

CRS Report for Congress

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Pakistan's Domestic Political Developments: Issues for Congress

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Summary

October 2002 elections in Pakistan nominally fulfilled President Gen. Pervez Musharraf's promise to restore the National Assembly that was dissolved in the wake of his extra-constitutional seizure of power in October 1999. A pro-military alliance won a plurality of seats, while a coalition of Islamist parties made a surprisingly strong showing. Musharraf supporter M.Z. Jamali became Pakistan's new Prime Minister. The civilian government was hamstrung for more than one year by fractious debate over the legitimacy of Musharraf's August 2002 changes to the country's constitution and his continued status as Army Chief *and* President. A surprise December 2003 agreement between Musharraf and the Islamist opposition ended the deadlock by bringing the constitutional changes before Parliament and by eliciting a promise from Musharraf to resign his military commission before 2005. Secular opposition parties strongly criticized the arrangement as undemocratic. The 1999 coup triggered restrictions on U.S. foreign assistance, restrictions waived in October 2001 (under P.L. 107-57) and again in March 2003 by President Bush. In November 2003 (P.L. 108-106), Congress extended the President's waiver authority through FY2004. In response to continued perceived anti-democratic practices in Islamabad, there is legislation in the 108th Congress (H.R. 1403) aimed at restoring aid restrictions through removal of the U.S. President's waiver authority. This report will be updated periodically.

In October 2002, nearly three years to the day after Chief of Army Staff (COAS) Gen. Pervez Musharraf replaced Prime Minister Nawaz Sharif in a bloodless coup, Pakistan held its first national elections since 1997. In the wake of the October 1999 coup, Islamabad faced considerable international opprobrium and was subjected to U.S. sanctions. The September 2001 terrorist attacks on the United States and Musharraf's ensuing withdrawal of support for the Afghan Taliban regime, however, had the effect of greatly reducing Pakistan's international isolation. Large-scale U.S. aid to the country began in the final months of 2001. The United States now considers Pakistan to be a vital ally in the international anti-terrorism coalition and has refrained from expressing any strong public criticisms of the country's internal political practices, while still asserting

that it wants to see “strong Pakistani democratic institutions and practices, including a National Assembly that plays a vigorous and positive role in governance.”¹

Constitutional Changes

In August 2002, President Musharraf took unilateral action in announcing a “Legal Framework Order” (LFO) of constitutional changes. The most important of these provide greatly enhanced powers to the Pakistani President, a title assumed by Musharraf and ostensibly legitimized by a controversial April 2002 referendum. Musharraf insisted that the changes were necessary to bring “true democracy” to the country. Critics contended that Musharraf (who retained his position as Army Chief) was seeking to legitimize the military’s extra-constitutional role in governance, as well as ensure his own continued power in contravention of democratic principles. The key change was a provision allowing the President to dismiss the National Assembly.² Other controversial clauses called for presidential appointments of military chiefs and creation of a military-dominated National Security Council (NSC) authorized to oversee the country’s security policies. Many saw the NSC providing Pakistan’s armed forces with a permanent and unprecedented institutional role in the country’s governance. Pakistan’s major opposition parties decried Musharraf’s action as illegal, claiming that only Parliament has the power to amend the constitution. In response to Musharraf’s LFO announcement, the United States indicated that full U.S. support for the Pakistani President would continue, even if some of the changes “could make it more difficult to build strong, democratic institutions in Pakistan.”³

The 2002 Elections and Aftermath

Background. The history of democracy in Pakistan is a troubled one marked by ongoing tripartite power struggles between presidents, prime ministers, and army chiefs.⁴

¹ Assistant Secretary of State for South Asia Christina Rocca, “Transcript: Hearing of the Subcommittee on Asia and the Pacific of the House International Relations Committee,” March 20, 2003. In July 2003, 16 Member of Congress signed a letter to President Bush informing him that they “will be looking for a quicker pace for democratic reform” in Pakistan.

² Pakistan’s 1973 constitution envisaged a sovereign parliament where powers rested with the prime minister, but subsequent changes under the military-dominated regime of Gen. Zia ul-Haq shifted power to the presidency. In 1997, PM Nawaz Sharif oversaw passage of the Thirteenth Amendment to the constitution, repealing Zia’s Eighth Amendment (1985) right to dismiss the government and appoint military chiefs (and thus restoring powers to the PM’s office).

³ U.S. State Department Spokesman Philip Reeker, “Excerpts: Musharraf’s Constitutional Changes Concern U.S.,” USIS Washington File, August 22, 2002.

⁴ Military regimes have ruled Pakistan for more than half of the country’s existence, and most observers agree that Pakistan has no sustained history of effective constitutionalism or parliamentary democracy. From the earliest days of independence, the country’s armed forces have thought of themselves as “saviors of the nation,” a perception that has received significant, though limited, public support. The military, usually acting with the president, has engaged in three outright seizures of power from civilian-led governments: General Ayub Khan in 1958, General Zia ul-Haq in 1977, and General Musharraf in 1999. Since 1970, five successive governments have been voted into power, but not a single time has a government been voted out

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The Pakistan Muslim League (PML) is the country's oldest political party. Former PM Nawaz Sharif led the offshoot PML-Nawaz, which dominated the 1997 elections. In 2002, most former (but still influential) Sharif loyalists joined the new Pakistan Muslim League-Quaid-e-Azam (PML-Q), a group widely seen to enjoy overt support from the military. The Pakistan People's Party (PPP) was founded by former PM Zulfikar Ali Bhutto in 1967. His daughter and current party leader Benazir Bhutto lives in exile under threat of imprisonment should she return to Pakistan (she has thrice been convicted of corruption in absentia). The Muttahida Majlis-e-Amal (MMA or United Action Forum) is a loose coalition of Islamist parties formed especially for the 2002 elections. Although Pakistan's religious parties enjoy considerable "street" power and were strengthened by Zia's policies of the 1980s, their electoral showing has in the past been quite limited.

Election Results. Despite the government's insistence that the exercise was free and fair, opposition parties and numerous independent observers called the election deeply flawed. Widely asserted was that the military regime's machinations substantively weakened the main *secular* opposition parties.⁵ The PML-Q won 118 of the total 342 parliamentary seats, almost all of them from Punjab. The affiliated National Alliance won 16 seats. This number gave the pro-Musharraf parties a plurality in the National Assembly, but fell well short of the majority representation needed to control the body outright. The PPP won the largest number of votes overall, but Pakistan's electoral rules awarded it runner-up status only, with a total of 81 national seats. Perhaps the most surprising outcome of the elections was the strong third-place showing of the MMA Islamist coalition that now controls the provincial assembly of the North West Frontier Province (NWFP) and leads a coalition in that of Baluchistan, as well as seating 68 legislators in the National Assembly (up from two previously) — about 20% of the total.

Coalition-Building and Deadlock. The new National Assembly sat in November 2002. The three leading national parties — the PML-Q, PPP, and MMA — had engaged in convoluted and ultimately failed coalition-building negotiations. In an unexpected circumstance, the pro-Musharraf parties succeeded in forming a thin working coalition without the participation of either the PPP *or* the MMA, a development made possible by the defection of several PPP members, some of whom were rewarded with high-profile ministries of their own. PML-Q favorite and former Baluchistan Chief Minister Mir Zafarullah Jamali was elected to serve as Pakistan's Prime Minister. Yet, although a full National Assembly was seated, the body remained stalled on procedural issues for more than one year; only a single piece of legislation (a budget) was passed in that time. Opposition parties strenuously objected to Musharraf's assumed legal status, but Musharraf claimed that his retention of two key offices — President and Army Chief — was in the "national interest." In July 2003, more than 20 groups representing nearly all of Pakistan's opposition parties issued a joint rejection of the LFO and called for

⁴ (...continued)

of power — all five were removed by the army through explicit or implicit presidential orders. Of Pakistan's three duly elected Prime Ministers, the first (Z.A. Bhutto) was executed, the second (Benazir Bhutto) was exiled and her husband jailed on corruption charges, and the third (Nawaz Sharif) remains in exile under threat of life in prison for similar abuses should he return.

⁵ Both of his predecessors as national leaders — Benazir Bhutto and Nawaz Sharif — were, by Musharraf's own decree, excluded from candidacy regardless of the status of criminal charges against them. The two have long been the country's leading civilian political figures.

Musharraf's resignation. In September, the MMA, which had continued negotiating with Musharraf's forces, announced its "final" refusal to accept the LFO and Musharraf's status as Army Chief.⁶

Musharraf-MMA Accommodation. The fractious 14-month-long dispute between Musharraf's allies and opposition parties in the National Assembly came to an end with a surprise December 2003 deal between Musharraf and the Islamist MMA. Under the arrangement, Musharraf pledged to resign his military commission by the end of 2004. He also agreed to put a slightly altered version of the LFO before Parliament. It was passed and, on the final day of 2003, became the Seventeenth Amendment to the Constitution.⁷ Finally, Musharraf submitted to a vote of confidence by Pakistan's Electoral College (comprised of the membership of all national and provincial legislatures). On January 1, 2004, Musharraf's presidency through 2007 was legitimized when he won about 60% of the total vote.⁸ Officials in Islamabad contend that the developments augur well for Pakistani democracy and stability, but secular opposition parties unified under the Alliance for the Restoration of Democracy (ARD) have accused the MMA of betrayal and insist that the new arrangement merely institutionalizes military rule in Pakistan.⁹ Central to ARD complaints is the restoration of the President's powers to dissolve Parliament (with Supreme Court approval).

Despite the potentially brightened prospects for future civilian governance in Pakistan, military rule substantively continues. Military agencies are criticized for abusing human rights, and the October 2003 arrest of ARD leader Makhdoom Javed Hashmi spurred some to identify renewed governmental repression. One senior Western observer contends that, "The generals cannot govern Pakistan, but they will not let anyone else govern it." A leading Pakistani commentator sees the problem as "a military that wants to control things without being overtly seen to be doing so." Most analysts suggest that only by allowing the country's secular political parties fully into the system can Pakistan realize stable and enduring democracy.¹⁰

⁶ "Musharraf Says He'll Only Quit When Pakistan Stops Needing Him," Agence France-Presse, June 9, 2003; Zaffar Abbas, "Musharraf Reforms Rejected," BBC News, July 26, 2003; Mohammed Imran, "No More Talks, Says MMA," *Daily Times* (Lahore), September 20, 2003.

⁷ Passage was possible only with the support of MMA members; secular opposition parties boycotted the vote. The most important change to the LFO is a requirement that the Supreme Court approve of any presidential dissolution of Parliament. The amendment also contains a clause that retroactively validates all legal actions taken by Musharraf after October 1999. Musharraf may soon bring before Parliament a bill establishing the NSC desired by the military.

⁸ Only a single vote against was recorded. Musharraf received only minority support in the NWFP (24%) and Baluchistan (43%) (Bronwyn Curran, "Pakistan President Musharraf Sails Through Confidence Vote," Agence France Presse, January 1, 2004).

⁹ "Deal Over Pakistan Power Struggle," BBC News, December 29, 2003.

¹⁰ "Pakistan: Four Years After Coup, Rights Abuses Abound," Human Rights Watch, October 10, 2003; M.B. Naqvi, "A Season of Repression?," *The News* (Karachi), November 5, 2003; Stephen P. Cohen, "The Jihadist Threat to Pakistan," *Washington Quarterly*, Summer 2003; Ejaz Haider, "CMAG's Decision Is Right," *Friday Times* (Lahore), October 3, 2003; Najam Sethi, "What the Country Needs," *Friday Times* (Lahore), September 12, 2003.

Islamization and Anti-American Sentiment

In June 2003, the Islamist coalition in the NWFP passed a Shariat bill in the provincial assembly, and the government of Baluchistan later established an Islamist legal council. These efforts may seek to replicate in Pakistan the harsh enforcement of Islamic law seen in Afghanistan under the Taliban. Such developments alarm Pakistan's moderates and, in August, Musharraf vowed to "finish off religious extremism." Pakistan's Islamists denounce Pakistani military operations in western tribal areas, resist governmental attempts to reform religious schools that teach militancy, and harshly criticize Islamabad's cooperation with the U.S. government and movement toward rapprochement with India. American and Afghan officials have accused Pakistani Islamists of providing safe haven and material support for Taliban forces who seek to carry out destabilizing attacks in southeastern Afghanistan. Even some middle-ranking Pakistani government officials — from the intelligence agencies, in particular — are suspected of holding pro-Taliban sympathies.¹¹

Islamist leaders are notable for their virulent expressions of anti-American sentiment; they have at times called for "jihad" against what they view as the existential threat to Pakistani sovereignty that alliance with Washington entails. Anti-American sentiment is not limited to Islamic groups, however: A U.S. Senator returned from the region in February 2003 to report "extremely high" levels of anti-Americanism there, and a 2003 public opinion survey found that 45% of Pakistanis had at least "some confidence" in Osama bin Laden's ability to "do the right thing regarding world affairs." Many analysts suspect that two December 2003 attempts to assassinate President Musharraf were carried out by Islamic militants angered by Pakistan's post-September 2001 policy shift.¹²

Legislation and Issues for Congress

Pakistan received more than \$1.5 billion in U.S. assistance for FY2002 and FY2003, combined, including more than \$650 million for security-related programs. In June 2003, President Bush pledged to work with Congress on establishing a 5-year, \$3 billion aid package for Pakistan to begin in FY2005. Gen. Musharraf's extra-constitutional seizure of power in October 1999 triggered penalties under Section 508 of the annual foreign assistance appropriations act, which bans non-humanitarian U.S. assistance "to any country whose duly elected head of government is deposed by military coup or decree."

¹¹ "Pakistani Legislators Approve Islamic Law for Province," *New York Times*, June 3, 2003; "Baluchistan Islamization Council Set Up," *Daily Times* (Lahore) July 14, 2003; Najam Sethi, "Finish Off Religious Extremism: Musharraf," *Daily Times* (Lahore), August 5, 2003; Ian MacWilliam, "Pakistan Groups 'Help Taliban,'" BBC News, August 19, 2003; Carlotta Gall, "Taliban May Be Planning Larger Attacks, U.S. Envoy Says," *New York Times*, October 7, 2003. See also the testimony of U.S. government officials in "Transcript: Senate Foreign Relations Committee Holds Hearing on Security and Democracy in Afghanistan," Federal Documents Clearing House, October 16, 2003.

¹² "MMA Calls for Change in Foreign Policy," *Dawn* (Karachi), September 12, 2003; "US Trying to Destabilize Pakistan, Iran: MMA," *Dawn* (Karachi), November 4, 2003; "US Senators Express Concern Over Rising Anti-American Sentiment," Voice of America, February 23, 2003; Pew Research Center, "Views of a Changing World 2003," June 3, 2003; Zaffar Abbas, "Musharraf and the Mullahs," BBC News, December 30, 2003.

In October 2001 (P.L. 107-57), Congress waived coup-related aid restrictions for FY2002 and granted the President waiver authority for FY2003 (President Bush exercised this in March 2003). A November 2003 emergency supplemental appropriations bill (P.L. 108-106) included a provision extending the President's waiver authority through FY2004. In the 108th Congress, pending legislation includes H.R. 1403, which seeks to remove the President's waiver authority with regard to Section 508 sanctions on Pakistan.

U.S. interest in Pakistani democratization exists in tandem with the perceived need to have a stable and effectively-administered front-line ally in the international anti-terrorism coalition. Despite the existence of vocal Islamist opposition and the threat of "Talibanization" in western provinces, Islamabad repeatedly has insisted that its foreign and economic policies will remain unchanged under civilian government. The military apparently continues to dominate Pakistan's centralized decision making process, and Prime Minister Jamali has referred to President Musharraf as being his "boss." However, a newly empowered MMA may actively resist further efforts by Musharraf to crack down on religious extremists, and the present set-up may prove unstable.¹³ Of acute concern to U.S. policy makers are political succession issues, perhaps especially as related to potential domestic upheaval and control of Pakistan's nuclear arsenal.¹⁴

Congressional oversight of U.S.-Pakistan relations in a March 2003 hearing included Member expressions of concern about problems with Pakistani democratization and the danger of the United States "giving full recognition to a military takeover" through continuous waivers of coup-related aid restrictions.¹⁵ Pakistan's fragile democratic institutions are under continuous threat emanating from the authoritarian influences of the country's powerful military and quasi-feudal economic structures. Given a stated U.S. position that Pakistan's stability and economic health require further democratization there,¹⁶ Pakistan's domestic political developments likely will be closely monitored by the United States.

¹³ Matthew Pennington, "Pakistan PM: Power Still Lies With Military After One Year of Civilian Govt," Associated Press, November 23, 2003; "Jamali: Musharraf Elected President for Five Years," Pakistan Press International, April 18, 2003; Najam Sethi, "Success and Failure of Musharraf," *Friday Times* (Lahore), January 2, 2004.

¹⁴ David Sanger and Thom Shanker, "A Nuclear Headache," *New York Times*, December 30, 2003. The constitutionally-designated successor to the President is the Chairman of the Senate, currently PML-Q member and Musharraf loyalist Muhammadmian Soomro. Yet the consensus view has the Pakistani military maintaining its substantive rule. After his September 2001 policy shift, Musharraf moved to purge Islamists from the higher ranks of the military. Vice-COAS Gen. Mohammed Yusuf, a moderate, is the most likely successor to the position of COAS, although some observers identify the current Chairman of the Joints Chiefs of Staff, Gen. Mohammad Aziz, as a contender. While considered fully loyal to the army, of Pakistan's 30 highest ranking officers, Gen. Aziz may be the only with meaningful links to Islamist groups (see B. Raman, "After Musharraf, What?," *Outlook India* (Delhi), December 25, 2003).

¹⁵ "Transcript: Hearing of the Subcommittee on Asia and the Pacific of the House International Relations Committee," Federal News Service, March 20, 2003.

¹⁶ U.S. Ambassador to Pakistan Nancy Powell, "U.S. Foreign Policy Toward Pakistan," November 13, 2003, available at [<http://www.state.gov/p/sa/rls/rm/26277.htm>].