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Pakistan's Domestic Political Developments

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K. Alan Kronstadt
Analyst in Asian Affairs
Foreign Affairs, Defense, and Trade Division

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Summary

Pakistan is a strategically important country and home to one of the world's largest Muslim populations. In October 1999, Pakistan's Chief of Army Staff Gen. Pervez Musharraf replaced Prime Minister Nawaz Sharif in a bloodless coup. In the wake of the military overthrow of the elected government, Islamabad faced considerable international opprobrium and was subjected to automatic coup-related 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. Congress removed restrictions, and large-scale U.S. aid to the country resumed, in the final months of 2001. The United States views Pakistan as a vital ally in the international anti-terrorism coalition. The Bush Administration has refrained from expressing any significant public criticisms of the Pakistan's internal political practices, while still asserting that the strengthening of civilian political institutions in Islamabad is "a requirement for the development of a stable, moderate Islamic state."

October 2002 elections in Pakistan nominally fulfilled President Musharraf's promise to restore the National Assembly that was dissolved in the wake of his extra-constitutional seizure of power. 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. Non-Islamist opposition parties strongly criticized the arrangement as undemocratic. In 2004, Parliament established a National Security Council that may institutionalize a permanent governance role for the army; Musharraf "shuffled" prime ministers to seat his close ally, Finance Minister Shaukat Aziz; secular opposition parties saw themselves further marginalized; and Musharraf has signaled that he may continue his role as Army Chief beyond the stated deadline. There are concerns that Pakistan's civilian democratic institutions have been weakened by these developments.

In P.L. 108-106, Congress extended the President's authority to waive coup-related sanctions through FY2004. In September 2004, Congress passed H.R. 4818, which would further extend that authority through FY2005. The *9/11 Commission Report* called Musharraf's government the "best hope" for stability in Pakistan and Afghanistan and recommends the provision of long-term and comprehensive support to Pakistan so long as its government remains committed to combating terrorism and to a policy of "enlightened moderation." Pending legislation in the 108th Congress, including H.R. 5024, H.R. 10, and S. 2774, seeks to implement this and other Commission recommendations. See also CRS Issue Brief IB94041, *Pakistan-U.S. Relations* and CRS Report RL32259, *Terrorism in South Asia*. This report will be updated periodically.

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Pakistan's Domestic Political Developments

U.S. Interests and Policy Discussion

U.S. Interests

Pakistan, a strategically important country that is home to one of the world's largest Muslim populations, has been a key cooperating nation in U.S.-led counterterrorism efforts in South Asia. While top-tier U.S. emphases in the region after September 2001 have remained combating religious extremism and ending illicit nuclear weapons proliferation, the United States expresses a strong interest in the improvement of Pakistan's human rights situation, especially as regards the restoration and strengthening of the country's civilian democratic institutions. Some observers urge patience on this issue, contending that a "true" democratic system will require time and that "military-guided" governance is required in an unstable setting and to deter extremist political influences. Others argue that Pakistan's Islamist forces are themselves manipulated by and at times in collusion with the military as it manages skewed civil-military relations wherein moderate political parties play a decreasing role. A number of top U.S. diplomats, along with several Members of Congress, have called for more and accelerated development of Pakistani democracy.

On October 12, 1999, Pakistan's Chief of Army Staff (COAS) Gen. Pervez Musharraf replaced Prime Minister Nawaz Sharif in a bloodless coup. In the wake of the military overthrow of the elected government, Islamabad faced considerable international opprobrium and was subjected to automatic coup-related U.S. sanctions under section 508 of the annual foreign assistance appropriations act. 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. Congress removed restrictions, and large-scale U.S. aid to the country resumed, in the final months of 2001 (in March 2003 and again in March 2004, President Bush exercised one-year waiver authority on coup-related sanctions granted to him by Congress). The United States now considers Pakistan to be a vital ally in the international anti-terrorism coalition.¹ The Bush Administration has refrained from expressing any strong public criticisms of Pakistan's internal political practices, while still asserting that the strengthening of civilian political institutions in Islamabad is "a requirement for the development of

¹ See also CRS Issue Brief IB94041, *Pakistan-U.S. Relations*, and CRS Report RL32259, *Terrorism in South Asia*, both by K. Alan Kronstadt.

a stable, moderate Islamic state.”² According to U.S. Ambassador to Pakistan Nancy Powell in August 2004:

America wants to see strong Pakistani democratic institutions and practices, including a National Assembly, Senate, and Provincial Assemblies that play a vigorous and positive role in governance and an independent judiciary that promotes the rule of law. We also would like to see Pakistan’s civil society play an active role in governance.³

The *9/11 Commission Report* (released in July 2004) claims that — even after acknowledging problems in U.S.-Pakistan relations and President Musharraf’s role in them — “Musharraf’s government is the best hope for stability in Pakistan and Afghanistan.” In addition to identifying Pakistan as a principal transit country for the 9/11 hijackers and naming the western regions of the country as one of six “actual or potential terrorist sanctuaries” worldwide, the Commission offers a key recommendation for U.S. policy toward Pakistan:

If Musharraf stands for enlightened moderation in a fight for his life and for the life of his country, the United States should be willing to make hard choices too, and make the difficult long-term commitment to the future of Pakistan. Sustaining the current scale of aid to Pakistan, the United States should support Pakistan’s government in its struggle against extremists with a comprehensive effort that extends from military aid to support for better education, so long as Pakistan’s leaders remain willing to make difficult choices of their own.⁴

Pending legislation in the 108th Congress, including H.R. 5024, H.R. 10, and S. 2774, seeks to implement this and other Commission recommendations. Each of the bills calls for comprehensive and long-term U.S. support to Pakistan, but only H.R. 10 notes a “sense of Congress” that U.S. assistance should encourage and enable a “more effective and participatory democracy” there; the others make no mention of Pakistan’s political system. The concept of “enlightened moderation,” as expounded by Musharraf himself, is a direct response to a growing world perception that Islam is linked to fundamentalism, and thus to extremism, and thus to terrorism. It is a strategy meant to both shun the militancy that is rooted in “political injustice, denial, and deprivation,” and to bring “socioeconomic uplift” in the Muslim world. Musharraf has called upon Muslims to “adopt a path of moderation and a conciliatory approach to fight the common belief that Islam is a religion of militancy in conflict with modernization, democracy and secularism.” Pakistan’s prime minister, Shaukat Aziz, a close ally of Musharraf and his finance minister since 1999, took office in

² 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.

³ “Ambassador Powell Outlines U.S. Policy Toward Pakistan,” U.S. Department of State Washington File, August 20, 2004.

⁴ See Section 12.2, p. 367-369, of *The 9/11 Commission Report*, available at [<http://www.gpoaccess.gov/911>].

August 2004 vowing to pursue a policy of “enlightened moderation.”⁵ Musharraf contends that Pakistan’s democratic institutions are fully functioning in accordance with the country’s Constitution. However, in September 2004, Secretary of State Powell said he thinks that “Pakistan is moving in the right direction,” even if the political system is “not yet to where we would like to see it.” The Bush Administration rejects criticism that it is overly focused on the person of Musharraf and calls the Pakistani President “the right man in the right place at the right time for the right job.”⁶

Policy Discussion

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. However, while many observers believe that U.S. interests in combating terrorism and weapons proliferation in South Asia entail a “trade-off” with regard to other concerns, some contend that the human rights situation in Pakistan may itself be a crucial aspect of the incidence of terrorism and religious extremism.⁷ 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.⁸ The military continues to dominate Pakistan’s centralized decision making process and, while in office, Prime Minister Jamali referred to President Musharraf as being his “boss.”⁹ While it is possible to argue that Pakistan is more democratic since October 2002 elections, many analysts note that the country’s democratic institutions and processes are inflexible and unaccommodating of dissent, and they see Pakistan’s political parties seriously weakened in recent years, with the military’s influence correspondingly more profound.¹⁰ Moreover, numerous commentators reject the 9/11

⁵ Pervez Musharraf, “A Plea for Enlightened Moderation,” *Washington Post*, June 1, 2004; “Text of Newly-Elected Pakistani Prime Minister’s Address to Parliament,” BBC Monitoring South Asia, August 27, 2004.

⁶ “Democracy Restored: Musharraf,” *Dawn* (Karachi), August 10, 2004; Secretary of State Colin Powell, “Remarks at the Herbert Quandt Distinguished Lecture,” September 10, 2004; Deputy Secretary of State Richard Armitage, “U.S. Hails Pakistan’s Efforts to Fight Terror, Build Democracy,” U.S. Department of State Washington File, October 1, 2004.

⁷ A House panel received expert testimony indicating that Pakistan’s worsening religious freedom situation is “part of the larger problem of the suppression of democratic freedoms” there (“House International Relations Subcommittee on International Terrorism, Nonproliferation and Human Rights Holds Hearing on State Department Report on International Religious Freedom,” FDCH Transcripts, February 10, 2004).

⁸ “Transcript: Hearing of the Subcommittee on Asia and the Pacific of the House International Relations Committee,” Federal News Service, March 20, 2003.

⁹ “Jamali: Musharraf Elected President for Five Years,” Pakistan Press International, April 18, 2003.

¹⁰ Hasan-Askari Rizvi, “Sustainable Democracy,” *Daily Times* (Lahore), May 24, 2004; David Rhode and Salman Masood, “Many See Musharraf Keeping Army Post to Cement (continued...)”

Commission's "best hope" label for Musharraf himself as myopic and repetitive of past U.S. reliance on Pakistani military regimes, especially in light of signs that Pakistan's allegedly decreasing political stability is rooted in Musharraf's policies and in his patronage by the United States.¹¹

President Musharraf remains a popular figure in Pakistan: a March 2004 survey found that 86% of Pakistanis view Musharraf favorably (with 60% viewing him *very* favorably).¹² It may be that the events of September 11, 2001, and after have accelerated the process by which Musharraf is seeking to bolster his own power. One former Pakistani political advisor and diplomat notes that, "Each of Pakistan's patriarchs have based their claim to power on grounds of U.S. support and their own ability to provide good governance."¹³ The perceived U.S. need for a stable and reliable regional ally in its ongoing counterterrorism efforts in South Asia have some analysts concluding that Musharraf remains in a position to take further domestic political advantage of current geopolitical dynamics. Yet at a July 2004 hearing of the Senate Foreign Relations Committee there appeared to be consensus among the three-witness panel of veteran Pakistan watchers about the potential problems inherent in a perceived U.S. over-reliance on the individual of Musharraf at the potential cost of more positive development of Pakistan's democratic institutions and civil society. Many analysts believe such development is key to the long-term success of stated U.S. policy in the region. One witness offered that Musharraf is best seen as a "marginal satisfier" who will do only the minimum expected of him. He recommended that, "The United States must alter the impression our support for Pakistan is essentially support for Musharraf."¹⁴ This conception is echoed by a leading Pakistani analyst, who contends that all of Musharraf's major policy shifts after September 2001 have come through compulsion by external pressure or events and that, while the direction of Pakistan's policy change has been appropriate, "the momentum of change is too slow and awkward and unsure to constitute a critical and irreversible mass."¹⁵ Many leading Pakistani commentators insist that only by

¹⁰ (...continued)

Power," *New York Times*, September 18, 2004.

¹¹ Sumit Ganguly, "The 'Best Hope' in South Asia," *Hindu* (Madras), August 13, 2004; Paula Newberg, "As U.S. Talks of Liberty, Musharraf Scorns It," *Los Angeles Times*, July 4, 2004.

¹² Pew Research Center, "A Year After the Iraq War," March 16, 2004.

¹³ Husain Haqqani, "Replaying the Old Marching Tune," *Indian Express* (Bombay), July 10, 2002.

¹⁴ Statement of Professor Marvin Weinbaum, "Senate Foreign Relations Committee Holds Hearing on Pakistan and Counterterrorism," FDCH Transcripts, July 14, 2004. At the same hearing, Ambassador Teresita Schaffer concurred, saying that the United States is attempting to deal with Pakistan through "policy triage and by focusing on the personal leadership of President Musharraf," both of which are "flawed concepts."

¹⁵ Najam Sethi, "Happy Birthday Pakistan," *Friday Times* (Lahore), August 13, 2004.

allowing the country's secular political parties fully into the system can the country realize stable and enduring democracy.¹⁶

Many American policy makers believe that U.S. interests are for the time being best served by the presence of a strong and secure Islamabad leadership. Thus, while early optimism about Musharraf's potential as a reformer has waned considerably, there are those who still conclude that the existence of an unstable and possibly Islamicized or failed state between Afghanistan and India — a state in possession of nuclear weapons — is a far less desirable circumstance than the present one in which a powerful and secular military institution maintains a reasonable degree of order in Pakistan. For some, this argument has become less persuasive as the country's law-and-order situation has deteriorated in 2004 and uncertainty about political succession in Islamabad causes trepidation in numerous world capitals (see "Succession Issues" section below). 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, "Democratic institutions are required if Pakistan is to thrive economically and to develop further into an enlightened and moderate Muslim state,"¹⁷ Pakistan's domestic political developments likely will be closely monitored by the United States.

Political Setting

Background

The history of democracy in Pakistan is a troubled one marked by ongoing tripartite power struggles among presidents, prime ministers, and army chiefs. Military regimes have ruled Pakistan for more than half of the country's 57 years in existence, and most observers agree that Pakistan has no sustained history of effective constitutionalism or parliamentary democracy. The country has had five constitutions, the most recent being ratified in 1973 (and significantly modified several times since). 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 in tandem with the president, has engaged in three outright seizures of power from civilian-led governments: Gen. Ayub Khan in 1958, Gen. Zia-ul-Haq in 1977, and Gen. Musharraf in 1999.¹⁸ Since 1970, five successive governments have been voted

¹⁶ Husain Haqqani, "Agenda for Pakistan's New Prime Minister," *Nation* (Lahore), September 1, 2004; Najam Sethi, "What the Country Needs," *Friday Times* (Lahore), September 12, 2003. See also Ayesha Siddiqi, "Musharraf's Successor," *Friday Times* (Lahore), March 19, 2004.

¹⁷ "Ambassador Powell Outlines U.S. Policy Toward Pakistan," U.S. Department of State Washington File, August 20, 2004.

¹⁸ In 1958, President Iskander Mizra, with the support of the army, abrogated the Constitution as "unworkable and full of dangerous compromises." Three weeks later Mizra (continued...)

into power, but not a single time has a government been voted out of power — all five were removed by the army through explicit or implicit presidential orders. Of Pakistan’s three most prominent prime ministers, one (Z.A. Bhutto) was executed, another (Benazir Bhutto) exiled and her husband jailed on corruption charges, and the last (Nawaz Sharif) remains in exile under threat of life in prison for similar abuses should he return. Such long-standing turmoil in the governance system may partially explain why, in a 2004 public opinion survey, nearly two-thirds of Pakistanis were unable to provide a meaning for the term “democracy.”¹⁹

Notable Pakistan Leaders	
Governor-General Mohammed Ali Jinnah	1947-1948
Prime Minister Liaquat Ali Khan	1947-1951
President Iskandar Ali Mirza	1955-1958
President-General Mohammed Ayub Khan	1958-1969
President-General Mohammed Yahya Khan	1969-1971
President-Prime Minister Zulfikar Ali Bhutto	1971-1977
President-General Zia ul-Haq	1978-1988
Prime Minister Benazir Bhutto	1988-1990
Prime Minister Nawaz Sharif	1990-1993
Prime Minister Benazir Bhutto	1993-1996
Prime Minister Nawaz Sharif	1997-1999
President-General Pervez Musharraf	1999-

Major Political Parties and Coalitions

Pakistan Muslim League. The Pakistan Muslim League (PML) is the country’s oldest political party and was the only major party existing at the time of independence. Long associated with the Quaid-e-Azam (Father of the Nation) Muhammed Ali Jinnah and his lieutenant, Liaquat Ali Khan, the PML was weakened

¹⁸ (...continued)

was exiled and Army Chief Gen. Ayub Khan installed himself as President while declaring martial law and banning all political parties (thus formalizing the militarization of Pakistan’s political system). His appointment of a senior civil servant as Deputy Martial Law Administrator gave some legitimating cast to the event and, four years later, Ayub Khan introduced a new Constitution that sought to legitimate his rule in the absence of martial law. In 1977, and in the midst of political turmoil involving Z.A. Bhutto and the Pakistan National Alliance opposed to him, Army Chief Gen. Zia-ul-Haq, in apparent collusion with conservative Islamic groups, declared martial law, suspended the Constitution, dissolved the National Assembly, and took power in a bloodless coup. He vowed to hold national elections within 90 days, but soon rescinded that promise, and spent the next 11 years making changes to the Pakistani constitution and system of governance that would ensure his continued hold on power. Only two of the three coups d’etat (Zia in 1977 and Musharraf in 1999) were entirely extra-constitutional in nature. See Robert Stern, *Democracy and Dictatorship in South Asia* (Westport, Conn.: Praeger, 2001).

¹⁹ International Foundation for Election Systems, “National Public Opinion Survey Pakistan 2004,” available at [<http://www.plsc.org.pk/survey/index.htm>].

upon their premature deaths in 1948 and 1951. Not until the 1988 elections — when Nawaz Sharif, who had been Gen. Zia’s finance minister, led a PML-Islamist coalition to a strong second-place showing and became Punjab chief minister — was the party again be a player on the national scene. Sharif was elected prime minister in 1990 and, three years later, established the offshoot PML-Nawaz (PML-N), which went on to dominate the 1997 elections. In the lead up to the 2002 elections, most former (but still influential) Sharif loyalists joined the new PML-Quaid-e-Azam (PML-Q), a group widely seen to enjoy overt support from the military. In May 2004, five PML factions united and named Punjabi politician and industrialist Chaudhry Shujaat Hussain as their leader. Nawaz Sharif and most of his immediate family live in exile in Saudi Arabia. His family’s legal status is unclear, but reports indicate that, shortly after the 1999 coup, the Sharif family and the Musharraf government concluded an “arrangement” that would bar any family member from returning to Pakistan for a period of ten years. The PML’s electoral strength typically is found in the densely populated Punjab province.

Pakistan People’s Party.²⁰ The left-leaning Pakistan People’s Party (PPP) was established in 1967 in reaction to the military dictatorship of Gen. Ayub Khan. The party slogan was and remains “Islam is our Faith, Democracy is our Polity, Socialism is our Economy.” Under the leadership of Zulfikar Ali Bhutto, who had resigned his position as Khan’s foreign minister, the PPP won a majority of West Pakistan’s assembly seats in 1970 elections and held power from 1971 until 1977, when Bhutto’s government was overthrown by his Army Chief, Gen. Zia-ul-Haq. Bhutto, who oversaw the establishment of a parliamentary system with the 1973 Constitution and who launched Pakistan’s nuclear weapons program, was executed by the military government in 1979. When Zia’s ban on political parties was lifted in 1986, Bhutto’s daughter Benazir emerged as its leader and won the prime ministership in 1988 and again in 1993. Today, she lives in exile in London and Dubai under threat of imprisonment should she return to Pakistan (she has thrice been convicted of corruption in absentia). In an effort to skirt legal barriers to its electoral participation in 2002, the PPP formed a separate entity, the PPP Parliamentarians (PPPP), that pledged to uphold Bhutto’s political philosophy. This group is headed by Makhdoom Amin Fahim. The PPP historically has done especially well in the southern Sind province.

Muttahida Majlis-e-Amal (United Action Front). The Muttahida Majlis-e-Amal (MMA or United Action Forum) is a loose coalition of six Islamist parties formed for the 2002 elections.²¹ Its largest constituent is the Jamaat-i-Islami (JI), founded by Maulana Maududi in 1941 and considered to be Pakistan’s best-organized religious party. JI chief Qazi Hussein Ahmed serves as MMA president. Another long-standing Islamist party is the Jamiat Ulema-i-Islam faction led by Maulana Fazlur Rehman (JUI-F). The JUI is associated with religious schools that gave rise to the Afghan Taliban movement. In addition to promoting a central role for religion in Pakistani affairs, Islamists have been opposed to Westernization in

²⁰ See [<http://www.ppp.org.pk>].

²¹ Islamist parties are conservative advocates of a central role for Islam and *sharia* (Islamic law) in national governance. They also oppose Westernization in its socioeconomic and cultural forms.

both its capitalist and socialist forms. 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 (they won only two parliamentary seats in the 1993 and 1997 elections).

Earlier Developments Under Musharraf

Military Rule and Assumption of the Presidency

On October 12, 1999, Army Chief Gen. Pervez Musharraf overthrew the elected government of Prime Minister Nawaz Sharif, dismissed the National Assembly, and appointed himself "Chief Executive." The proximate cause of Musharraf's action appears to have been Sharif's attempt to remove him from his Army leadership position and prevent his return from abroad, but widespread dissatisfaction with Sharif's authoritarian and allegedly corrupt regime — both within the Pakistani military and among the general public — are believed to have been important broader factors. Under a "Provisional Constitution Order" (PCO), Musharraf declared a state of emergency, suspended the Constitution, and, by special decree, ensured that his actions could not be challenged by any court. He promised to end corruption and revive "genuine democracy." In January 2000, members of Pakistan's Supreme Court were required to take an oath promising to uphold the PCO; six jurists, including the Chief Justice, refused and stood retired. Five months later, the new Supreme Court issued a sweeping validation of Musharraf's actions, including the PCO and the dissolution of the national and provincial assemblies, but it also ordered that elections to reseat these bodies be held no later than three years from the date of the coup (i.e., by October 12, 2002). These developments left Pakistan with a "seemingly benign, but nonetheless very real, military dictatorship."²²

Gen. Musharraf's October 1999 seizure of power initially was met with widespread approval among the Pakistani people, many of whom considered the Sharif government to be incorrigibly corrupt. Even many of the country's more liberal-minded opinion-makers acquiesced with the hope that Musharraf might succeed in improving Pakistan's lot where civilian-led governments had failed, and/or because they believed that a military-led government was the only remaining alternative to a radical Islamic regime in Islamabad.²³ Yet Musharraf's subsequent actions became widely interpreted as indicating his intention to impose a more or less permanent authoritarian rule over the country, and they thus alienated many of the early optimists. While maintaining his promise to hold national elections in October 2002, Musharraf spent ensuing years taking actions that bolstered his ruling position and that of the military. Proponents of Musharraf's political choices since 1999 insist

²² Craig Baxter, et al., *Government and Politics in South Asia*, 5th Ed. (Boulder, Co.: Westview Press, 2002), p. 193.

²³ Pamela Constable, "Will Two and Two Equal Five?" in *On the Abyss: Pakistan After the Coup* (New Delhi: Harper Collins India, 2000), p. 135.

that the country is becoming more stable, and less corrupt and personality-centered through “military-guided” administration.²⁴

In June 2001, President Mohammad Rafiq Tarar was forced to resign under the PCO and was replaced by Gen. Musharraf. Musharraf later sought to legitimize his status as president with an April 2002 referendum. Islamabad reported resounding public approval for Musharraf’s continued rule in the results of this exercise, with 98% of votes cast in favor. Yet opposition parties had boycotted the vote, and charges of widespread coercion and fraud marred the outcome. Musharraf later apologized for “irregularities” in the process.²⁵

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. Musharraf maintained that the amendments were necessary to bring “true” and stable 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 constitutional change was a provision allowing the President to dismiss the National Assembly.²⁶ 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, as well as monitor the process of democracy and governance in the country.²⁷ 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. For numerous critics, the proposed changes harked back to Zia-ul-Haq’s continuous and years-long efforts to avoid any form of electoral or judicial challenge to his rule. In response to Musharraf’s LFO announcement, the United States indicated that full U.S. support for the Pakistani

²⁴ Pakistani Ambassador to the United States Ashraf Jehangir Qazi, “Transition in Pakistan” (letter), *New York Times*, January 19, 2004; Ahmed Qurashi, “Late Nation-Building,” *News* (Karachi), August 31, 2004.

²⁵ “Political Leaders, Lawyers Denounce Musharraf Presidency Move,” Agence France Presse, June 20, 2001; Simon Denyer, “Pakistan’s Musharraf Won’t Start War, But Ready,” Reuters News, May 27, 2002.

²⁶ 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. The very Parliament that provided Zia with these powers was itself dismissed by him in 1988. In 1997, PM Nawaz Sharif oversaw passage of the 13th Amendment to the constitution, repealing Zia’s 8th Amendment (1985) right to dismiss the government and appoint military chiefs (and thus restoring powers to the prime minister’s office).

²⁷ Zaffar Abbas, “Analysis: Musharraf Sidelines Parliament,” BBC News, August 21, 2002. A well-received and more clearly progressive change was the reservation of 60 assembly seats for women and non-Muslims.

President would continue, even if some of the changes “could make it more difficult to build strong, democratic institutions in Pakistan.”²⁸

The 2002 National Election

Following the October 1999 coup, the Pakistani Supreme Court ordered that national elections be held within a period of no more than three years, and President Musharraf set and held to a poll date of October 10, 2002. Given the country’s poor historical record with democratic processes, many observers lauded Musharraf for the mere act of holding elections as promised. However, and 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.²⁹ Voter turnout was estimated by the Pakistan Election Commission to have been above 40%, but still lower than any previous Pakistani national election. Major parties offer even lower estimates, with most falling between 20% and 30%.

The PML-Q — also called the “king’s party” due to its perceived pro-military bent — won 118 of the total 342 parliamentary seats, almost all of them from Punjab, and the affiliated National Alliance won 16 more.³⁰ 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.³¹

²⁸ State Department Spokesman Philip Reeker, “Musharraf’s Constitutional Changes Concern U.S.,” U.S. Department of State Washington File, August 22, 2002.

²⁹ Human Rights Watch, “Pakistan: Entire Election Process ‘Deeply Flawed,’” October 9, 2002; Sumit Ganguly, “The Slide Continues,” *Foreign Affairs*, April 2003. 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. While the core membership of the PPP and the PML-N remained loyal to its leadership, it became clear that after 1999 neither could mobilize the levels of support enjoyed during the 1990s. This combined with evidence of a pervasive apathy among the Pakistani people with regard to national politics. Recognizing their weakened positions, the parties — one-time bitter rivals — agreed to cooperate in the 2002 elections, and coordinated regional candidacies in an attempt to maximize their final combined victories.

³⁰ Election figures come from the Associated Press of Pakistan, a government news service.

³¹ The Muttahida Quami Movement (MQM) is a Sindhi regional party mainly comprised of the descendants of pre-partition immigrants (Muhajirs) from what is now India. Although it did well in Sind’s provincial elections, the MQM collected only a small percentage of the national vote (winning 17 national seats). The nationalist and formerly powerful Awami

(continued...)

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. Both the secular opposition PPP and the Islamist parties maintained a strident rejection of the Legal Framework Order changes to the Constitution. A PPP-Islamist alliance would have set the pro-military parties in opposition, a possibility that reportedly sent the Musharraf regime into “panic.”³² Signals that a PML-Q-Islamist alliance was in the offing ended when President Musharraf refused to accept MMA demands that he resign his position as Army Chief. Some political analysts opined that an outcome in which no party secured a majority served President Musharraf’s interests by allowing him to retain preeminent power, and such an outcome may well have been his intent.³³

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 ministerships of their own.³⁴ In November 2002, PML-Q favorite and former Baluchistan Chief Minister Mir Zafarullah Jamali was elected to serve as prime minister.³⁵ Speculation abounded over whether or not the Pakistani President intended for the Islamist coalition to make as strong a showing as it did; Benazir Bhutto, for one, suggested that Musharraf “handed over the areas bordering Afghanistan to religious parties” in an effort to ensure continued U.S. support while simultaneously placating domestic opponents.³⁶ 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. In July 2003, more than 20 groups representing nearly all of Pakistan’s non-Islamist opposition parties issued a joint rejection of the LFO and called for Musharraf’s resignation. Shortly after, the MMA, which had continued negotiating

³¹ (...continued)

National Party was shutout at the national level and did quite poorly in the NWFP, its traditional provincial stronghold. Small parties and independents accounted for the remaining 31 seats.

³² Rana Jawad, “Musharraf Regime Panicked by Surprise Secular-Islamist Deal: Analysts,” *Agence France-Presse*, November 6, 2002.

³³ See, for example, Paula Newburg, “Musharraf’s Win, Pakistan’s Loss,” *Los Angeles Times*, October 20, 2002.

³⁴ This group of PPP “Patriots” has continued to be strongly pro-Musharraf.

³⁵ With 172 votes, Jamali beat out top MMA official Maulana Fazlur Rehman (86 votes) and PPP contender Shah Mehmood Qureshi (70 votes) for the prime ministership. A constitutionally-mandated December 2002 vote of confidence was narrowly won by Jamali. February 2003 Senate elections bolstered the position of the ruling coalition-leading PML-Q, which oversees a simple majority in the 100-seat body.

³⁶ “Benazir Seeks World Support for PPP,” *Dawn* (Karachi), October 24, 2002.

with Musharraf's forces, announced its "final" refusal to accept the LFO and Musharraf's status as Army Chief.³⁷

Musharraf-MMA Accommodation

The fractious 14-month-long dispute between President 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 17th Amendment to the Constitution.³⁸ 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.³⁹ Officials in Islamabad contended that the developments augured well for Pakistani democracy and stability, but non-Islamist opposition parties unified under the Alliance for the Restoration of Democracy (ARD) accused the MMA of betrayal and insisted that the new arrangement merely institutionalized military rule in Pakistan.⁴⁰

Developments in 2004

Despite the potentially brightened prospects for future civilian governance in Pakistan, military rule substantively continues in 2004, and most analysts foresee little or no power being transferred to the country's civilian political leaders in the near- and middle-term. A "devolution plan" launched by the Musharraf government in 2000 ostensibly sought to transfer more power to local authorities, but may instead have further marginalized established political parties and enhanced centralized military rule.⁴¹ Military agencies are blamed for abusing human rights and some critics have suggested that Musharraf's "Faustian bargain" with Islamists serves to

³⁷ "Musharraf Says He'll Only Quit When Pakistan Stops Needing Him," Agence France-Press, 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.

³⁸ Passage was possible only with the support of MMA members; secular opposition parties boycotted the vote. The most important change to the LFO was a requirement that the Supreme Court must approve of any presidential dissolution of Parliament within 15 days of such a move. The amendment also retroactively validated all legal actions taken by Musharraf after October 12, 1999.

³⁹ 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).

⁴⁰ "Deal Over Pakistan Power Struggle," BBC News, December 29, 2003.

⁴¹ "Devolution in Pakistan: Reform or Regression?," International Crisis Group Asia Report 77, March 22, 2004.

strengthen the very extremism that he publically opposes.⁴² 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.”⁴³

Creation of a National Security Council

When the 17th Amendment to the Constitution was passed in December 2003, one of the key changes to President Musharraf’s original August 2002 LFO proposal was the removal of the National Security Council. In something of a concession, Musharraf and the military allowed the NSC to be created through a legislative rather than constitutional process, meaning Parliament will have at least nominal power to alter or dissolve the body. Draft legislation was completed in January 2004. Secular and Islamist opposition parties vowed to oppose the bill, saying an NSC would curtail Parliament’s powers, but their vehement protest failed to sway the ruling party and they boycotted voting when the bill passed in April. The first formal meeting of the NSC took place in June and focused on Pakistan’s deteriorating law-and-order situation.⁴⁴ Notably absent was Maulana Fazlur Rehman, whose status as Leader of the Opposition provides an NSC seat. Musharraf reportedly was unhappy with the Islamist’s boycotting of the inaugural session.⁴⁵ Musharraf and his supporters in Parliament insist that the NSC will reduce the likelihood of future military coups by providing a “safety valve” — a forum in which the army can play a role short of dissolving the National Assembly. Opponents still contend that a military-dominated body headed by the President will only undercut the already tenuous power of Parliament.⁴⁶

The Non-Islamist Opposition

Pakistan’s non-Islamist parties unified under the Alliance for the Restoration of Democracy consider themselves to be the country’s “true” opposition, given MMA accommodation with the ruling party. People’s Party leaders and loyalists of Nawaz

⁴² “Pakistan: Four Years After Coup, Rights Abuses Abound,” Human Rights Watch, October 10, 2003; Paul Watson, “A Delicate Balance of Rule for Pakistan’s Musharraf,” *Los Angeles Times*, March 5, 2004; “Pakistan,” *Amnesty International Report 2004*, May 2004.

⁴³ 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.

⁴⁴ The 13-member body is chaired by the President, and includes the Prime Minister, the Chairman of the Senate, the Speaker and Opposition Leader of the National Assembly, four provincial Chief Ministers, the Chair of the Joint Chiefs of Staff, and the top officer from each of the three military branches.

⁴⁵ Musharraf even suggested that, by failing to sit at the NSC meeting, the MMA was renegeing on an agreement (“President Musharraf Chairs Inaugural Session of National Security Council,” Pakistan Press International, June 24, 2004).

⁴⁶ Asim Yasin, “NSC to Help Flourish Democracy: Jamali,” *News* (Karachi), April 2, 2004; “The NSC Albatross,” *Daily Times* (Lahore), April 4, 2004; Roedad Khan, “NSC: Abdicating Sovereignty,” *Dawn* (Karachi), April 12, 2004; “Pakistan Law Enshrines Army Role,” BBC News, April 14, 2004.

Sharif's PML-N warn U.S. officials that military dictators are not reliable over time and that Pakistan's civilian political forces may soon become so marginalized as to become ineffective.⁴⁷ The October 2003 arrest of opposition political figure Makhdoom Javed Hashmi spurred some to identify renewed governmental repression. Hashmi, leader of the ARD, was jailed after he publicized a letter allegedly written by an army officer criticizing President Musharraf's policies. In April 2004, Hashmi was sentenced 23 years in prison for sedition, mutiny, and forgery. The United States expressed regret at the "closed nature of the proceedings" against Hashmi and called on Pakistan to administer justice fairly and in a transparent manner in his case. Islamabad responded by accusing the United States of "unwarranted and misplaced" interference in its internal affairs.⁴⁸

In May 2004, Shabaz Sharif, a former Punjab Chief Minister and the brother of deposed PM Nawaz Sharif, attempted to return to Pakistan from exile, but was "dragged away by commandos" and deported to Saudi Arabia after less than two hours in Lahore in what some termed a "massive over-reaction" by authorities. Police arrested as many as 2,200 supporters from Sharif's PML-N party who had gathered to welcome him. The events were widely viewed as indicating that the military intends to maintain its hold on civil society.⁴⁹ Furthermore, the May elevation of Jamiat-Ulema-Islami chief Maulana Fazlur Rehman to the position of Leader of the Opposition in Parliament spurred commentary that the "mullah-military alliance" had become a "Musharraf-Maulana alliance," further marginalizing Pakistan's more secular opposition parties.⁵⁰ There also are reports of other more subtle forms of harassment and suppression of opposition political figures.⁵¹

"Shuffling" of Prime Ministers

At the time of this writing, Pakistan has its third prime minister since the October 2002 elections. There were in 2004 increasing indications that Musharraf was unhappy with Prime Minister Jamali's perceived ineffectiveness and lack of enthusiasm on key issues such as the NSC and Musharraf's possible continuation as Army Chief.⁵² On June 26, Jamali announced his resignation at the request of

⁴⁷ Author interviews with PPP and PML-N officials, Islamabad, January 19, 2004.

⁴⁸ M.B. Naqvi, "A Season of Repression?," *News* (Karachi), November 5, 2003; "U.S. Calls for Judicial Fairness for Pakistan Opposition Figure," U.S. Department of State Washington File, May 13, 2004; "Pakistan Tells US Jailing of Opposition Leader 'an Internal Affair,'" Agence France Presse, April 16, 2004.

⁴⁹ "Pakistan Deports Ex-PM's Brother," BBC News, May 11, 2004; Sajjad Shafiq Butt, "Lahore Under 'Police Siege' Before Shabaz Arrival," *News* (Karachi), May 11, 2004; "Pakistan's Military Shows No Intention of Letting Slip Its Grip on Power," Agence France Presse, May 12, 2004.

⁵⁰ Najam Sethi, "His Majesty's Loyal Opposition?," *Friday Times* (Lahore), May 28, 2004.

⁵¹ Matthew Pennington, "Pakistan Gives Opposition Tough Time," Associated Press, May 10, 2004.

⁵² David Rhode, "Pakistan Choreographs Vote for Chosen Premier," *New York Times*, July 25, 2004; Rana Qaisar, "Jamali Wanted to Dilute NSC Role," *Daily Times* (Lahore), January 25, 2004.

President Musharraf. Opposition parties and independent analysts called Jamali's "smooth sacking" further evidence of the military's supreme power.⁵³ Jamali nominated PML president and Parliament Speaker Chaudhry Shujaat Hussain as his successor. However, Shujaat's tenure was meant to be transitional only, as the person called "Musharraf's favorite candidate," Senator and Finance Minister Shaukat Aziz, was constitutionally obligated to win a seat in the National Assembly to be eligible for the prime ministership. After he did so, opposition parties nominated jailed political figure Javed Hashmi as their candidate for the prime ministership. However, the Assembly Speaker ruled that Hashmi could not attend the vote, and Aziz won 192 of 342 ballots, with the opposition boycotting the process as "sham democracy."⁵⁴

The choice of Aziz appears to fit with the military's preference for a "task-oriented technocrat" who approaches economic development and governance as a "mechanical process."⁵⁵ Aziz's elevation was seen as being less about the will of the electorate than about the will of President Musharraf, who is seen as seeking to secure his grip on the civilian components of his regime by installing a prime minister who will have little real power over most domestic and international political matters.⁵⁶

Musharraf's Status as Chief of Army Staff

As was noted above, a key complaint of Pakistan's opposition parties has been Musharraf's concurrent standing as both President and Chief of Army Staff, a circumstance they believe violates the Constitution and perpetuates overt military rule. Despite apparent legal proscriptions set forth in the 17th Amendment⁵⁷ and his own nationally-televised promise to resign his commission before January 2005, there have been increasing signs that Musharraf will choose to retain dual offices in

⁵² (...continued)

30, 2004; "Musharraf Will Keep Promise," *Daily Times* (Lahore), April 12, 2004.

⁵³ Qamar Jabbar, "Opposition Parties Say Jamali's Removal a Setback to Democracy," *Daily Times* (Lahore), June 27, 2004; "Jamali's Resignation Shocks Qazi," *Dawn* (Karachi), June 27, 2004; Husain Haqqani, "Changing Managers of Pakistan Inc.," *Nation* (Lahore), June 30, 2004; Ejaz Haider, "Musharraf's Unstable Stability," *Friday Times* (Lahore), July 9, 2004.

⁵⁴ "Musharraf Ally Sworn in as New PM," BBC News, August 28, 2004. Critics argued that, because Hashmi was a sitting member of Parliament whose criminal case was under appeal, his exclusion was a violation of basic rights ("Press Gallery: Another Black Day in Pakistan History," *Daily Times* (Lahore), August 28, 2004).

⁵⁵ Hasan-Askari Rizvi, "The Making of a Prime Minister," *Daily Times* (Lahore), July 12, 2004. See also "The Technocrats Take Over," *Economist* (London), August 28, 2004.

⁵⁶ David Rhode, "Pakistan Choreographs Vote for Chosen Premier," *New York Times*, July 25, 2004; "Musharraf: New Cabinet, Old Agenda," Stratfor.com, September 1, 2004; Owais Tohid, "Musharraf's Hand Stronger After Prime Minister Quits," *Christian Science Monitor*, June 28, 2004; "Puppet Prime Minister?," Economist Intelligence Unit, August 31, 2004.

⁵⁷ "Musharraf's Staying as Army Chief Violates Constitution: Jurists," Agence France Presse, September 17, 2004.

what often is described as the “national interest.” The British Commonwealth, which in May 2004 lifted a four-year suspension of Pakistan, has insisted that Musharraf stand by his pledge to resign from the military or risk further opprobrium.⁵⁸ Musharraf’s lieutenants and party supporters have for months urged him to stay on so as to maintain “political stability” in Pakistan, and their outspokenness peaked in September 2004. Among independent observers, such a decision is widely expected and would be viewed as an expression of Musharraf’s insecurity.⁵⁹ The United States responded by stating that it expects to see continuing progress toward the goal of “fully functioning democracy” in Pakistan and that it continues to view Musharraf’s planned military retirement as “progress in this general direction.”⁶⁰ As of early October 2004, Musharraf remains noncommittal on the subject, but reportedly believes that remaining in both offices for years to come may be necessary to prevent “political destabilization” and to maintain “continuity.” His reshuffling of top army leadership in preparation for scheduled retirements of key lieutenants did not include the naming of a successor for the top spot, an omission that many took as further evidence that Musharraf intends to remain as Army Chief into 2005.⁶¹

Islamization and Anti-American Sentiment

Adding to U.S. concerns about Pakistan’s domestic political developments are increasing signs of “Islamization” and anti-American sentiment there. Pakistanis are a pious people, many or most of whom are unlikely to want separation between Islam and governance: A 2004 survey found that nearly two-thirds of citizens say that “religion should play a paramount role in politics” and only 6% see no role for religion in politics.⁶² 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 2003, President Musharraf

⁵⁸ “Commonwealth Lifts Pakistan Suspension,” *New York Times*, May 22, 2004. Opposition parties criticized the Commonwealth’s decision as unjustified given an absence of true democracy.

⁵⁹ “Musharraf Urged Not to Quit Army,” BBC News, April 9, 2004; Ashraf Mumtaz, “Shujaat Wants Musharraf to Stay in Uniform,” *Dawn* (Karachi), September 6, 2004; “Key Pakistani Province Urges Musharraf Not to Quit as Army Chief,” Agence France Presse, September 13, 2004; “Army Post for President Key to Stability: Aziz,” *Dawn* (Karachi), September 17, 2004. On Musharraf’s insecurity, see Simon Cameron-Moore, “Pakistan’s Musharraf Keeps Khaki and Grip on Power,” Reuters News, September 9, 2004.

⁶⁰ Richard Boucher, State Department Noon Briefing, September 16, 2004.

⁶¹ Masood Haider and Anwar Iqbal, “Leaving the Army Can Lead to Chaos, Says Musharraf,” *Dawn* (Karachi), September 27, 2004; Zahid Hussain, “Musharraf Keeps Army Post in Military Shake-Up,” *Wall Street Journal*, October 4, 2004.

⁶² International Foundation for Election Systems, “National Public Opinion Survey Pakistan 2004,” available at [<http://www.plsc.org.pk/survey/index.htm>].

vowed to “finish off religious extremism.”⁶³ Pakistan’s Islamists routinely denounce Pakistani military operations in western tribal areas, resist government attempts to reform religious schools that teach militancy, and harshly criticize Islamabad’s cooperation with the U.S. government.

Anti-American sentiment among Pakistani citizens is not limited to Islamic groups: A 2003 Pew Center opinion poll found that 45% of Pakistanis had at least “some confidence” in Osama bin Laden’s ability to “do the right thing regarding world affairs.” Nearly one year later, Pew found that only 6% of Pakistanis believed the United States was sincere in its efforts to combat terrorism; about half viewed the United States as seeking to “dominate the world.” The Pakistani army, which was significantly radicalized by Gen. Zia’s policies in the 1980s, continues to be home to Muslim hardliners at the middle and lower ranks. In 2004 testimony before the Senate Foreign Relations Committee, one senior expert opined that “Pakistan is probably the most anti-American country in the world right now, ranging from the radical Islamists on one side to the liberals and Westernized elites on the other side.” Most analysts contend that two December 2003 attempts to assassinate President Musharraf were carried out by Islamic militants angered by Pakistan’s post-September 2001 policy shift.⁶⁴

The leadership of the MMA’s two main constituents — the Jamaat-i-Islami’s (JI) Qazi Hussein Ahmed and the Jamiat-Ulema-Islami (JUI)-Fazlur’s Maulana Fazlur Rehman — are notable for their sometimes virulent anti-American rhetoric; they have at times called for “jihad” against what they view as the existential threat to Pakistani sovereignty that alliance with Washington entails.⁶⁵ In addition to decrying and seeking to end President Musharraf’s cooperation with the United States, many clerics also are viewed as opposing the U.S.-supported Kabul government. Despite their sometimes grating rhetoric, Pakistan’s Islamists have benefitted greatly from Musharraf’s undermining of the country’s mainstream parties, and today the MMA is a fairly cohesive political force that presents a serious challenge to Musharraf’s policies of moderation.⁶⁶ Musharraf repeatedly has called

⁶³ “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.

⁶⁴ Pew Research Center, “Views of a Changing World 2003,” June 3, 2003; Pew Research Center, “A Year After Iraq War,” March 16, 2004; John Lancaster, “Pakistan Struggles to Put Army on Moderate Course,” *Washington Post*, April 4, 2004; Statement of Stephen P. Cohen Before the Senate Foreign Relations Committee, January 28, 2004; Zaffar Abbas, “Musharraf and the Mullahs,” BBC News, December 30, 2003.

⁶⁵ See “US Trying to Destabilize Pakistan, Iran: MMA,” *Dawn* (Karachi), November 4, 2003; “MMA Says Check on Seminaries to be Resisted,” *Dawn* (Karachi), November 11, 2003. JUI leader Maulana Fazlur Rehman reportedly said he considers Americans to be “criminals” and the Taliban “innocent” (“MMA Opposes Pak-US Military Drive,” *News* (Karachi), June 24, 2003).

⁶⁶ See Vali Nasr, “Military Rule, Islamism, and Democracy in Pakistan,” *Middle East Journal* 58, 2, Spring 2004.

on Pakistan's Muslim clerics to assist in fighting extremism and improving Pakistan's image as a moderate and progressive state.⁶⁷

Legislation and Issues for Congress

U.S. Aid and Aid Restrictions

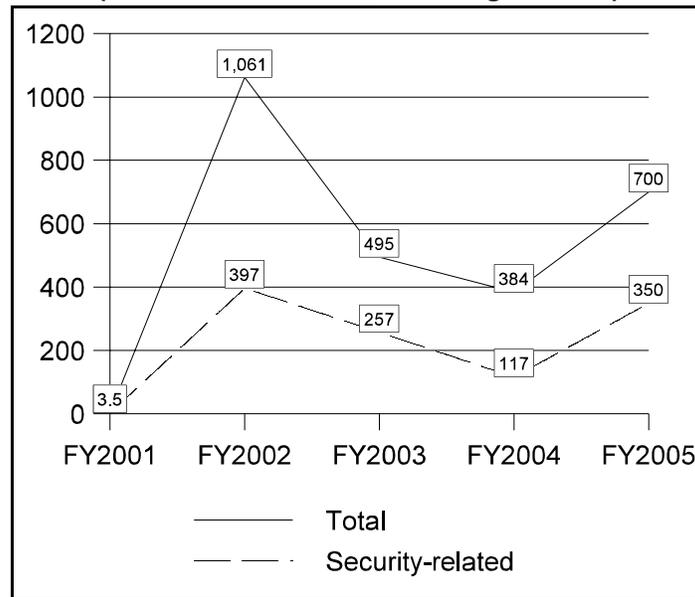
Pakistan is among the world's top recipients of U.S. assistance, with nearly \$2 billion in U.S. aid in FY2002-FY2004, including more than \$750 million for security-related programs. In June 2003, President Bush hosted President Musharraf at Camp David, Maryland, where he pledged to work with Congress on establishing a five-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."⁶⁸ 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; this was exercised in March 2004. In September 2004, Congress extended the President's waiver authority through FY2005 with the passage of H.R. 4818. In the 108th Congress, pending legislation includes H.R. 1403, which seeks to remove the President's waiver authority.⁶⁹

⁶⁷ Rana Qaisar, "Clerics Asked to Help Fight Terror," *Daily Times* (Lahore), February 18, 2004.

⁶⁸ Assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

⁶⁹ In 2002, some Members of the 107th Congress suggested a reimposition of restrictions on aid to Pakistan in light of what were perceived to be continuing anti-democratic practices by the Musharraf government. A bill on such sanctions (H.R. 5150) saw no floor action. See also CRS Report RS20995, *India and Pakistan: Current U.S. Economic Sanctions*, by Diane Rennack.

**Figure 1. U.S. Assistance to Pakistan
FY2001-FY2005**
(in millions of dollars, excluding food aid)



In August 2003, Pakistan and the U.S. Agency for International Development established a three-year grant program to support more participatory, representative, and accountable democracy in Pakistan. Six “good governance” projects have been funded with \$19 million to date; the total over three years is expected to be double that amount. The “Strengthening National and Provincial Legislative Governance in Pakistan” project accounts for the great majority of budgeted funds and is overseen by World Vision, an independent private Christian organization. According to USAID, the project aims to improve the transparency, accountability and competency of the legislative branch and establish strong relations between legislative bodies, civil society and citizens. Smaller projects seek to strengthen civil society organizations and the media.⁷⁰

Succession Issues

An acute concern of many U.S. policy makers is the issue of political succession in Pakistan, especially as it relates to potential domestic upheaval and control of that country’s nuclear arsenal.⁷¹ The constitutionally-designated successor to the

⁷⁰ See USAID Pakistan at [<http://www.usaid.gov/pk>].

⁷¹ David Sanger and Thom Shanker, “A Nuclear Headache,” *New York Times*, December 30, 2003. The physical security of Pakistan’s nuclear weapons materials and technologies has become a vital issue in the wake of September 2001 and appeared vulnerable after the public exposure of Abdul Qadeer Khan’s transcontinental proliferation network. Al Qaeda members reportedly have met with Pakistani nuclear scientists (Kamran Khan and Molly Moore, “2 Nuclear Experts Briefed Bin Laden, Pakistanis Say,” *Washington Post*, December 12, 2001). See also CRS Report RL31589, *Nuclear Threat Reduction Measures for India* (continued...)

President is the Chairman of the Senate, currently PML-Q member and Musharraf loyalist Muhammadmian Soomro, an international banker from a well-known Sindhi family. It is the President's prerogative to appoint Army Chiefs. The consensus view among analysts has the Pakistani military maintaining its substantive administration of the country in the event of President Musharraf's premature removal. The nature of such a potential removal likely would influence the scope and intensity of military governance. For example, if Musharraf were removed through violent means, it is quite possible that the army would declare martial law and rule directly for a period. In any case, it is widely assumed that the hierarchical solidarity and historic professionalism of Pakistan's military would result in its continued effectiveness as a stabilizing force, at least in the short- and perhaps middle-term.

After his September 2001 policy shift, Musharraf moved to purge pro-Taliban Islamists from the higher ranks of the military. Vice-Chief of Army Staff (COAS) Gen. Mohammed Yusuf, a moderate, was seen as the most likely successor to the position of COAS, although some observers identified the Chairman of the Joints Chiefs of Staff Committee, Gen. Mohammad Aziz, as a contender. While considered fully loyal to the army, of Pakistan's 30 highest ranking officers, Gen. Aziz may have been the only remaining with meaningful links to Islamist groups.⁷² Both Gen. Yusuf and Gen. Aziz retire in October 2004. President Musharraf has named two close allies to replace them: Lt. Gen. Ahsan Salim Hayat, the Karachi Corps Commander, will be the new Vice-COAS and the senior-most army officer after Musharraf; ISI chief Lt. Gen. Ehsan ul-Haq, a moderate who oversaw the removal of pro-Taliban officers from Pakistan's intelligence service after September 2001, has been appointed Chairman of the Joints Chiefs of Staff Committee. Gen. Hayat narrowly escaped assassination in a bloody June 2004 attack on his motorcade, an event which appeared to confirm his status as an enemy of Islamic extremists. The newly-promoted four-star general is believed to be one of Musharraf's closest allies in the military and his most likely successor as Army Chief.⁷³

Given Pakistan's strategic setting, large Muslim population, experience with religious extremism, weapons proliferation activities, and historical involvement in regional conflict, the level of stability and quality of governance there are likely to remain of keen interest to most U.S. policy makers.

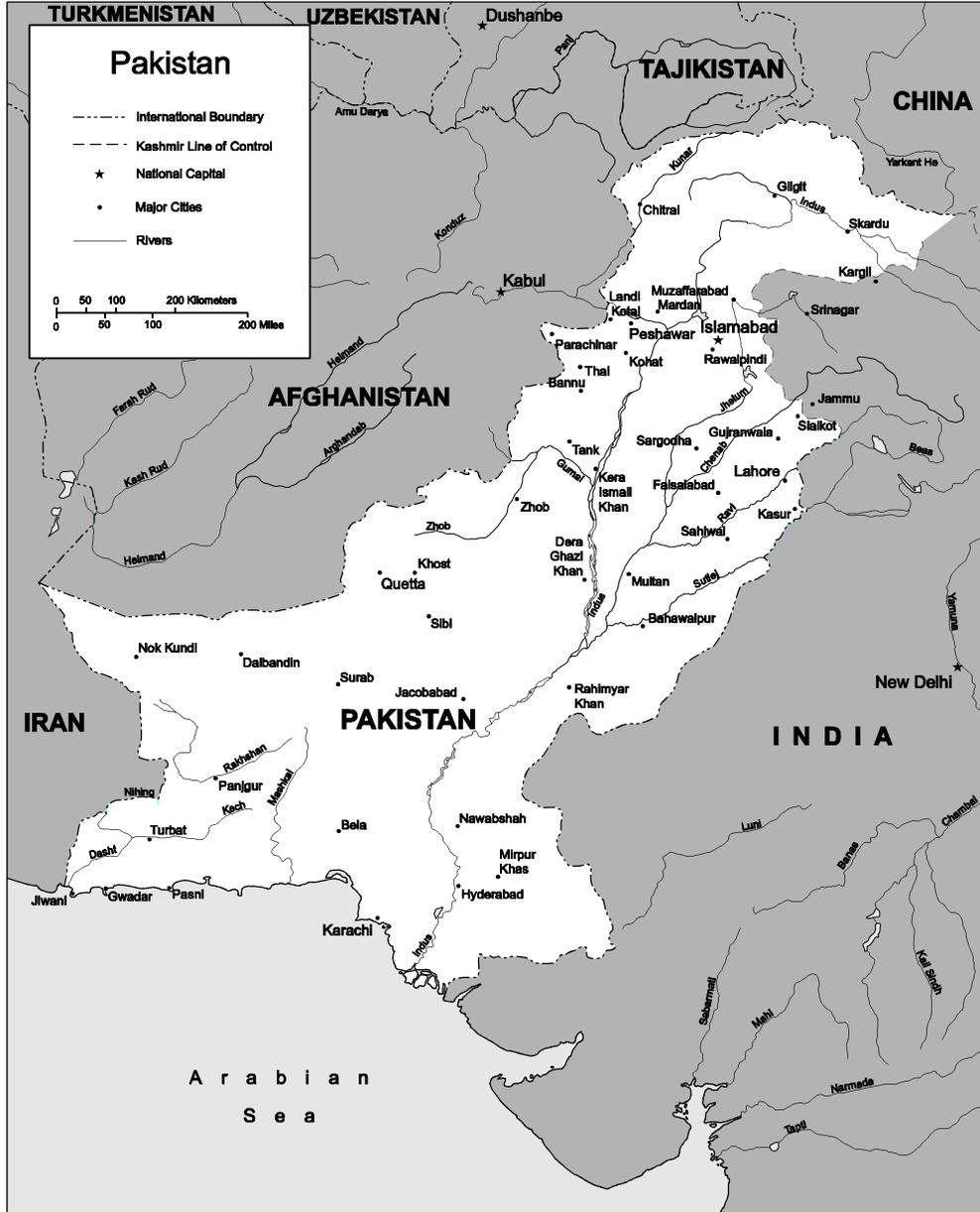
⁷¹ (...continued)

and Pakistan, by Sharon Squassoni, and Rajesh Basrur and Hasan Askari-Rizvi, "Nuclear Terrorism and South Asia," Cooperative Monitoring Center Occasional Paper 25, Sandia National Laboratories, Albuquerque, NM, February 2003.

⁷² See B. Raman, "After Musharraf, What?," *Outlook India* (Delhi), December 25, 2003.

⁷³ "Pakistan's Musharraf Names Aides to Top Army Slots," Reuters News, October 2, 2004.; Zahid Hussain, "Musharraf Keeps Army Post in Military Shake-Up," *Wall Street Journal*, October 4, 2004.

Figure 2. Map of Pakistan



Source: Map Resources. Adapted by CRS. (M.Chin 03/03)