

The role of military agency in Pakistan's foreign policy:

A case of post Musharraf Era

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Abstract

This paper analyzes the role of military-agency in shaping Pakistan's foreign policy during the post Musharraf era and analyses to what extent religion was instrumental. The key research question posed was - how military-agency influenced Pakistan's foreign policy during the post Musharraf Era and to what extent religion as domestic variable was instrumental to shape foreign policy of Pakistan. The paper discussed different perspectives on the foreign policy but mainly focuses on the domestic factors, especially the military agency. During this era, the military agency remained able to hold its 'principal' positions. It is concluded that at domestic level, the military enjoys its regained position while the government will have to bear the brunt of external actors like EU with the possibility of economic sanctions in response to acts like lifting moratorium on the death penalty.

Key Words: Military, Politics, Religion, Agency, legislation, Moratorium, Foreign policy, Civil-military relations, 21st Constitutional Amendment

Introduction:

This short concept paper has objective to analyze the role of military-agency in shaping Pakistan's foreign policy during the post Musharraf era and analyses to what extent religion was instrumental. The key research question posed was - how military-agency influenced Pakistan's foreign policy during the post Musharraf Era and to what extent religion as domestic variable was instrumental to shape and pursue the objectives of FP? At primary level it is hypothesized, 'if the civilian governments take rational position against the military agency in Pakistan, then the role of military in shaping foreign policy of Pakistan would be enhanced'. At the secondary level it is hypothesized, 'if the military stands as principal while the civil government being the agent then the religion would be instrumentalized by the military agency to maximize its interests. This author uses agency theory to test the said hypotheses. The core assumptions of the theory- having a principal actor and agent(s) are valuable to understand the 'cooperative

structures'. In this article military is conceptualized as principal and the civilian governments as agents to the principal both making the rational choices to maximize their interests.

This explanatory study is based on primary as well as secondary sources. The primary data was gathered through elite interviews and study of the government documents and draft legislation available with the Ministry of Law, Justice and Human Rights. The secondary data sources were books, research papers including online material on the subject. The analysis of data is based on the Pakistan military-agency as an independent variable, and its impact on foreign policy as dependents variables. There may be some intervening variables those are the out of scope of this short study.

Decisive factors in shaping Pakistan's Foreign Policy

A considerable literature produced on the topic present the “geographical point of view”, stating that location played important role in shaping of foreign policy of Pakistan ignoring the domestic variables. This type of literature focuses on rift between India-Pakistan and Pakistan's alliance with the United States. (McMahon 1996). The “legitimist point of view” argued that physical survival of Pakistan was at stake due to Indian foreign policy toward Pakistan, since her birth; hence Pakistan was compelled by international factors to sign military pacts with the US. (Nawaz 2008). This type of literature also ignoring the domestic politics. (E. Hussain 2013). A considerable body of literature presents view that PFP was highly influenced by the US agenda. The dominant role of military in civil affairs was backed by the geographical interest of the US. (Kukreja 2003). This “conspiracy theory” type of literature lacks empirical evidence and contributed very little to political science. (Hussain 2013). The structural analysis of PFP viewed inherent limitations of the political authorities in contrast with well-organized civil as well as military bureaucracy. (Siddiq 2007). Based on essentialism, these structuralists “underestimated the position and potentiality of actors” (Hussain 2013). The Islamist perspective only focused on the role of Islam in influencing the PFP on the grounds that Pakistan supported Muslims around the globe on different issues but this type of literature ignored the empirical evidence that Pakistan supported wars against Islamic Iraq and Afghanistan in post 9/11 scenario. The legalist perspectives sees PFP only from the perspective of international law and its application on Pakistan creating certain responsibilities on the state being signatory to various international covenants and conventions. (I. Hussain 1988). The literature that focuses on Civil Military

Relations (CMR) argues that among the domestic variables that influence even Pakistan's foreign affairs is "the military intervenes in politics because of its inherent agency, not culture, identity' or even its 'structure, or external or internal threats". The intervention of military in civil affairs of Pakistan portrays the rational choice of military saving its own corporate interests. (Banerji 2013) (E. Hussain 2013). The influence of military-agency is so vivid that even political leader like Z. A. Bhutto was not of the influence "who probably having worked with Ayub in various ministerial capacities had grasped the military's methodology if not mind-set". (E. Hussain 2013, 214) How military-agency influenced Pakistan's foreign policy during the post Musharraf Era and to what extent religion as domestic variable was instrumental to shape and pursue the objectives of PFP needs to be explored, being the primary objective of this study.

The role of Military in PFP

During the post Musharraf era there has been much talk about the changing role of military in domestic as well as foreign affairs, though the political commentator like Aysha Sidiqa always suspected this saying "I don't think there is any substantive change in the doctrine." The security analyst Brigadier (ret'd) Shaukat Qadir said in one of his interviews that Chief of Army Staff General Ashfaq Pervez Kayani "seemed to understand the need for a change". With reference to the Pakistan military's influence on foreign policy of the state, the expert on Asian politics and security Stephen P. Cohen suggested that "the army needs to rethink some of the larger strategic context — allowing trade with India to move ahead was a dramatic step in the right direction." Referring to military-agency former Pakistan Ambassador to the US Hussain Haqqani vividly traced the influence of military over civilians by using "Islamist and hyper-nationalist elements" to serve the military's interest. (Dawn 2013). The expert on civil-military relations Dr Eja Hussain predicted that "the military's presence in domestic and foreign policy is constrained and, in case the military does not revisit its stay-as-principal policy, there is then a strong probability of a sixth coup." (E. Hussain 2014). The 'agency theory' can explain the situation well whereby politicians joined hand to strength the stance of military. To extent of staying as "principal", the recent developments at domestic level, i.e. deciding to wage war against "all sort of" militant groups and Taliban be that "good or bad", and the legislation including constitutional amendments -Constitution (Twenty First Amendment) Act 2015, Pakistan Army Act, 1952,

Criminal Law Amendment Act 2015, Press, Newspaper and News Agencies and Book Registration (Amendment) Act 2015- are the vivid example of military-agency to “get the things done”. It is ironical that after being failed to protect massacre of school children in one of the Army Public School at Cantonment areas of Peshawar on December 16, 2014- where more than 132 children along with more 12 teachers and staff were killed- none among the civilian authorities challenged the military’s professional capability to respond any such like terrorist activity. The PTI-PAT led demonstrations and sit in against Nawaz government, weakened its comparative position to bring the military under civilian control. Again, ironically, the ultimate beneficiary of this episode was the military that consolidated its position with its agency. The aforesaid said legislation clearly undermined the role of civil authorities and mocked judiciary that once cut military agency into size. All the actors in uniform, ‘behind the bench’ and ‘on the chair’ acted rationally to either consolidate or maximize or save their own interest.

The military-agency lead legislation

The preamble of the 21st Constitutional amendments states that “Whereas extraordinary situation and circumstances exist which demand special measure for speedy trial of certain offences relating to terrorism, waging of war or insurrection against Pakistan” (National Assembly 2015) allowed to make changes in four laws- The Pakistan Army Act 1952, The Pakistan Air Force Act 1953, The Pakistan Navy Ordinance 1961, The Protection of Pakistan Act, 2014- enabling military courts to try civilians by compromising on fundamental rights of the citizens including ‘right to fair trial’. What was achieved during the 18th and subsequent two Constitutional amendments to ‘cut military-agency into size’ was compromised almost across the board political leadership in Pakistan.

This is a no secret that military while maximizing its interest once “Islamized” the whole society and created “Mujahdeen” to fight at both Eastern and Western fronts with India and Russia-in Afghanistan at the behest of US and under the policy of ‘strategic depth’- now compelled the legislators through its agency to cope with “unprecedented threat to the integrity of Pakistan by the raising of arms and insurgency in name of religion and sects, and foreign and locally funded anti-state elements including warriors in the name of the religion or sect” (National Assembly 2015). Corresponding to the said constitutional amendment, a clause in the Pakistan Army Act 1952 was inserted that “any person who is or claims or is known to belong to any terrorist group

or organisation using the name of religion or a sect, commits an offence mentioned in Protection of Pakistan Act, 2014” can be tried under this Act. (National Assembly 2015). Interestingly, National Assembly passed this bill, moved by the Federal Minister for Law, Justice and Human Rights, unanimously- strengthening the military- to fight against terrorist groups “using the name of religion or a sect” in only 19 minutes.

The government’s committee on National Plan of Action was in haste to suggest 20 points agenda to counter terrorism in the country – including execution of convicted terrorists, setting up special courts- under military control, prohibiting the glorification of terrorism and terrorist organisations through print and electronic media, criminalizing hate speeches and sectarian violence, forming geography specific strategy for Punjab, Karachi, Balochistan and FATA and dealing with the issues of FATA IDPs and Afghan refugees (Ministry of Law Justice and Human Rights 2015)- have direct impact on Pakistan foreign policy. In Zia’s regime the state witnessed policies to “Islamize” the whole country and now the state is resolved to reverse the process by countering the ideology.

To establish ‘good relations’ with European Union, the former Pakistan People’s Party lead civilian government put moratorium on the execution of the criminals who were awarded death penalty. There are more than 25 offences in which the law permits to award death sentence to the convict (Pakistan 2012) and the Courts of Sessions – subordinate to High Courts and Supreme Court of Pakistan- as per law have ‘sentenced to death’ to hardened criminals and terrorists as nearly 8,000 prisoners were in death row before lifting the moratorium on death penalty (Justice Project Pakistan 2013). Executing or not executing the condemned criminals were altogether rational positions taken by the political actors within the state. Banning execution supported the then PPP government in seeking trade related benefits from EU and strengthening their position inside the country, while lifting on ban on execution supported the PMLN government ‘to build working ties’ with the military and saving their government by ‘learning from past experience’. Had the Sessions Courts supported by the same legislation and immunities given to the military courts, they could have been more effective than military courts-established under the influence of military-agency.

Conclusion:

These internal factors, in which the military is having Principal position and at present civilian government is the agent have clear implications on foreign relations of Pakistan. Noticeably, the religion remained instrumental at the hands of military, legitimizing its positions as Principal playing the 'high role in shaping foreign policy of Pakistan during Post Musharraf era. (Shah 2013). With the doubled edged sword of its agency, military agency cut both the government as well as the judiciary to size. The recent 'unanimous' legislation with 'no opposition' put civilian authorities at the hands of military, compromising the fundamental rights of citizens – apparently to counter terrorism- has clear implications on foreign policy of Pakistan. At domestic level, the military enjoys it regained position while the government will have to bear the brunt of external actors like EU with the possibility of economic sanctions in response acts like lifting moratorium on the death penalty.

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The Islamic Republic of Pakistan maintains a large diplomatic network across the world. Pakistan is the second largest Muslim-majority country in terms of population (after Indonesia) and is the only Muslim majority nation to have possession of nuclear weapons. Pakistan's economy is integrated into the world with strong trade ties to the EU and economic alliances and agreements with many Asian nations. Pakistan's Police and the Military Intelligence Agencies. Any assessment of Pakistani law enforcement agencies must take into account the role of the intelligence agencies. The intelligence agencies often work as the unofficial arm of the military, both in domestic and foreign affairs. The Musharraf era illustrated the many contradictions in Pakistani society. Musharraf took power as a reaction against corrupt politicians endangering the future of the country but gave in to the pressures of the same political clique (the PML-Q was mostly composed of former PML-N members who had rallied around Musharraf after the coup) on a reform that, if successful, would have brought him real popular support.