, the PPP's achievements are remarkable.

For one, the serving parliament has passed more legislation than any other in Pakistan's history. The government has also gone a long way toward institutionalizing democracy, including

making considerable efforts to take responsibility for foreign and defense policy-making, which are typically the bailiwick of the powerful army. Although the parliament has carefully managed this process so that it does not fundamentally challenge the army, the Pakistani people have nevertheless grown accustomed to seeing politicians weighing in on such hefty issues.

Meanwhile, President Asif Ali Zardari is the first sitting Pakistani president to have ever devolved extensive presidential powers to the prime minister, no small accomplishment in a country where the president has often enjoyed more power than the prime minister or parliament. Zardari has also made unprecedented strides to pass power to the provinces, in order to mitigate the long-standing grievances of those in Balochistan, Sindh, and Khyber Pakhtunkhwa (formerly the North-West Frontier Province), as well as the tribal areas. The government has even seriously flirted with reforming how the Federally Administered Tribal Areas are governed. The current codes date back to the colonial era and are ill-suited to a modern democracy.

This does not mean, of course, that Pakistan's democracy is in the free and clear. There are numerous and daunting tasks ahead for the next government. It must consolidate democratic institutionalization, strengthen civilian control over the military, forge consensus among whatever restive coalition partners eventually form the government, resist political infighting and military interference, and bravely seek economic reforms against the wishes of their constituents and their own economic interests. This may prove too herculean an agenda, especially with the military seeking new ways to assert its own power. Although the government has moved forward by leaps and bounds in the last few years, in other words, progress might be slower in the ones ahead.

DEMOCRACY ON A LEASH

Should successful elections and a turnover of government happen as planned, it will be even more difficult for the army to directly intervene in politics in the future. Unwilling to let that happen, the army has sought to stage-manage the process. It has enjoyed the assistance of Pakistan's judiciary.

The army shoulders most of the blame for the decrepit state of Pakistan's democracy; but it is also true that the army has never come to power alone. Pakistan's coups have historically followed a single playbook. First, when the generals seize power, they usually do so with the support of the people. To win that enthusiasm, the army has usually drummed up a political crisis in advance in order to make its interventions seem legitimate. Second, after seizing power, the army chief always anoints himself the head of government, suspends the constitution, and dismisses parliament. (Incidentally, these actions constitute high treason under the constitution.) Third, the justices of the Supreme Court are made to swear an oath to the army chief-cum-chief executive. Those with integrity choose not to do so and retire or are forced out, but they are easily replaced. This exercise is repeated down the ranks of the judiciary.

Because the army chief cannot rule alone, he engineers elections to produce a parliament that will be amenable to his rule. This requires creating a "king's party," cobbled together by poaching those politicians from the existing parties who would rather serve the army than lose power altogether. Pakistan's intelligence agencies also construct an "opposition of choice," featuring Pakistan's various Islamist parties.

When the army realizes that the people have turned against direct military rule -- usually after a decade or so -- it relinquishes direct control. At this point, democracy will be re-established, but due to the hiatus, the political parties are unpracticed and less than competent. The politicians do not usually censure their colleagues who collaborated with the army. Similarly, the judiciary does not punish those justices who broke their oath to uphold the constitution. And although treason is a capital crime under Pakistan's constitution, no general has ever been tried for it.

Worse, because the politicians fear that their time in power will be short, they tend to focus not on governance but rather on looting what they can before they are forced either to flee the country again or are tossed in jail. In an effort to amass power, whichever party lands in the opposition has often stalled the return to democracy by conniving with the army to bring about early elections. In the 1990s, governments were lucky if they lasted three years. The prime ministership volleyed back and forth between the inefficacious and corrupt prime ministers Benazir Bhutto and Nawaz Sharif. The army is pleased to oblige; the chaos gives weight to the idea that the army is Pakistan's sole responsible player, trying to save the country while inept civilian dolts run it into the ground.

THE MEN IN BLACK

The last few parts of the civilian-military power cycle have played out differently this time. Although no one is foolish enough to believe that Pakistani democracy is strong, the army's space for chicanery has shrunk modestly. The public remains deeply opposed to military rule: According to my own surveys and polls conducted by Pew and WorldPublicOpinion.org, Pakistanis, although dismayed by the quality of their democracy, nevertheless prefer it to military rule. There is no evidence that their views will change in the near term.

Moreover, the military itself is still reeling from the negative effects on the armed forces and the population at large of General Pervez Musharraf's nine years ruling Pakistan. Musharraf made the controversial decision to cooperate with the United States in the deeply detested "war on terror." He also agreed to permit U.S. drones to operate in and from Pakistan, ostensibly scaled back Pakistani support for militants in Kashmir, and launched a series of wildly unpopular military operations across Pakistan border areas (in Balochistan, the tribal areas, and Swat). In addition, the Supreme Court pointed to several sales of public enterprises to Musharraf's cronies at below-market prices as evidence of his corruption. All this diminished the public's support for the military, even though it still remains quite popular.

It is true that the army, under the leadership of General Ashfaq Parvez Kayani, has displayed nothing but antipathy toward the current PPP-led government. But it has also become apparent that there is little the army can do to jettison civilian authority. Despite several vexing decisions by the Zardari government, the army has not been able to muster a coup. For one thing, Pakistanis would not tolerate it. Further, the army has no more palatable alternative. Thus, it per force has endured various civilian provocations. Even such slight constraint on the army's actions is new.

That does not mean, though, that the army is helpless, especially since it still has backers on the Supreme Court. Even though the court has at times opposed the army, there is a tacit alliance between the men in khaki and the men in black when it comes to managing the PPP.

The current Supreme Court chief justice, Iftiqar Chaudhury, despises the current PPP government. The roots of this enmity go back to 2008, when the PPP failed to support Chaudhury, whom Musharraf had ousted in March 2007. Zardari, the head of the PPP, feared (correctly, as it turned out) that the chief justice would strike down an agreement that Musharraf had forged in late 2007 with PPP leader-in-exile Bhutto. That agreement, the National Reconciliation Ordinance (NRO), suspended all corruption charges against PPP politicians, allowing them to contest elections. The NRO did not extend amnesty to the PPP's main rival, the Pakistan Muslim League-Nawaz (PML-N). The logic of the NRO was simple. Bhutto's popularity at the ballot box would restore Musharraf's dwindling legitimacy: She would serve as prime minister and he would remain on as president. Despite U.S. support, Musharraf's power continued to wane. In the fall of 2007, he resigned as army chief (but not as president) and appointed Kayani as his successor in that role.

Although the NRO did not work for Musharraf because Bhutto was killed in a suicide attack in December 2007 and many believed Musharraf or his government was responsible, the NRO did pave the way for a PPP victory in the 2008 elections. Since neither the PML-N nor the PPP had the votes to form a government on their own, and fearing that a failure to form a government would further undermine democracy and politicians in Pakistanis' eyes, the PPP and PML-N made the odd decision to form the government together. The coalition between the two long-standing nemeses was short-lived: the PML-N pulled out when the PPP resisted reinstating Chaudhury. The party went on to launch massive protests against the PPP. Many observers believe that the months-long impasse was resolved by Kayani, who, fearing that the standoff between the two parties would cause the government to collapse, persuaded Zardari to reinstate the chief justice.

Chaudhury, once reinstated, proved true to his word: He voided the NRO and ordered the government to reinstate all pending cases against Zardari and other PPP politicians. The Supreme Court has since used these cases as a cudgel with which to beat the PPP. Former Prime Minister Yousuf Raza Gillani was one victim (the court pushed him out of office in 2012) and current Prime Minister Raja Pervez Ashraf remains at risk. Although the court justifies its dogged pursuit of the party as a sign of its commitment to the rule of law, its rationale is suspect. Politicians notorious for corruption fill the ranks of every Pakistani political party. And Chaudhury himself, despite his oath to uphold the constitution, swore at least two oaths to Musharraf.

READY TO POUNCE

Judicial activism against the PPP government has tended to peak when the army seems to have a viable (non PML-N) alternative to the PPP. (The army would not tempt the strength of the government when the only other option is the PML-N, which has a soured relationship with general headquarters.) Notably, during 2011 and 2012, Supreme Court efforts to prosecute PPP figures coincided with the sudden rise of Imran Khan, a cricketer-turned-politician who was

widely believed to have army backing. At the height of his popularity, Khan drew large crowds that spanned generations and ethnicity. His self-proclaimed “tsunami” reinvigorated the electorate and mobilized them on the themes of corruption, restoring Pakistani sovereignty, opposition to U.S. drone strikes, and scaling back military cooperation with the United States. It was clear that Khan could not seize the government without playing coalition politics, something he declined to do. With Khan’s prospects dimmed, the court returned to relative quiescence.

That is, of course, until the sudden arrival, in January 2013, of Muhammad Tahir-ul Qadri. Although Qadri had ties to two previous military rulers -- Mohammad Zia ul-Haq and Musharraf -- few Pakistanis had even heard of the Canadian religious scholar. He was nonetheless able to marshal some of the largest crowds even gathered in Pakistan to protest against corruption. Observers note that his rapid rise, extensive funding, and access to Pakistan’s media proved that he, too, had the support of the army. Many Pakistanis wondered about the provenance of the “martyrdom-proof container” in which he moved about. The fortified mobile residence offered resistance to high-velocity ammunition and improvised explosive devices. Even Pakistani police and politicians do not have such secure conveyances. The bizarre spectacle of Qadri moving about in his truck-mounted and armored command center left many wondering how a foreign private citizen could arrive in Pakistan from Canada and immediately obtain such high-level protection and draw such massive crowds.

Qadri and his followers camped out in front of the parliament and insisted that the government end its term early and form a caretaker government in consultation with him and the army. Although many of his complaints were reasonable, his methods were outrageous. Many Pakistanis feared that the army planned to use the weeklong confrontation to justify a coup, but such a move was never likely. Instead, the army was biding time using an unelected and unelectable Canadian citizen to bring the current government to its knees. It was no coincidence that the Supreme Court took the opportunity to order the arrest of the prime minister as the Qadri drama unfolded.

In the end, Pakistanis gave a deep sigh of relief when it was all over. The popular read on these events is that the politicians were able to sideline Qadri and undercut a coup in the making. That is too generous. In fact, what Qadri managed was a soft coup on behalf of the army. Qadri coerced from the government an agreement to dissolve the parliament before March 16 even though the parliament’s term was set to expire on March 18. As a Canadian citizen, Qadri had no right to demand that a popularly elected government dissolve prematurely. Yet, with the support of his allies in uniform, he was able to dictate terms. This episode -- and the bizarre accord it produced -- taint the legitimacy of the upcoming electoral transition by demonstrating that the army still holds the democracy’s leash. It also dinged the popularity of the PPP, which might still garner more votes than the other key parties in the upcoming election but will have to form a coalition to govern. Any coalition will inevitably be shaky and susceptible to army manipulation.

Unfortunately, despite the PPP’s largely unnoticed progress, stability and genuine democracy are still a ways off. With a weakened army and a shaky elected government, there will be even less political will to undertake the serious work of reforming the state. The challenges Pakistan faces are enormous: It requires fiscal reform, police reform, and a legislative overhaul that will allow it to deal with the criminal and terrorist threats to the nation. To meet these policy challenges,

Pakistan needs a strong democratic government. But it seems unlikely that the army -- will go quietly and allow such a robust government to coalesce. The army may well be revising its coup playbook as you read this article.