

**Testimony of Dr. Samina Ahmed, South Asia Project Director, International Crisis Group, to the Senate Near East and South and Central Asian Affairs Subcommittee, Senate Foreign Relations Committee Hearing on “Pakistan’s Future: Building Democracy or Fuelling Extremism”**

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I want to thank the Subcommittee Chairman Senator John. F. Kerry and Ranking Minority Member Norm Coleman, for holding this important testimony and inviting me to testify on behalf of the International Crisis Group on U.S. policy choices towards Pakistan that would protect American interests and advance the goals of the Pakistani people.

The Crisis Group has been in Pakistan since December 2001, and has published reports directly relevant to the issues under this committee’s review. Assessing conditions in Pakistan and U.S. policy choices, we have repeatedly stressed that military rule does not serve American interests in reducing Islamist threats in and from Pakistan to the United States, creating stability in Afghanistan and ensuring peace in South Asia. Short-term gains after September 11 have been undermined by the long-term risks of a military that is only a grudging ally in the fight against extremism. A transition to an elected civilian government in Pakistan would reduce the influence of Islamist parties in politics, help advance counter-terrorism cooperation, and offer a deeper and wider relationship with the people of Pakistan.

As presidential and national elections fast approach in Pakistan, President and Army Chief General Pervez Musharraf faces the most serious challenge to eight years of military rule. For the first time since the October 1999 coup, Musharraf’s authoritarian rule appears shaky. Public opposition has gathered momentum following the general’s abortive bid to remove the Chief Justice of the Supreme Court of Pakistan.

We are concerned that President Musharraf appears to have no intention of leaving power voluntarily or holding free and fair elections. However, given an increasingly assertive opposition, it will be impossible for the president and his military backers to maintain the status quo. Western friends of Pakistan, most influentially the United States, should not be or be seen as propping up President Musharraf against a overwhelming popular demand that Pakistan return to democratic government by holding a free, fair and democratic election in 2007.

The worst scenario in Pakistan is the imposition of rule by emergency decree and the use of force to suppress the expected massive opposition. This would immediately produce chaos and violence and ultimately increase the role of Islamist groups and, if Washington supports the move or even tacitly accepts it, further increase anti-U.S. sentiment. The best scenario is Pakistan’s transition to democratic rule through free and fair elections that would marginalize extremist forces and reduce growing tensions in society. This could occur if the military feels it is in its interests to pull back from direct rule, as it has in the past.

The United States should urge a peaceful transition by strongly and publicly urging Musharraf and his military against subverting the electoral process or any measures to stifle constitutionally guaranteed freedoms of speech, association, assembly and movement. It should urge President Musharraf and his military to allow a return to democracy through free and fair elections, including the return of exiled political leaders.

## **MUSHARRAF'S CHOICES**

As President and Army Chief General Pervez Musharraf completes his five-year term and the National Assembly, which will elect the new President, also ends its term of office this year; hence two crucial elections are due.

When he took over power in October 1999, Musharraf dissolved the parliament through a military coup and sent the democratically elected prime minister into exile. After having been elected president through a rigged referendum in April 2002—the referendum was itself an unconstitutional device—Musharraf oversaw deeply flawed national elections later that year. National and international observers cited numerous violations and direct fraud. The resulting parliament, packed with his supporters, including the Islamist parties, gave Musharraf a vote of confidence and allowed him to retain his army post. Musharraf's presidency ends in October. The national parliament completes its five-year life in November. The electoral timetable and Musharraf's decision to retain or give up the post of army chief will, to a considerable extent, determine if the military intends to opt for a potentially risky and likely short-lived regime survival strategy or a democratic transition.

Musharraf could opt for one of three choices:

### **1. Presidential before Parliamentary Polls**

In Pakistan's parliamentary democracy, the directly elected parliament elects the prime minister, the head of government who represents the majority in the national legislature. Pakistan's president, the head of state, who symbolizes the federation, is not directly chosen by popular vote but by an Electoral College consisting of the bicameral national legislature and the four Provincial Assemblies.

Musharraf has, however, expressed his intention to obtain another five-year presidential term by using the present lame duck assemblies as his Electoral College, rather than the intent of the constitution, as the opposition insists, the successor assemblies scheduled to be elected this year. He is also intent on retaining the position of army chief, thus maintaining his personal and the military's institutional dominance for another five years.

Holding the presidential before the parliamentary polls would deprive the electoral exercise of legitimacy and could well provoke civil unrest countrywide. The president's plan has evoked opposition from across the political spectrum, including the moderate political parties, the independent media and civil society organizations. Opposition leaders insist that this would amount to pre-rigging the national polls and they will take this issue to the Supreme Court. No moderate opposition party can afford to support Musharraf's re-election by the present assemblies without gravely undermining their own party's legitimacy.

The opposition also strongly opposes Musharraf's intention to retain the position of army chief. Since the 1973 constitution disallows anyone serving in an office of public profit from standing for an elected post for a two-year period, his opposition has vowed to also take this issue to the Supreme Court.

### **2. Power Sharing Arrangements**

Pakistan's two major national-level moderate parties, Benazir Bhutto's center-left Pakistan People's Party (PPP) and Nawaz Sharif's center-right Muslim League (PML-N), that had dominated the democratic decade of the 1990s, in government and opposition, had signed a Charter of Democracy on 15 May 2006

to respect democratic norms and functioning, to uphold the rule of law, and to depoliticize the military. Their political competition, including a tendency to seek military support, had created opportunities for the military to repeatedly intervene and disrupt the democratic process in the 1990s.

The dangers of this democratic process being derailed, if either party chose to once again work with and through the military, even if the end goal were the restoration of democracy, cannot be ruled out. For the past few months, Musharraf has held talks through intermediaries with Bhutto's PPP. Musharraf cannot rely on his party, the Pakistan Muslim League (Quaid-i-Azam), which lacks popular support and is internally divided. If the PPP, which has the largest support base in Pakistan, were to support his presidential bid, he could retain power for another five years but with far more legitimacy than he has now.

Bhutto has insisted that any talks with Musharraf were primarily motivated by the desire for an orderly transition from military to democratic rule. However, there is as yet no sign of any agreement on such a political transition since the PPP insists that Musharraf must seek re-election from the new assemblies and must also give up the post of army chief. President Musharraf rejects both preconditions. The prospects of an accord with PPP are in any case fast fading in the aftermath of Musharraf's abortive attempt to dismiss the Chief Justice of the Supreme Court of Pakistan and attacks on PPP workers by the military and its political allies. Bhutto now says that she will return to Pakistan and will not enter into any power-sharing agreement with a military usurper. Sharif's party also refuses to accept Musharraf as president, with or without his army post.

### *Judicial Crisis*

The higher judiciary of Pakistan has a long history of legitimizing military rule and interventions. After Musharraf's coup, the Supreme Court validated the intervention and the present judges of the Supreme Court even swore allegiance to Musharraf's political order, in violation of their duty of uphold the constitution. However, by refusing to accept military dictates, the present holder of the office of Chief Justice, Iftikhar Mohammad Chaudhry has restored the faith of the Pakistani people in that superior judiciary.

Fearing that this independent-minded judge might rule in accordance with the spirit and content of the constitution and anticipating legal challenges to his plans to seek re-election as president-in-uniform by the sitting assemblies, Musharraf charged the Chief Justice with misconduct and attempted to force him to resign on 9 March. When he refused, the Chief Justice was subjected to pressure and threatened by Musharraf's military and civilian intelligence agencies. Chaudhry's dismissal and subsequent manhandling sparked widespread public outrage and protests by the bar associations, a cause that was supported by large numbers of sitting judges. In a desperate attempt to quell public protests which accompanied the Chief Justice's public appearances, Musharraf's coalition partner in the Sindh government, the Muttahida Quami Movement used indiscriminate force against the opposition, killing more than 40 political party workers in Karachi, mainly from the PPP but also from the PML-N and the Awami National Party, a moderate Pashtun party, on 12 May.

The government's efforts to forcibly suppress public protests and silence the media have only fuelled public anger. Over time, this increasingly vocal opposition, spearheaded by the bar associations, supported by the moderate parties and all segments of civil society, including human rights groups and the media, is channeling public resentment to military rule, and has transformed into a larger political battle for the restoration of democracy and rule of law, unifying all moderate pro-democracy forces.

On 20 July, a full bench of the Supreme Court ruled against Musharraf's suspension of the Chief Justice, certifying it "illegal". The presidential reference to dismiss the Chief Justice was also invalidated. Pro-

democracy advocates have termed this a victory for democracy, the judiciary and civil society. They have vowed to continue the movement to its logical conclusion-- the restoration of democracy. With expectations also high that the judiciary would now rule against any extra-constitutional steps, including Musharraf's bid to retain his dual offices of president and army chief and to hold the presidential polls before general elections, the military ruler's options are fast shrinking.

### **3. Imposing Emergency**

While Musharraf should step down as army chief and his military should opt for a democratic transition, with free and fair elections as the essential first step, they might still, despite denials, in a desperate last attempt to retain power, impose emergency rule, which would suspend fundamental freedoms and restore absolute military rule. National elections would also be postponed for another year.

Should Musharraf opt to disrupt the electoral process and to re-impose absolute rule, the military might not have any choice but to bring troops into the streets to suppress the expected massive opposition. This would immediately produce chaos and violence and ultimately expand the influence of radical Islamists, and if the international community -- particularly Washington -- supports the military government's move, this will cause even further anti-Western sentiment among pro-democratic Pakistanis.

The government could attempt to justify the imposition of emergency to the U.S. Government on the grounds of national security, following an upsurge in militancy after the bloody end to the stand off at Lal Masjid (Red Mosque), a jihadi madrasa complex in the federal capital in July. But the military government was *itself* responsible for this crisis, failing, as in the Federally Administered Tribal Areas (FATA), to enforce the law against the madrasa's jihadi managers and students when the crisis began in January 2007, choosing instead to appease them for six months. The militants used this time to muster forces, stockpile arms and fortify themselves. In FATA too, where bloody attacks by Islamist radicals are claiming a steadily rising death toll, Musharraf's deeply flawed peace deals, ceding the region's control to the militants, are responsible for the crisis. The militants -- Pakistani and Afghan Talibs and their Al-Qaeda allies are understandably emboldened.

### **IMPLICATIONS OF A RIGGED ELECTION**

The Pakistani people have demonstrated their desire for a democratic transition through public protests and demonstrations. It is in Washington's interests to support that demand since a rigged or stalled election would not only destabilize Pakistan but also bear serious consequences for regional and international security.

In Balochistan, where the military's attempts to forcibly crush Baloch demands for democratic functioning have triggered a province-wide insurgency, the support base of the Baloch secular, moderate regional parties has increased considerably, and hence their likelihood of winning a free and fair election. But if Musharraf were to rig the polls, he would have little choice but to fall back on the Islamist alliance, the Muttahida Majlis-i-Amal (MMA), particularly its largest party, the pro-Taliban Jamiat Ulema-e-Islam (Fazlur Rehman-JUI-F) to marginalize the staunchly anti-military, and anti-Taliban, Baloch. In Northwest Frontier Province (NWFP) too, the military would have little choice but to give the MMA free rein to manipulate the electoral process if it is to retain the mullahs' support -- not just in Balochistan but also in the national parliament. This support is particularly important since Musharraf will have to once again obtain parliamentary assent for his dual positions of president and army chief.

At the national level, the president will also need the Islamist MMA's support to counter the opposition of the moderate PPP, PML-N and other pro-democracy parties. In the past, the Islamist parties failed to gain more than 5 to 8 per cent of the popular vote. In the 1990 elections, the PPP and PML-N alliances won

almost 73.5 per cent of votes. In the 1993 elections, the two parties gained 90 per cent of votes; and in the 1997 elections, their combined vote was 68 per cent. Even in the 2002 rigged elections, with military patronage, the Islamist parties collectively only managed to garner 11 per cent of the popular vote, as compared to PPP's 25.1 per cent.

Should the JUI-F, the largest MMA component party, and the Taliban's main mentor and political supporter, retain power, courtesy military patronage, in Balochistan and NWFP, bordering on Afghanistan's restive southern and eastern provinces, the implications for regional stability are clear. With the MMA's support, the Taliban and other insurgents will continue to use command and control centers and bases within Pakistan to plan and conduct cross-border attacks against Western and Afghan troops, destabilizing Afghanistan's state-building enterprise. Within Pakistan's Pashtun-majority regions, particularly in FATA, the JUI-F's militant allies, the beneficiaries of Musharraf's ill-conceived peace deals, will continue to flourish, using the political space created by the military's marginalization of the moderate parties to extend their reach to NWFP's settled areas and beyond.

At the national stage, a rigged or stalled election will likely reinforce public perceptions that regime change cannot take place through the ballot box. Since a rigged or stalled election will fuel public opposition, the military will try to further weaken the mainstream moderate parties, leaving the political field open to the Islamist forces.

## **THE RIGHT OPTION**

The right option is a free, fair and democratic election for the national parliament followed by their selection of the next President upon taking office. Ironically, Musharraf's attempts at pre-election rigging, including his onslaught on judicial independence, have helped to create a democratic opening. With the pro-democracy movement gaining momentum, domestic pressures are building on the military to return to the barracks. With the Chief Justice reinstated, this movement has gained further impetus. Musharraf can no longer be sure that a judiciary, more confident of its own independence, which is also under intense public scrutiny, will act favorably on constitutional issues of particular sensitivity, including his re-election from the current parliament or retention of the dual offices of president-cum-army chief.

While a reinvigorated opposition will challenge unconstitutional moves and closely monitor election irregularities, the military high command too must be closely watching the fast changing political environment. Since the high command will also factor in the external costs and benefits of retaining power or opting for a democratic transition, signals from key international supporters, particularly the United States, will influence the course the military takes.

## **US POLICY: THE WAY FORWARD**

The Musharraf government is sensitive to external costs of its domestic actions. The United States has a particularly crucial role in ensuring that Pakistan moves towards a peaceful transition to democracy. Should Washington signal now that it supports a democratic transition, using its considerable leverage, it could nudge the military back to the barracks. Musharraf and his military have certainly benefited enormously from U.S. diplomatic and financial support in return for pledges to crack down on Al-Qaeda and the Taliban. But, despite more than \$10 billion in assistance, the military government has failed to keep its side of the bargain. Al-Qaeda, as the latest U.S. National Intelligence Assessment reveals, is operating out of Pakistani safe havens. The Taliban operating command and control centers in Quetta, Peshawar and FATA, using Pakistani territory for refuge, fundraising, recruitment and recuperation, are once more resurgent.

Despite these concerns, Washington still appears unwilling to pressure Musharraf beyond a point, and seems to be hedging its bets on democracy, not openly criticizing Musharraf on his re-election bid even by the sitting Parliament, or his decision to retain the position of army chief, partly because of an unfounded fear that more pressure could destabilize a valuable ally. There is also concern that elected civilian government might not be able to pressure or persuade the military to cooperate in countering religious extremism in Pakistan and its neighborhood.

The military high command, however, is far more likely to abandon its alliance relationship with the Islamist parties, take action against their militant domestic and foreign allies, and allow a peaceful and orderly transition, through free and fair elections if the United States matches its rhetoric with action, including clearly defined benchmarks and conditionalities on continued military assistance. Congress could certainly play a constructive role if it were to condition diplomatic and military assistance not just on action against Al-Qaeda and the Taliban but also on a free, fair and democratic election.

By supporting a democratic transition, the United States would directly benefit since elected civilian governments will have the legitimacy and popular support to counter domestic extremism and to pursue friendly relations with Pakistan's neighbors. By retaining security and democracy conditionalities after elections, the United States would also send the right signals to the military high command to refrain from undermining the transition or hindering an elected civilian government's efforts to reform domestic security and foreign policy.

Civilian governments are far more likely to reorient Pakistan's internal and foreign policies in a more peaceful direction. Both mainstream parties -- Bhutto's PPP and Sharif's PML -- have stated their desire to do so. Moreover, U.S. support for a military government is largely responsible for growing anti-U.S. sentiment among pro-democracy Pakistanis. By rethinking its policy directions towards Pakistan, the United States can forge a far more productive partnership with the Pakistani people. The United States should also plan on supporting a democratic transition by rethinking the current ratio of military to economic assistance, which inordinately favors the military. By putting together a package of expanded economic assistance and market access, it could help ensure a democracy dividend, win the goodwill of the Pakistani people and help stabilize a fragile and valuable ally.

The United States must stay engaged with Pakistan, but engaged the right way. American support for the military government is not in the interest of Pakistan or the United States. Supporting a deeply unpopular regime is no way to help fight terrorism and neutralize religious extremism. Pakistan's two national level parties are pragmatic centrist forces whose political interests dictate that Islamist extremism is contained within the country and the region. The choice before the United States in Pakistan's election year, with time fast running out, is stark. It can support a return to genuine democracy and civilian rule, which offers the added bonus of containing extremism, or the U.S. can sit on the sidelines as Pakistan slides into political chaos, creating an environment in which militancy and radicalism will continue to thrive.