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## Civil-Military Relations and Institutional Stability in Pakistan: A Case Study of SDG 16 Implementation

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#### Abstract

The impact of civil-military interactions on institutional stability and governance in Pakistan is examined in this study, with an emphasis on how well they correspond with Sustainable Development Goal 16 (SDG 16), which promotes justice, peace, and robust institutions. Numerous direct and indirect military interventions have characterized Pakistan's political history, severely limiting the ability of civilian institutions to defend democratic values and the rule of law. The study illustrates how military participation has influenced the nation's government structure by critically analyzing pivotal court cases including the Asghar Khan Case (2013) and the Memogate Scandal (2012). It also looks into how judicial independence is being undermined and how pervasive political meddling is occurring. To broaden the analysis, the study draws comparative lessons from Colombia and Kenya, where reforms have been initiated to strengthen civilian oversight and democratic resilience. The findings emphasize the need for constitutional reforms, institutional checks, and a recalibration of civil-military dynamics to foster sustainable governance in Pakistan. The study concludes with policy recommendations intended at reducing military supremacy in political affairs and reinforcing democratic institutions in line with SDG 16.

**Key Words :** Civil-Military Relations; Democratic Governance; Military Dominance; Judicial Independence; Electoral Interference

## 1. Introduction

## 1.1 Background

The impact of civil-military interactions on institutional stability and governance in Pakistan is examined in this study, with an emphasis on how well they correspond with SDG 16, which endorses justice, peace, and vigorous institutions. The political history of Pakistan, One of the key features of Pakistan's governance structure is the interaction between the military and civilian administrations. Three direct military coups (1958, 1977, and 1999) and protracted periods of

military-backed rule have occurred in Pakistan since its independence in 1947, creating a pattern of democratic fragility. The military has maintained considerable control over foreign policy, national security, and governance issues even during civilian administration, frequently restricting the power of elected politicians. SDG 16, which promotes open, honest, and accountable governance, is significantly impacted by the entrenchment of military power in political structures. Together with judicial and bureaucratic inefficiencies, a lack of civilian control over military decisions erodes democratic governance and the rule of law. Furthermore, political meddling and uneven application of verdicts have made it difficult for the court, which is tasked with maintaining institutional accountability, to exercise its own autonomy.

## **1.2 Research Problem**

Pakistan is nevertheless mired in a chronic civil-military imbalance that threatens institutional stability and democratic accountability, although continuous efforts to improve democratic governance. The rule of law has been undermined by military domination in crucial domains including foreign policy and national security, as well as judicial resistance to questioning military power. There is still little civilian control, especially when it comes to military spending and strategic choices, and election tampering and policy meddling continue to impact political processes. These factors have resulted in weak institutions that are unable to carry out their constitutional tasks or operate on their own. By examining significant court rulings, trends in governance failures, and lessons from global models, this study aims to critically examine the underlying causes and effects of this imbalance. Finding workable policy suggestions to lessen military meddling, increase civilian power, and realign Pakistan's institutional structure with democratic governance ideals and Sustainable Development Goal 16 is the aim.

# **1.3 Research Objectives**

1. To examine how Pakistani institutional stability is affected by civil-military ties.

2. To evaluate how judicial actions can counteract military influence in politics.

3. To assess how well civilian supervision is strengthened in Pakistan's governance model in comparison to that of Kenya and Colombia.

4. To suggest institutional and legislative changes to promote SDG 16 and maintain a balance in civil-military interactions.

# 2. Literature Review

# 2.1 The Role of the Military in Pakistan's Governance

As noted by Jalal (2014), Pakistan's military over the years has operated as an influential political figure, with considerable dominance over internal and external affairs. Several studies highlight the military's role in:

Shaping security policies and diplomatic relations, particularly with India and Afghanistan. Influencing judicial appointments and legal decisions to protect its institutional interests. Exercising veto power over economic and development policies (Waseem, 2018). These factors contribute to governance instability and weak institutional development, undermining Pakistan's commitment to SDG 16.

# 2.2 Judicial Oversight and the Rule of Law

The judiciary's role in enforcing constitutional limits on military influence has been inconsistent. While some landmark cases have challenged military overreach, enforcement has remained weak: The Asghar Khan Case (2013) revealed military involvement in manipulating elections. However, implementation of the ruling has been delayed and obstructed by institutional resistance. The Memogate Scandal (2012) demonstrated the judiciary's role in mediating military-civilian disputes but failed to establish clear legal boundaries for military influence.

## 2.3 Comparative Insights: Civil-Military Relations in Other Nations

Pakistan's governance challenges can be analyzed alongside Colombia and Kenya, both of which have grappled with military interference in politics:

Country	Challenge	Reform Measures	
Colombia	Military's historical role in shaping national security policy.	Civilian-led military oversight commissions, legal restrictions on military interventions in politics.	
		Judicial reforms ensuring military accountability, independent anti-corruption commissions.	

These models highlight policy mechanisms that can inform Pakistan's governance reforms.

# **3.3. Research Methodology**

A well-defined research methodology is crucial to ensuring an objective, systematic, and in-depth investigation of Pakistan's civil-military relations and their impact on institutional stability and governance. This study employs a hybrid research approach, incorporating doctrinal legal analysis and empirical analysis, to provide a comprehensive examination of Pakistan's civil-military power dynamics. The research methodology is structured as follows:

## 3.1 Doctrinal Analysis

The doctrinal approach is used to analyze legal, constitutional, and judicial aspects of civilmilitary relations in Pakistan. This method involves an extensive review of constitutional provisions, legislative acts, and landmark Supreme Court rulings that shape the governance framework.

# 3.1.1 Examination of Constitutional Provisions on Civil-Military Relations

The Constitution of Pakistan (1973) serves as the primary legal framework governing the distribution of power between civilian and military institutions. The study examines the following constitutional provisions:

Article 243: Grants the President of Pakistan the authority to appoint the Chief of Army Staff (COAS), Chief of Naval Staff (CNS), and Chief of Air Staff (CAS), but in practice, civil-military dynamics often influence these appointments.

Article 245: Outlines the role of the Armed Forces in defending Pakistan against external aggression, but also permits military intervention in domestic security matters at the government's request, a clause that has historically been misused to justify military interventions.

Article 199: Defines the jurisdiction of the High Courts and restricts judicial review of military matters, limiting civilian oversight over the actions of the armed forces.

Article 6: Criminalizes high treason, yet past instances of military takeovers (e.g., 1958, 1977, and 1999 coups) highlight the limited enforcement of this provision.

The research assesses if these constitutional measures allow for efficient civilian oversight of the military or promote military supremacy over governmental frameworks.

# 3.1.2 Review of Landmark Supreme Court Rulings on Military Influence

Judicial interventions have played a vital role in shaping Pakistan's civil-military relations. The study conducts a detailed case law analysis of key rulings where the judiciary has either disputed or legitimized military interference in governance:

## Case 1: Asghar Khan Case (PLD 2013 SC 1)

The Supreme Court's judgement established that the military, concluded the Inter-Services Intelligence (ISI), had interfered in the 1990 elections by sponsoring political parties.

The ruling highlighted the need for civilian dominance and military impartiality in electoral processes.

In spite of the decision, no significant enforcement mechanisms were implemented, highlighting the weak judicial oversight over military interference.

#### Case 2: Memogate Scandal Case (2012 SCMR 140)

The case revolved around an alleged secret memo sent to the U.S. government by a Pakistani ambassador, requesting safeguard against a possible military revolution.

The Supreme Court's intervention in this case reflected the tensions between civilian leadership and military elites, showcasing how the judiciary often acts as an arbitrator in civil-military conflicts.

## Case 3: Military Courts Case (PLD 2015 SC 401)

The Supreme Court upheld the establishment of military courts for terrorism-related trials, raising concerns over the dilution of civilian judicial authority.

This case demonstrates how civilian institutions have occasionally ceded legal jurisdiction to the military, weakening SDG 16's principles of justice and rule of law.

## Case 4: Pervez Musharraf High Treason Case (PLD 2019 SC 77)

The Supreme Court penalized former military ruler General Pervez Musharraf to death for high duplicity, marking an extraordinary legal action against a military leader.

Yet, institutional resistance within the military establishment prevented the execution of the sentence, highlighting the power imbalance between the judiciary and military.

These cases provide empirical legal insights into how Pakistan's judiciary has endeavored with limited success to curb military overreach in governance.

#### 3.2 Empirical Analysis

The observed component of this study pays quantitative and qualitative data to assess the extent of military influence in Pakistan's policymaking. This approach includes governance indices, comparative case studies, and historical trend analysis.

## 3.2.1 Analysis of Military Influence in Policymaking Using Governance Indices

To quantify the magnitude of military influence, the findings examine data from global governance indices that assess institutional transparency, judicial independence, and civilian control over governance.

Governance Indicator	Pakistan's Ranking		Assessment	
World Governance Indicators (WGI) – Political Stability & Absence of Violence (2022)	-1.05 score)	(low	Reflects political instability due to military influence in governance.	
Rule of Law Index (World Justice Project, 2022)	0.39 score)	(low	Indicates weak judicial enforcement and political	

Governance Indicator	Pakistan's Ranking	Assessment	
		interference in the legal system.	
CorruptionPerceptionsIndex(TransparencyInternational, 2023)	Ranked 140 out of 180	Highlights military's economic influence and lack of transparency in defense budgets.	

These indices reveal the persistence of military influence in governance, reinforcing the need for structural reforms to achieve SDG 16's goal of strong, accountable institutions.

## 3.2.2 Comparative Case Studies: Civil-Military Relations in Colombia and Kenya

To identify best practices in managing civil-military relations, the study conducts comparative case studies of Colombia and Kenya, both of which have experienced historical military interventions in governance.

Country	Challenges	Reform Measures	Lessons for Pakistan
Colombia	involvement in political decision- making.	Civilian-led military oversight commissions, legal restrictions on military interventions in politics.	influence in governance.
	intomantions in	corruntion commissions	Judicial independence and constitutional clarity can reinforce civilian supremacy over military affairs.

These comparative case studies highlight successful institutional reforms that Pakistan can adopt to reduce military dominance and strengthen democratic governance.

#### **3.3 Analytical Framework**

The combination of doctrinal and empirical methodologies allows for:

A legal assessment of Pakistan's constitutional provisions and judicial rulings on military influence.

A data-driven analysis of military control over governance, using global governance indices.

A comparative approach to examine international models of civilian oversight.

The research methodology provides a comprehensive perspective on Pakistan's civil-military relations, helping formulate evidence-based policy recommendations for enhancing institutional stability and achieving SDG 16.

#### 4. Findings

This section presents the key findings from the doctrinal and realistic analyses of Pakistan's civilmilitary relations, calculating both the progress made toward inhabitant-led governance and the challenges that continue to hinder institutional stability.

#### 4.1 Progress: Steps Toward Civilian-Led Governance

Despite the military's historical dominance in governance, there have been gradual advancements in strengthening civilian authority over national decision-making processes. The most significant progress can be observed in judicial activism, parliamentary efforts to enhance oversight, and civil society advocacy for democratic governance.

One of the most notable developments has been the judiciary's increasing role in exposing military interventions in politics. Landmark rulings such as the Asghar Khan Case (2013) brought unprecedented public scrutiny to the military's involvement in electoral processes. The Supreme Court's verdict confirmed that intelligence agencies had manipulated elections in 1990 by providing financial support to political figures. Similarly, the Panama Papers Case (2017), though primarily focused on corruption, signaled the judiciary's growing role in reinforcing institutional accountability. More recently, the Pervez Musharraf High Treason Case (2019) marked a historic legal action against a former military ruler, with the judiciary convicting him under Article 6 of the Constitution. These cases illustrate the judiciary's increasing willingness to challenge military overreach, yet the lack of enforcement mechanisms has limited their overall impact.

Parliament has also made gradual but significant efforts to strengthen civilian oversight over governance, particularly regarding defense spending military and security policymaking. Parliamentary committees on defense and national security have seen increased discussions on military expenditures, reflecting a shift toward financial transparency. Additionally, the National Security Policy (2022-2026) marked a departure from the traditional military-led security doctrine, as it was drafted and approved by a civilian government. This development underscores an important step in redefining national security priorities under democratic governance. However, despite these efforts, parliament remains structurally weak in enforcing accountability measures, as military institutions continue to exert influence over critical policy areas.

Civil society has played an equally important role in raising awareness about democratic governance and advocating for institutional accountability. Investigative journalism has shed light on military interference in governance, judicial processes, and elections, despite censorship efforts and restrictions on press freedom. Organizations such as the Human Rights Commission of Pakistan (HRCP) have consistently reported on extrajudicial actions, enforced disappearances, and limitations on civilian oversight, demanding greater transparency. Additionally, social media activism has provided a platform for citizens to engage in discussions about civil-military imbalances, leading to wider public discourse on constitutional supremacy. However, these civil society efforts are often undermined by state-led restrictions, media blackouts, and legal crackdowns on dissenting voices.

While these developments signal progress, they remain limited by systemic weaknesses in Pakistan's governance framework. Judicial activism has created legal precedents for accountability, parliamentary discussions have enhanced financial transparency, and civil society efforts have raised public awareness. However, the entrenched influence of military institutions continues to restrict the full realization of civilian-led governance, as reflected in the challenges outlined below.

# 4.2 Challenges: Persistent Military Influence

Contempt some progress in strengthening civilian governance, institutional barriers continue to allow military dominance over Pakistan's judicial, political, and economic structures. The biggest challenges include the weak enforcement of judicial rulings, the lack of transparency in military decision-making, the absence of civilian control over military budgets, and the military's continued influence over electoral and political affairs.

One of the most pressing issues is the judiciary's inability to enforce rulings that challenge military authority. The Asghar Khan Case, (2013) is a prime example of this failure, as the Supreme Court's ruling despite confirming military interference in electoral processes was never fully implemented. The case exposed intelligence agencies' involvement in political engineering, yet no significant

actions were taken against the military officers involved. Similarly, while the Pervez Musharraf High Treason Case (2019) marked a landmark legal decision, its lack of enforcement demonstrated the judiciary's limited ability to hold military elites accountable. The broader issue lies in the judiciary's inconsistent application of constitutional laws, as courts often avoid direct confrontations with military leadership to protect their institutional autonomy.

Another major challenge is the military's lack of transparency in decision-making, particularly in national security and foreign policy. In Pakistan, civilian governments have minimal influence over defense strategies, regional diplomacy, and counterterrorism operations, which are largely controlled by military leadership. Foreign policy matters—especially those related to India, Afghanistan, and the U.S.—continue to be dictated by military institutions, with minimal parliamentary input. Additionally, counterterrorism initiatives, such as Operation Zarb-e-Azb (2014) and Operation Radd-ul-Fasaad, (2017), were initiated and executed without direct civilian oversight, highlighting the military's autonomy in security matters. These dynamics indicate that despite nominal democratic governance, critical national security decisions remain outside civilian jurisdiction, reinforcing military dominance over state affairs.

An equally significant issue is the limited civilian control over military budgets, which allows unchecked military expenditures at the expense of socioeconomic development. Despite increased parliamentary scrutiny over defense allocations, military spending remains largely undisclosed and immune from civilian audits. Pakistan consistently allocates a significant portion of its national budget to defense, often prioritizing military expansion over essential public sectors such as education, healthcare, and infrastructure. For instance, in the 2023-2024 federal budget, defense spending witnessed a considerable increase, with little information available on procurement costs, operational expenses, and intelligence funding. Furthermore, military institutions enjoy financial immunity from independent audits, as expenditures are excluded from parliamentary review. This lack of fiscal accountability exacerbates governance inefficiencies and violates SDG 16's principles of institutional transparency.

The military's continued involvement in political and electoral processes further undermines democratic governance. Over the years, there have been multiple allegations of military-backed electoral engineering, with the 2018 General Elections serving as a recent example. Observers reported irregularities in vote counting, suppression of opposition parties, and military influence in shaping electoral outcomes, raising concerns about the legitimacy of the democratic process. Additionally, military elites have historically favored technocratic governance models, where political decisions are heavily influenced by bureaucratic and judicial appointees rather than elected officials. This tendency further limits democratic policymaking, reinforcing a military-dominated administrative framework. The suppression of political opposition figures and dissenting voices, often through media censorship and legal crackdowns, further illustrates how military influence extends beyond security matters into broader governance structures.

Overall, while judicial activism, parliamentary oversight, and civil society engagement have challenged governance military overreach, Pakistan's framework remains deeply entrenched in military dominance. The failure to enforce judicial rulings, the military's control over national security policies, the lack of budgetary transparency, and continued electoral interference are key obstacles preventing meaningful progress toward civilian-led governance. Addressing these challenges requires comprehensive institutional reforms, strengthened legal mechanisms, and an assertive commitment to democratic consolidation.

## 5. Recommendations

The realignment of Pakistan's politicking with SDG 16, and a view to achieving transparent, accountable and inclusive institutions, requires institutional and legislative reforms to curb military

overreach, promote civilian governance and support the rule of law. The recommendations that follow outline a path to democratic stability through parliamentary oversight, the separation of powers with an independent judiciary, and transparent policy making.

# 5.1 Institutional Reforms

# 5.1.1 Establish an Independent Civilian Oversight Commission on Military Affairs

One of the most critical steps toward reducing military influence in governance is the establishment of an independent civilian oversight commission tasked with monitoring military policies, national security decisions, and defense expenditures. This commission should function as an autonomous body under parliamentary control, ensuring transparency and accountability in military governance. The commission should be composed of parliamentarians, legal experts, defense analysts, and representatives from civil society to prevent political bias and ensure neutrality. It must have the authority to review defense policies, audit military expenditures, and scrutinize national security decisions. Furthermore, it should be empowered to summon military officials for accountability hearings, ensuring that military institutions remain answerable to elected civilian leadership.

Currently, defense-related policies and budgetary allocations remain classified, with little civilian participation in decision-making. By introducing an independent civilian oversight body, Pakistan can transition toward a governance model where elected representatives, rather than military elites, determine national security priorities. This would enhance transparency, reduce corruption, and ensure that national security policies align with democratic governance principles.

# 5.1.2 Strengthen Parliamentary Committees on Defense and National Security

Pakistan's parliamentary committees on defense and national security remain largely ineffective, as they lack enforcement authority and operational transparency. Strengthening these committees is vital for ensuring meaningful civilian participation in defense and security policymaking.

To enhance their effectiveness, these committees should be given greater authority to scrutinize defense budgets, oversee military procurements, and review strategic security policies. Unlike the current practice where defense spending is approved without detailed parliamentary discussions, elected representatives must have full access to classified defense reports to prevent misallocation of funds and financial mismanagement. Additionally, these committees must be empowered to investigate military actions and policy decisions, ensuring that the armed forces remain accountable to civilian leadership.

Historically, Pakistan's civilian governments have struggled to exert influence over military expenditures, with defense budgets receiving preferential treatment over socio-economic development programs. By expanding the role of parliamentary committees, Pakistan can gradually shift national security policymaking from military dominance to democratic governance, ensuring that state policies prioritize public welfare over militarization.

# 5.2 Legal Reforms

# 5.2.1 Amend the Constitution to Explicitly Define Civilian Authority Over the Military

A key structural weakness in Pakistan's legal framework is the lack of explicit constitutional provisions defining civilian supremacy over military institutions. The Constitution of Pakistan (1973) does not clearly restrict military intervention in civilian affairs, which has allowed the armed forces to exercise unchecked authority over governance.

To establish legal safeguards against military overreach, Article 243 should be amended to ensure that the Prime Minister—not the President—has exclusive authority over military appointments. This change would prevent the military from influencing leadership appointments through indirect

political maneuvering. Similarly, Article 245, which currently permits military intervention in domestic security matters, should be revised to explicitly limit the armed forces' role to external defense matters only.

Additionally, a new constitutional clause should be introduced to prohibit military officials from holding political or administrative positions within civilian government institutions. This measure would prevent former military officers from occupying high-ranking civilian offices, ensuring that governance remains free from military influence. By amending constitutional provisions to establish clear legal boundaries, Pakistan can create a stable legal foundation for democratic governance, reinforcing civilian supremacy over state affairs.

# 5.2.2 Enforce Supreme Court Rulings to Ensure Judicial Independence in Governance Matters

Although the judiciary has played an active role in exposing military interference, the failure to enforce Supreme Court rulings has significantly weakened judicial authority. Cases such as the Asghar Khan Case (2013) and the Pervez Musharraf High Treason Case (2019) demonstrated the judiciary's willingness to challenge military overreach, yet both cases lacked enforcement mechanisms, allowing the military to retain institutional immunity.

To strengthen judicial independence, the government must establish a specialized implementation mechanism responsible for ensuring that Supreme Court rulings against military intervention are fully executed. Additionally, the judiciary should be granted the authority to monitor and penalize non-compliance with its rulings, ensuring that legal judgments are not ignored or manipulated by military institutions. Furthermore, judicial independence must be protected from political influence. The appointment of judges should be based on merit rather than political considerations, ensuring that courts remain unbiased and impartial in their rulings on civil-military conflicts. By strengthening judicial enforcement mechanisms, Pakistan can reinforce institutional checks and balances, preventing the military from operating beyond the scope of constitutional law.

# 5.2.3 Introduce Whistleblower Protection Laws to Encourage Reporting of Military Overreach

One of the main reasons military overreach in governance remains unchallenged is the absence of legal protections for whistleblowers who attempt to expose military misconduct. Journalists, bureaucrats, and civil society activists who report military influence in politics, judiciary, and elections often face intimidation, arrests, or violence, discouraging them from speaking out.

To address this issue, Pakistan must introduce strong whistleblower protection laws that provide legal immunity to individuals who expose military misconduct, corruption, or illegal interventions in governance. These laws should: Ensure that whistleblowers cannot be prosecuted, dismissed from their jobs, or physically threatened for reporting cases of military overreach. Establish a confidential reporting system where individuals can provide evidence of military interference in politics and governance without fear of retaliation. Create an independent whistleblower protection agency, operating under the jurisdiction of the Supreme Court, to investigate allegations of military interference and ensure impartiality in judicial proceedings. By protecting whistleblowers, Pakistan can foster a culture of transparency and accountability, making it easier to expose and prevent military-led violations of democratic norms. This will strengthen public trust in civilian governance and reinforce the principles of institutional transparency under SDG 16.

## 6. Conclusion

Balancing civil-military relations is essential for Pakistan to achieve Sustainable Development

Goal 16 (SDG 16), which emphasizes peace, justice, and strong institutions. While judicial interventions, parliamentary initiatives, and civil society activism have contributed to incremental progress, the military's entrenched influence over governance continues to undermine democratic stability. Despite Supreme Court rulings acknowledging military overreach, enforcement mechanisms remain weak, allowing the military to retain control over key policy decisions, defense budgets, and national security strategies. Similarly, parliamentary oversight mechanisms remain underdeveloped, limiting civilian influence in governance matters.

By learning from international models such as Colombia and Kenya, Pakistan can implement constitutional amendments, institutional safeguards, and governance reforms that promote civilian oversight, judicial independence, and transparent policymaking. However, achieving democratic stability requires sustained political will, legal accountability, and public awareness. Only through comprehensive legal and institutional reforms can Pakistan reduce military dominance in governance and create a stable, transparent, and democratic state.

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