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# Pakistan: Crisis of Legitimacy

Dhruv C Katoch

The military has been the dominant force in Pakistan's politics and has ruled, either directly or indirectly, through most of the country's history since independence. The process started soon after the death of Pakistan's founder, Mr. MA Jinnah in 1948. This dominance increased when the Governor General of Pakistan, Ghulam Muhammad dissolved the Constituent Assembly in October 1954 and in its place established a "Cabinet of Talents" which included military and civil officials. Gen Ayub Khan became the Minister of Defence while retaining his portfolio of Army Chief.<sup>1</sup> The Army, thus, became directly involved in politics. The military and civil bureaucracy came to have a substantive role in governance and in maintaining influence over society and the provinces at the expense of the elected representatives.<sup>2</sup>

Iskander Mirza, who took over as the Governor General from Ghulam Muhammad in August 1955, was unanimously elected President when Pakistan adopted its first Constitution in 1956. Two years later, he abrogated the Constitution, dissolved the Central and Provincial Assemblies and imposed Martial Law across the country. While retaining the post of President, he appointed Ayub Khan as the Martial

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Law Administrator and the Supreme Commander of the Armed Forces.<sup>3</sup> Soon thereafter, Ayub deposed Mirza and took on himself the mantle of President while retaining Martial Law. At this time, seeing the rank corruption and disintegration of the political system, the Army took upon itself the role of guarding the nation’s polity along with its national frontiers. It then set about rebuilding the political system and setting up new economic structures.<sup>4</sup> Ayub also inducted about 300 military officers in key administrative and judicial positions—a move which

ensured his continuity in ruling the country.<sup>5</sup> His 1962 Constitution legitimised his rule after the withdrawal of Martial Law and the precedent established by him was followed by other military rulers.

By projecting an image of being the ‘saviours of the nation’, the Pakistan Army has retained legitimacy in the country at large, helped in no small measure by the lacklustre performance of the civilian governments as and when they were elected to power. Since 1947, the country has been ruled directly by the Army for 34 years and lacks a sustained history of effective constitutionalism or parliamentary democracy. The country has had five Constitutions, the last of which was ratified in 1973. The 1973 Constitution too has been significantly modified many times since its inception.

The military, usually acting in tandem with the President, has had no compunction in outright seizure of power from elected civilian governments, as seen in the direct military takeovers by Gen Ayub Khan in 1958, Gen Zia ul-Haq in 1977 and Gen Pervez Musharraf in 1999. Even when there has been no direct military takeover, elected governments have

been removed by the Army through explicit or implicit presidential orders. All five civilian governments formed since 1970 through the electoral process were, thus, removed. This period also saw the legal execution of former Prime Minister, Zulfikar Ali Bhutto, which many construed as judicial murder. Two former Prime Ministers, Benazir Bhutto and Nawaz Sharif were exiled; the former was assassinated when she returned to the country and the latter suffered years in exile under the threat of life in prison before his 2007 return.

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Amidst this backdrop, the May 2013 elections in Pakistan marked for the first time the smooth transfer of power from one elected government to another, heralding hopes of democracy finally taking roots in the country. Indeed, it was a historic day for Pakistan when Mr Nawaz Sharif of the Pakistan Muslim League-Nawaz (PML-N) was sworn in as the country's Prime Minister, taking over the reins of power from the Pakistan People's Party (PPP)-led coalition government headed by President Asif Zardari. While such transfer of power is common in all democracies, for Pakistan it signalled the possibility that the elected representatives of the people would finally be able to exercise some level of control over the country's armed forces. Viewed in this context and considering the earlier volatility of Pakistani politics, many analysts viewed the smooth transfer of power in 2013 as historic in nature.<sup>6</sup> The euphoria in Pakistan and elsewhere across the globe was based more on hope than a factual understanding of the ground situation in Pakistan. There was no evidence of a fundamental shift having taken place in Pakistan's political establishment, nor had the Pakistan Army given any indication of acquiescing to the civilian authority. The current political turmoil in Pakistan, which began in mid-August 2014, has shown how misplaced the initial euphoria was. Indeed,

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the very attempt by the Nawaz Sharif government to sideline the Pakistan Army is a major contributory factor to the existing turmoil.

The PML-N won the 2013 elections largely on the back of sweeping most of the seats in the dominant Punjab province. With support from outside parties, Prime Minister Nawaz Sharif cobbled up a comfortable majority. His popularity ratings have not dipped despite serious concerns pertaining to the Pakistan economy, the energy crisis,

continuing ethnic and sectarian based killings and a raging insurgency in Baluchistan, the Federally Administered Tribal Areas (FATA) and parts of Khyber Pakhtunkhwa. The PML-N also suffers from on-going criticism that it is too centred on one family and that Nawaz Sharif's rule continues to be 'dynastic'. Despite the above, a Pew Research Centre survey has shown that Sharif continues to enjoy considerable public support and his approval rating of 64 percent stands virtually unchanged since the election.<sup>7</sup> Perhaps it was this confidence in public support that gave Sharif the belief that he could take on the military.

There had been erosion in the public perception of the credibility of the Pakistan Army since the closing days of the Musharraf years. Public confidence in the institution took a further hit due to the Army's inability to rein in the Pakistani Taliban (Tehrik-e-Taliban Pakistan or TTP) and other militant groups. The killing of Osama Bin Laden in a safe house just next to the Pakistan Military Academy at Kakul and repeated attacks against military establishments by Taliban groups further dented the image of the Army. Gen Kayani as Army Chief tried to rebuild the morale of the Army with an emphasis on professionalism, but could not stem the

growth and activities of militant groups. On completion of his extended tenure, the nomination of Gen Raheel Sharif as the next Army Chief by the Prime Minister was viewed by some as an assertion of political authority over the military. The appointment of a new Chief Justice sent similar signals and gave an impression that the elected civilian government finally held sway over the levers of power. In an environment wherein the military had lost credibility and the civilian government had a popular mandate, there was a noticeable push from the lawmakers to regain some of the space that had been lost over the decades to the military. The process was slow but discernible. The Army appeared content to yield some space to the political establishment as long as it did not infringe too far into the traditional roles played by the Army. When that limit was perceived to have been breached, the Army struck back.

The relations between Nawaz Sharif and the Army were not too cordial to begin with, largely because of the Army coup that ousted Sharif from power in 1999 and sent him into exile. The relations went on a further downward spiral in 2014 when Sharif allowed the launch of a legal effort to prosecute former President and Army Chief Pervez Musharraf for treason.<sup>8</sup> This was anathema to the Army, but it could not go against the Supreme Court. The Army leadership was not too pleased with the return of their former chief to fight elections. However, a public trial and prosecution of Musharraf was not something that would go down well with the rank and file of the Army and was obviously unacceptable to the Army leadership. A *via media* could have been achieved by allowing Musharraf to leave the country as the Sindh High Court, in a ruling, had lifted the travel ban imposed on the former President a year earlier. The Pakistan government filed an appeal against the ruling and the Supreme Court struck down the High Court order.<sup>9</sup> Nawaz Sharif could still have allowed Musharraf to proceed abroad. His choosing not to do so created a schism in his relations with the Army, which widened over time. Sharif also stood by and defended Geo News, one of the country's leading news

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outlets, when Geo accused the military of attempting to assassinate one of its foremost journalists. He also pursued a policy of negotiations with the TTP, against the advice of the Army, which was intent on launching offensive operations against militant bases to counter the deadly attacks being launched by them. Prime Minister Sharif's reported overtures to

India also did not go down well with the Army. His inability to effectively tackle the myriad problems facing Pakistan and his increasingly poor relations with the Army leadership appear to have combined to embolden some of his political detractors to take to the streets, by many accounts with covert or implicit prodding from the Army.<sup>10</sup>

### **The Protests**

The civil movement against the Nawaz Sharif government started on August 15, 2014, a day after the country's Independence Day. The protesters marched under the banner of Imran Khan's PAT (Pakistan Tehreek-e-Insaf) Party and Tahir-ul-Qadri's PAT (Pakistan Awami Tehreek) Party. The former has a fair measure of legislative presence, holding about 10 percent of all National Assembly seats and also leads a coalition government in Khyber Pakhtunkhwa province. The PAT has no legislative representation but has a strong base in Lahore and has displayed exceptional skills in organising large masses of people for protests. Supporters of both groups converged on to the national capital and brought the city to a grinding halt, seeking nothing less than the Prime Minister's dismissal. However, the long-term objectives of both parties differ and each has been careful not to associate directly with the other. Cooperation between the two was limited to a four-point agenda on adhering to the Constitution and respecting the democratic process.<sup>11</sup>

The protests were largely peaceful and the leadership of both the PTI and PAT did not escalate the protests by occupying government buildings. From the government's side, the attitude towards the protesters was generally lenient. However, the duration of the protests and number of citizens assembled has created a precarious balance between the opposing sides. The scale of the protests has shaken Pakistan's political system and gained international attention, however, nationwide support for the protests is lacking.

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Imran Khan appears fixated over his demand that Prime Minister Sharif resign and fresh elections be held under a caretaker government. The Prime Minister has offered to form an election review panel composed of Supreme Court judges, but this does not appear to meet the requirements of Khan. Qadri, on the other hand, is regarded as non-partisan and moderate, and is known for his 2010 *fatwa* against *jihad*. In 2013, his march against corruption nearly brought down the previous Pakistani government. He re-emerged on the national political stage in June 2014, when the police clashed with PAT workers in Lahore, resulting in 14 deaths. The PML-N's provincial government in Punjab was slow to react, and did not move to prosecute any official in connection with the perceived "massacre." Qadri flew in from Toronto where he was based and galvanised his supporters against the outrage. His demand regarding an FIR against the Prime Minister, the Chief Minister and many Punjab assembly legislators for the killing of 14 Minhaj workers was finally lodged after much delay – exposing the biases and laxities of the justice system. His concerns differ from Imran Khan's in that he contends that the current democratic system is broken due to its feudal underpinnings and requires a complete overhaul. He seeks devolution of power down

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to the grassroots level, dividing Pakistan into 35 provinces from the current four provinces and a limit to the number and role of federal ministries.<sup>12</sup> Demands for electoral and legislative reforms, though being given substantial lip-service, have not yet been given serious consideration by the government.

The government response has been fairly restrained, but inconsistent for the most part. Nawaz Sharif's willingness to negotiate with both the PTI and PAT—and

to pursue deep electoral audits and reforms—has not altered the protest leaders' maximalist positions. Most people view the demands of the PTI and PAT as unconstitutional, and the National Assembly has passed multiple resolutions affirming the supremacy of the Constitution. The possibility of the government falling because of the protests is, hence, remote, but that is largely due to the fact that the Army has so far taken up an outwardly neutral stance. However, circumstantial evidence points to some level of cooperation among the PTI, PAT and Pakistan's military establishment, with many analysts identifying linkages, which show how the effort was coordinated. The situation in many ways has played out to a script, ideally suited for the Army. While the Army would be reluctant to seize power directly, its broader objectives of taking full control of foreign and security policies appear to have been met with a weakened central government. One report suggests that Prime Minister Sharif was told through intermediaries that he would have to "share space" with the military, but that the Generals were not engineering a coup.<sup>13</sup> A call by the Army spokesman for "patience" from "all stakeholders," suggests that the support by the Army to the government is conditional.<sup>14</sup> It is more than apparent that the government of Nawaz Sharif has now been

effectively castrated; it can only complete its term with the blessings of the Army.

The government fortuitously has received open support from its allies and the opposition in the Parliament. This has given Nawaz Sharif a measure of confidence to resist the demand for his ouster. To that extent, the government has won a minor battle, but the Sharifs, who were famously voted in for their better governance and financial prowess, today stand severely criticised by their one-time loyal constituents for not living up to their promises. The public, although not fully supportive of Khan and Qadri, are unhappy with the ruling class. The long-term negative for Pakistan of the movement launched by the two leaders is that a precedent has been set for any political actor to garner sufficient support and camp in front of the Parliament. This further damages the prognosis for democracy in Pakistan.

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In a sense, the political confrontation being witnessed in Pakistan is a conflict between the pro-democracy and anti-democracy forces representing respectively the new and old orders – a conflict in which the latter have more often than not triumphed. The roots lie in a feudal culture, which believes that the people lack the capability to choose wisely and, hence, must be guided and controlled by institutions, morally and intellectually superior to them. As per this construct, either the nation will have no democracy at all or at the most, it will have a “controlled democracy”.<sup>15</sup> Both Qadri and Khan are aligned with the Army and in that sense represent the old order. They have their roles cut out: to cast aspersions on the credibility of political institutions so that democracy appears to be an unnecessary evil. While Imran and Qadri espouse the sanctity of the Constitution, their actions betray scant respect for constitutional mechanisms. The call for the Prime Minister to step down

has dangerous portents for democracy in Pakistan and is manifestly undemocratic and unconstitutional. That Imran and Qadri see their movement as legitimate puts them firmly in the camp of the old order. Whether they will continue to remain so is a moot question. It must be remembered that Nawaz Sharif, like ZA Bhutto, was once the blue-eyed boy of the old order. Today, he is spearheading the new order. This struggle will continue, but for the moment, the old order has prevailed.

### **Portents for India**

There was a possibility, albeit bleak, of a rapprochement between New Delhi and Islamabad when the Pakistani Premier visited India in May 2014 for the swearing in of India's new Prime Minister, Shri Narendra Modi. The two leaders agreed to resume a wide-ranging dialogue that has been on hold since the Pakistan inspired terrorist attack in Mumbai on November 26, 2008. Those hopes were soon belied, despite a desire on the part of the two leaders to strengthen economic cooperation and deepen bilateral trade between the two countries as the Pakistan Army seeks a resolution of territorial disputes as a prerequisite.<sup>16</sup> With a decline in the clout wielded by Sharif in the Pakistani establishment, the influence of the political and business constituencies within Pakistan for better relations with India took a back seat.

The recent spurt in hostilities across the Line of Control (LoC) and increased attempts to infiltrate terrorists across the LoC into the state of Jammu and Kashmir (J&K) over the last few months reflects further on Sharif's waning influence within the establishment. The downturn in India-Pakistan relations is viewed by some as being orchestrated by a Pakistani military intent on taking full control of Pakistan's India policy, but numerous other factors, some domestic to India, are at play. Even within Pakistan, the radicalisation programme over the last few decades has generated a great deal of anti-India sentiment as a result of which about 71 percent of Pakistanis today express an unfavourable view of

India.<sup>17</sup> In the immediate future, no improvements in Indo-Pakistani relations can be expected. The best that one can hope for is that they do not deteriorate to a level, which can lead to hostilities breaking out between the two countries.

### **Portents for Pakistan**

The portents for Pakistan appear bleak. The old order as represented by the Army has prevailed and despite protestations by some to the contrary, the prospects of democracy emerging stronger do not exist. While the façade of an elected government ruling the country is maintained, the Army will continue to exercise the real power with respect to Pakistan's security policy, its nuclear policy and its relations with India.

The political scene in Pakistan has been dominated by the same faces and families since 1985, resulting in the establishment of a deeply entrenched patron-client network. To provide patronage, the local politician needs to have influence over the police and lower level judiciary in his area, leading to postings and promotions based on nepotism and corruption and a consequent weakening of these vital institutions of the state. The absence of a local government system has led to a virtual monopoly on state resources at the very top, which has further strengthened the hold of the status quo patron-client network. Not having a local government system has also led to minimal competition being created for the political class. A rapidly growing young population with huge aspirations will be a source of concern if adequate opportunities for them are not created.<sup>18</sup> This is a challenge which the elected representatives have to address but the focus on such issues appears minimal. With the old order retaining its hold on the nation's polity, such issues are unlikely to remain unaddressed.

On the security front, Pakistan faces multiple challenges in Baluchistan, FATA, Khyber Pakhtunkhwa, Sindh and other parts of the country.

In Baluchistan, most residents are distrustful of the armed forces and the government at the Centre. The sense of deprivation and exploitation

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has existed for decades, with rightful justification. For example, the residents of Quetta received a gas pipeline only in 1985, a full 33 years after its discovery in Baluchistan. The Baluch have suffered four military operations and widespread economic deprivation till date, since the creation of Pakistan, solely in response to their demands for national integration, greater representation and fiscal and political autonomy, all of which are rights enjoyed by the other provinces of Pakistan. In the wake of the fourth military operation launched

in 2006, Baluchistan is now virtually inaccessible to the rest of Pakistan. It is a tragic and complex cornucopia of enforced disappearances, sectarian violence, nationalist violence, mass emigration, extremism, separatist movements, narcotics and human trafficking, and endures a state of immutable social paralysis.<sup>19</sup> The threat of secession remains uppermost in the minds of the Pakistani establishment and the remedy is focussed on security measures. What the people need is greater inclusivity, equality, on lines with other provinces, and with due regard for their moral claims for justice. With the province now caught in the vortex of a secessionist movement, and embroiled in ethnic and sectarian strife, the focus of the government is likely to remain on addressing immediate security concerns rather than the prime causative factors. The status quo will, hence, continue, and in all probability will further worsen, giving rise to the growing danger of another separation from the Pakistani state.

In FATA, Operation Zarb-e-Azb, launched with much fanfare to break the stranglehold of the TTP in North Waziristan, has little to show in terms of reducing the power and influence of militant groups operating

in the area. The operation has, however, led to the displacement of the entire population, with more than 1.1 million people rendered homeless and seeking shelter as Internally Displaced Persons (IDPs) in other parts of the country. Not many in Pakistan are sanguine about early success against the various militant groups operating in FATA. A large measure of concern stems from the fact that the Pakistan Army supports Afghan Taliban groups such as the Haqqani network as part of its policy to maintain relevance for itself in Afghanistan, post the withdrawal of US forces from the region. Elsewhere in Punjab province, the Army cultivates terrorist groups such as the Lashkar-e-Tayyeba and the Lashkar-e-Jhangvi, viewing them as strategic assets for use against India. As terrorists of all hues have informal linkages with each other, promoting one set of terrorists and suppressing another is a strategy that is doomed to failure.

As per Jameel Yusuf, founding chief of the Citizens Police Liaison Committee and former Member, Law and Order Commission of Pakistan, it was crucial to rebuild the decayed internal defences of the country and to strengthen state institutions. He expressed the need to rebuild both police capacity and capability at the grassroots level, along with an improved intelligence network. He further emphasised the need to de-politicise the police and bring it under independent control. On the other hand, Ahmer Bilal Soofi, former caretaker federal law minister and international legal expert, was of the view that Pakistan must focus its fight against militants through a legal prism and not through a flawed, counter-terrorism prism. He also emphasised the need for initiating a de-radicalisation programme, particularly targeting non-state actors who are driven by economic compulsion rather than ideological sway. On the other hand, Dr. Moeed Yusuf, the South Asia Director at the United States Institute of Peace (USIP), was of the opinion that Pakistan must effectively and succinctly define who the 'enemy' was in its fight against militancy and extremism and that lack of clarity only fed muddled narratives around larger counter-terrorism and counter-insurgency strategies. He further

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opined that it was highly unlikely there would be any comprehensive action or major go-for-the-kill kind of operation against the Punjab-based groups in the next six to twelve months. The above is just a sample of views taken from the Jinnah Institute,<sup>20</sup> but they indicate the tremendous challenges which Pakistan faces in resolving the complex issues in its fight against terrorism.

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impossible to curb a separate set of militants fighting against the state unless Pakistan reverses its entire policy on the use of terror to achieve perceived strategic objectives. With the Army firmly in the driving seat, not much can be expected by the Nawaz Sharif government to pull back the state from the abyss it currently finds itself in. Rapprochement with India and cooperation with Afghanistan are the obvious steps that need to be taken but that would render the Pakistan Army irrelevant in the country. That will not happen in the near future. Pakistan will continue to face a crisis of legitimacy within its polity, with the elected rulers being forced to tow the Army line. This may well lead to the second break-up of the state.

## Notes

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