

CRS Report for Congress

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Pakistan's Domestic Political Developments: Issues for Congress

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Summary

In October 2002, Pakistan held its first national elections since 1997, thus fulfilling in a limited fashion President 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. Opposition parties contesting the elections – along with rights groups and European Union observers – complained that the exercise was “deeply flawed.” No party won a majority of parliamentary seats, though a pro-military alliance won a plurality while a coalition of Islamist parties made a surprisingly strong showing. Musharraf supporter M.Z. Jamali is Pakistan's new prime minister and has thus far maintained Musharraf's foreign and economic policies. Debate continues over Musharraf's August 2002 changes to the country's constitution, many of which greatly augment his already considerable powers and institutionalize a permanent governance role for the military. The 1999 coup triggered restrictions on U.S. foreign assistance, restrictions waived in October 2001 and again in March 2003 by President Bush. Secretary of State Powell has indicated that the Administration will seek waiver authority for upcoming years. In response to continued perceived anti-democratic practices in Islamabad, there is legislation in the 108th Congress aimed at restoring aid restrictions through the removal of the U.S. President's waiver authority (H.R. 1403). This report will be updated periodically.

On October 10, 2002, nearly three years to the day since Pakistani Chief of Army Staff (COAS) Pervez Musharraf replaced Prime Minister Nawaz Sharif in a bloodless coup, the people of Pakistan returned to the polls for their country's 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 as a result. The September 2001 terrorist attacks on the United States and Musharraf's ensuing decision to withdraw support for the Afghan Taliban regime, however, had the effect of greatly reducing Pakistan's international isolation. Direct U.S. aid to the country began flowing again in the final months of 2001, rising from about \$10 million in FY2001 to

more than \$1 billion in FY2002.¹ The United States considers Pakistan to be a crucial 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 "it is of vital importance that full democratic, civilian rule be restored in Pakistan."²

Military regimes have ruled Pakistan for more than half of the country's 55 years in existence, and the majority of 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 country's political history has been marked by an ongoing tripartite power struggle between presidents, prime ministers, and army chiefs. The military, usually acting in tandem 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.

Constitutional Changes

In August 2002, President Musharraf took unilateral action in announcing that a "Legal Framework Order" of constitutional changes had been finalized and would take effect. 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 insists that the changes were necessary to bring "true democracy" to the country. Critics contend that Musharraf (who has retained his position as Army Chief) is seeking to legitimize and make permanent the military's currently extra-constitutional role in governance, as well as ensure his own continued power in contravention of democratic principles.

Key changes to the constitution include the establishment of a military-dominated National Security Council (NSC), provisions allowing the President to dismiss the National Assembly, and provisions calling for presidential appointment of armed services chiefs.³ The NSC will be authorized to oversee the country's security policies, as well as monitor the process of democracy and governance in the country. Given the body's significant military element and the military's traditionally intimate ties to the presidency, this is seen as providing the Pakistani armed forces with a permanent and unprecedented

¹ Aid restrictions were triggered as a result of the military coup. In October 2001, President Bush signed S. 1465 (P.L. 107-57), which exempted Pakistan from coup-related prohibitions on assistance for FY2002 and authorizing the President to waive such prohibitions for FY2003 if he determines that such a waiver would facilitate the transition to democratic rule in Pakistan and is important to U.S. efforts to combat international terrorism. President Bush waived these aid restrictions for FY2003 in March 2003. See CRS Report RS20995, *India and Pakistan: Current U.S. Sanctions*, by Dianne Rennack.

² U.S. State Department Spokesman Philip Reeker, "Excerpts: Musharraf's Constitutional Changes Concern U.S.," USIS Washington File, August 22, 2002.

³ A well-received and more clearly progressive change is found in the reservation of 60 assembly seats for women and non-Muslims.

institutional role in the country's governance.⁴ Presidential powers to appoint individual military chiefs and dismiss the National Assembly are viewed as supplementing this role.⁵ Pakistan's major opposition parties unanimously decried Musharraf's action as illegal, claiming that only the Parliament has the power to amend the constitution. They also demand that Musharraf retire from the military. A majority of Pakistanis reportedly oppose most of the enacted amendments.⁶ In response to Musharraf's imposition of constitutional revisions, the United States indicated that full U.S. support for Musharraf would continue, even if some of the changes "could make it more difficult to build strong, democratic institutions in Pakistan."⁷

The 2002 Elections

Background. The history of parliamentary democracy in Pakistan is a troubled one. Since 1970, five successive governments have been voted 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 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. Given this inauspicious record with democratic processes, many analysts lauded Musharraf for the mere act of holding elections as promised.

The Pakistan Muslim League (PML) is the country's oldest political party and was the only major party in existence at the time of national independence. Former PM Nawaz Sharif led the offshoot PML-Nawaz, which dominated previous elections in 1997. Most former (but still influential) Sharif loyalists recently moved to join the newly-formed Pakistan Muslim League-Quaid-e-Azam (PML-Q), a group widely seen to enjoy both tacit and overt support from the Musharraf government. The Pakistan People's Party (PPP) was founded by former PM Zulfikar Ali Bhutto in 1967. His daughter and current PPP leader Benazir Bhutto lives in exile 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 participation, the PPP formed a separate entity, the PPP Parliamentarians (PPPP), that pledges to uphold Bhutto's political philosophy. The PPP historically has seen its greatest electoral successes in the southern Sind province. The United Action Forum (MMA in its Urdu-language acronym) is a loose coalition of six Islamist parties formed especially for the 2002 elections. While Pakistan's religious parties have at times

⁴ The NSC is comprised of 13 members: the President, PM, Senate chair, Assembly speaker and opposition leader, JCS Chair, three armed service chiefs, and four provincial Chief Ministers.

⁵ Pakistan's 1973 constitution envisaged a sovereign parliament where most of the powers rested with the Prime Minister, but subsequent changes under the military-dominated regime of General Zia ul-Haq shifted power to the presidency. In 1997, then-Prime Minister 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).

⁶ David Rohde, "Musharraf Redraws Constitution," *New York Times*, August 22, 2002.

⁷ U.S. State Department Spokesman Philip Reeker, "Excerpts: Musharraf's Constitutional Changes Concern U.S.," USIS Washington File, August 22, 2002.

enjoyed a high profile and were strengthened by Zia's policies of the 1980s, their electoral showing has in the past been quite limited. Islamists, most of whom hold anti-Western sentiments and seek to institute *Sharia* (Islamic law) nationwide, typically find their core support in Pakistan's more sparsely-populated western provinces, but have recently made some inroads in the country's urban centers.

Results. Despite the Musharraf government's insistence that the exercise was free and fair, opposition parties, human rights groups, and independent observers from the European Union called the election "flawed," accusing the military-led regime of manipulating such aspects as candidate eligibility and public demonstration ordinances as a means of influencing the electoral outcome. Most widely asserted is the notion that pre-election machinations substantively weakened the main *secular* opposition parties.⁸ The October 2002 turnout was estimated by the Pakistan Election Commission to have been lower than any previous Pakistani national election, leading numerous observers to identify a pervasive apathy among the country's citizens with regard to national politics.

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.⁹ The affiliated National Alliance won 16 seats. This number gave the pro-government parties a clear plurality in the National Assembly, but fell well short of the majority representation needed to control the body outright. As expected, the PPP did well in Sind, but was unable to form a working coalition in that province's legislature. The PPP also made a comeback of sorts in Punjab and attained runner-up status in the 2002 election with a total of 81 seats in the National Assembly. Perhaps the most surprising outcome of the 2002 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 60 legislators in the National Assembly (up from only two previously).¹⁰

Coalition-Building. The new National Assembly met on November 16, 2002, when 324 members took their oaths of office under the 1973 Constitution.¹¹ The three leading national parties – the PML-Q, PPP, and MMA – had engaged in five weeks of convoluted coalition-building negotiations. Reports that the secular opposition PPP had finalized an alliance with the Islamist parties were proven false. Such an alliance would have set the pro-military parties in opposition, a possibility that reportedly sent the

⁸ 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.

⁹ Election figures come from the Associated Press of Pakistan, a government news service.

¹⁰ The PML-N suffered huge losses in 2002, winning only 19 national seats, all of them in Punjab. The Muttahida Quami Movement (MQM) is a regional party mainly comprised of the descendants of pre-partition immigrants (Muhajirs) from what is now India who are almost wholly found in Sindhi urban centers. Though it did well in Sind's provincial elections, the MQM collected only a small percentage of the national vote (winning 17 national seats). It has since aligned itself with the PML-Q. Small parties and independents account for the remaining 31 seats.

¹¹ On the same day, the chief justice of Pakistan's Supreme Court swore Musharraf in to another five-year term as president, a move that opposition parties called "unconstitutional."

Musharraf regime into “panic.”¹² Ensuing signals that a PML-Q-Islamist alliance was in the offing likewise ended when President Musharraf refused to accept the MMA’s demands that he resign his position as Army Chief.¹³ 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. This splinter group, calling itself the PPP-Patriots, now boasts some 21 members. On November 21, PML-Q favorite and former Baluchistan Chief Minister Mir Zafarullah Jamali was elected to serve as Pakistan’s Prime Minister.¹⁴

A constitutionally-mandated December 2002 vote of confidence was won by Jamali, who garnered 188 votes, 16 more than needed. January 2003 by-elections further strengthened the parliamentary positions of the PML-Q and the MMA, with each party winning three of the 10 seats contested. In an added sign of the PPP’s difficulties, the party led by Bhutto did not win any additional seats, and failed to take even a share of power in any of Pakistan’s four provincial assemblies. February senate elections bolstered the position of the ruling coalition-leading PML-Q, which now oversees a simple majority in the 100-seat body. The new Chairman of the Senate – who has powers to take over the post of President in the event of vacancy due to illness or sudden death of the President – is a PML-Q member and Musharraf loyalist. Although a full National Assembly is now seated, the body has yet to exert substantive impact on Pakistani politics and appears to be stalled on constitutional issues.¹⁵

Issues for Congress

While near-term U.S. concerns regarding anti-terrorism operations seem to require a stable and effectively governed Pakistan, many observers believe that broader U.S. interests and future regional stability are best served through the establishment of a sustainable and working system of democracy in Pakistan. According to them, this could be the case even if such a system brings to power elements that do not fully countenance U.S. policies. The anti-terrorism security interests of the United States may, however, outweigh such considerations.

¹² Rana Jawad, “Musharraf Regime Panicked by Surprise Secular-Islamist Deal: Analysts,” Agence France-Presse, November 6, 2002.

¹³ Several senior political observers believe that the outcome in which no party secured a majority serves President Musharraf’s interests by allowing him to retain preeminent power and may well have been his intent (see, for example, Paula Newburg, “Musharraf’s Win, Pakistan’s Loss,” *Los Angeles Times*, October 20, 2002). Speculation abounds over whether or not the Pakistani President intended for the Islamist coalition to make as strong a showing as it did.

¹⁴ 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.

¹⁵ Prime Minister Jamali and his PML-Q allies insist that the LFO amendments stand, but opposition parties say the LFO represents a “new system of military-controlled democracy” (“LFO Part of 1973 Constitution: Jamali,” *Dawn* (Karachi), March 7, 2003; “Pakistani Parliament in Crisis,” BBC News, March 8, 2003; Zaffar Abbas, “Pakistan Senate in an Uproar,” BBC News, March 12, 2003).

Leading members of Pakistan's Islamist coalition have been vocal antagonists of the Musharraf government and critical of its alliance with the United States. Many demand an immediate end to U.S. military and law enforcement efforts on Pakistani soil. The MMA based its campaign on what largely was an anti-American stance, and MMA leaders may bring about the "re-Talibanization" of western Pakistan. U.S. military operations in Iraq have spurred hundreds of thousands of Pakistanis to demonstrate in Islamist-organized marches and could strengthen Islamic radicalism across South Asia. There also exist concerns about possible links between Al Qaeda, the Taliban, Pakistani Islamist parties, and Pakistani intelligence agencies.¹⁶ Thus far, however, Islamabad repeatedly has insisted that its foreign policy orientation will remain unchanged, a claim bolstered by the Islamist's current status outside the ruling coalition. Reports indicate that the military continues to dominate the country's centralized decision making process.¹⁷

In 2002, some Members of the 107th Congress sought to reimpose restrictions on aid to Pakistan in light of what are perceived to be continuing anti-democratic practices by the Musharraf government: H.R. 5150 sought to repeal the U.S. President's authority to waive economic sanctions and end assistance to Pakistan as a country whose elected head of government was deposed by military coup; H.R. 5267 sought require Presidential certification of Pakistan's successful efforts to halt cross-border terrorism into India, that the country's national elections are conducted freely and fairly, and that waivers on aid restrictions would facilitate both U.S. anti-terror efforts and the transition to democratic rule in Pakistan. Neither resolution was voted upon.

In the 108th Congress, H.R.1403 (March 2003) seeks to remove the U.S. President's waiver authority with regard to democracy-related sanctions on Pakistan. The 108th Congress faces other foreign aid issues with regard to Pakistan, including determination of "satisfactory" levels of democratic governance, levels of transparency in Pakistan's aid expenditures, and the provision of continued security assistance in the face of the ongoing and potentially destabilizing bilateral conflict between Pakistan and India. Moreover, reports allege that Pakistan assisted North Korea's covert nuclear weapons program as recently as July 2002. If such assistance is confirmed by President Bush, all non-humanitarian U.S. aid to Pakistan may be suspended, although the President has the authority to waive any sanctions that he determines would jeopardize U.S. national security.¹⁸

¹⁶ See CRS Report RL31624, *Pakistan-U.S. Anti-Terrorism Cooperation*. Leaders of the still-fragile Kabul government have expressed their own concerns about the implications for Afghani stability of MMA gains ("Afghan Paper Condemns Pakistan's Pro-Fundamentalist Bias," BBC Monitoring South Asia, March 3, 2003).

¹⁷ Jean-Herve Deiller, "Behind Civilian Rule, Pakistan's Army Looms Stronger Than Ever," Agence France-Presse, March 2, 2003; Amit Baruah, "Jamali Unable to Emerge as a Credible Player," *Hindu* (New Delhi), March 9, 2003; "Pakistan: Calm Before the Storm?," Economist Intelligence Unit, March 24, 2003.

¹⁸ Glenn Kessler, "Pakistan's N. Korea Deals Stir Scrutiny," *Washington Post*, November 13, 2002. In March 2003, the Administration announced that it had "carefully reviewed the facts relating to the possible transfer of nuclear technology from Pakistan to North Korea and decided that they do not warrant the imposition of sanctions under applicable U.S. laws." (Assistant Secretary of State for Legislative Affairs Kelly, "Letter to Sen. Daschle," March 12, 2003).