

# CRS Report for Congress

## Pakistan's Political Crisis and State of Emergency

**November 6, 2007**

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



**Prepared for Members and  
Committees of Congress**

Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE <b>06 NOV 2007</b>		2. REPORT TYPE		3. DATES COVERED <b>00-00-2007 to 00-00-2007</b>	
4. TITLE AND SUBTITLE <b>Pakistan's Political Crisis and State of Emergency</b>				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) <b>Congressional Research Service, The Library of Congress,101 Independence Avenue, SE,Washington,DC,20540-7500</b>				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT <b>Approved for public release; distribution unlimited</b>					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT <b>Same as Report (SAR)</b>	18. NUMBER OF PAGES <b>13</b>	19a. NAME OF RESPONSIBLE PERSON
a. REPORT <b>unclassified</b>	b. ABSTRACT <b>unclassified</b>	c. THIS PAGE <b>unclassified</b>			

# Pakistan's Political Crisis and State of Emergency

## Summary

On November 3, 2007, Pakistani President General Pervez Musharraf suspended the country's constitution and assumed emergency powers in his role as both president and army chief. The move came just over eight years after Musharraf overthrew the elected government in a bloodless 1999 military coup. It followed months of political crisis in the capital city of Islamabad, along with sharply deteriorating security circumstances across the country. Musharraf has sought to justify this "second coup" as being necessary to save Pakistan from Islamist extremism and from a political paralysis he blamed largely on the country's Supreme Court. The United States, which had exerted diplomatic pressure on Musharraf to refrain from imposing a state of emergency, views Pakistan as a vital ally in global and regional counterterrorism efforts, and it has provided considerable foreign assistance to Pakistan since 2001, in part with the goal of facilitating a transition to democracy in Islamabad. In light of undemocratic developments that constitute a major setback for U.S. policy toward Pakistan, U.S. officials are reevaluating their approach. See also CRS Report RL33498, *Pakistan-U.S. Relations*. This report will be updated.

## Contents

Overview .....	1
Political Crisis in 2007 .....	3
Judicial Crisis .....	3
President Musharraf's Reelection .....	3
Musharraf-Bhutto Engagement .....	4
Benazir Bhutto's Return .....	5
National Election Schedule and Credibility Concerns .....	5
State of Emergency Imposed .....	5
Implications for Pakistani Democratization .....	7
Implications for Pakistani Security and Stability .....	7
Implications for Pakistan-U.S. Relations .....	8
Policy Discussion .....	8
U.S. Assistance .....	9

# Pakistan's Political Crisis and State of Emergency

## Overview

On November 3, 2007, Pakistani President General Pervez Musharraf issued a Proclamation of Emergency suspending the country's Constitution.<sup>1</sup> The proclamation justified the suspension as necessary due to the country's rapidly deteriorating security circumstances ("an unprecedented level of violent intensity posing a grave threat to the life and property of the citizens of Pakistan") and to the allegedly negative role being played by the country's judiciary, which was claimed to be "working at cross purposes with the executive and legislature in the fight against terrorism and extremism thereby weakening the Government and the nation's resolve and diluting the efficacy of its actions to control this menace." According to the proclamation, the situation required "emergent and extraordinary measures."

A Provisional Constitutional Order (PCO) was issued by Musharraf (in his role as army chief) on the same day pursuant to the emergency proclamation. The PCO requires, *inter alia*, that the country's judiciary take a new oath of office, and it bars the judiciary from making any orders against the PCO or from taking any action against the President, the Prime Minister, or anyone acting under their authority. It also suspends a number of "Fundamental Rights" listed in Chapter One of the Pakistani Constitution. These include freedom from unlawful arrest and detention, and freedoms of movement, assembly, association, and speech.<sup>2</sup> Seven Supreme Court justices, including the Chief Justice, and scores of High Court judges refused to take a new oath of office under the PCO and were summarily dismissed.

The imposition of an emergency comes after months of political instability and worsening Islamist-related violence in Pakistan in 2007. Top U.S. officials repeatedly have urged President Musharraf to make more energetic efforts to restore civilian government and rule of law in Islamabad by respecting the independence of the country's judiciary, resigning his position as army chief, and holding free and fair parliamentary elections as scheduled in January 2008. Despite seemingly undemocratic developments in Islamabad, the United States has since 2001 provided billions of dollars in foreign assistance to Pakistan. Musharraf's most recent measures elicited immediate criticism from Washington: the State Department

---

<sup>1</sup> Sources for this document beyond those cited include U.S. and Pakistani government agencies, intergovernmental and nongovernmental organizations, U.S. and regional press reports, and major wire services. See also CRS Report RL33498, *Pakistan-U.S. Relations*.

<sup>2</sup> Proclamation text at [[http://www.mofa.gov.pk/Press\\_Releases/2007/Nov/emergency.html](http://www.mofa.gov.pk/Press_Releases/2007/Nov/emergency.html)]; PCO text at [[http://www.mofa.gov.pk/Press\\_Releases/2007/Nov/order.html](http://www.mofa.gov.pk/Press_Releases/2007/Nov/order.html)]; Pakistani Constitution at [<http://www.pakistani.org/pakistan/constitution/>].

expressed being “deeply disturbed” by Musharraf’s extra-constitutional action, calling it a “sharp setback for Pakistani democracy.” Secretary of State Condoleezza Rice called the move a “highly regrettable” step backward and said she had “communicated very clearly to the Pakistanis that the holding of free and fair elections is an absolute necessity.” She later said U.S. aid to Pakistan would come under review. The Pentagon subsequently announced a postponement of upcoming high-level bilateral defense consultations. In his first public comments on the issue, President George W. Bush on November 5 said the United States expects elections in Pakistan as soon as possible and that Musharraf should resign his military post.<sup>3</sup>

Musharraf’s “second coup” appears to many observers to be a desperate power grab by a badly discredited military ruler. A former Bush Administration envoy to Pakistan said, “Musharraf has committed the political equivalent of a suicide bombing. He blasted his political credibility and legacy and in the process killed the transition to civilian democracy. It is a tragedy.”<sup>4</sup> There are fears that the move could further destabilize Pakistan and embolden Islamist militants, while further alienating Pakistani civil society. It may also bring a surge in unwanted attention to the Pakistani military’s failure to defeat the country’s militant extremist elements, as well as to its major and hugely profitable role in the country’s economy. Moreover, Pakistan’s Western allies find themselves in the awkward position of supporting an increasingly unpopular Musharraf who has now twice used force to obtain or maintain power.<sup>5</sup> One senior Washington-based Pakistan watcher called Musharraf’s move a more or less direct result of three key developments: a “catastrophic course” taken by the Bush Administration when it began pressuring him to hold free and fair elections; Supreme Court challenges to the military’s preeminence; and a dramatic increase in militant attacks against the army itself. This analyst sees the best-case scenario — “carefully controlled elections” followed by a successful Musharraf-Bhutto accommodation — as coming under specific threat from both the forceful resistance of militants and the political resistance of Musharraf’s civilian allies in the ruling Pakistan Muslim League faction (PML-Q). There is also the risk that Pakistan’s multi-ethnic army could lose its coherence and/or the country itself could fracture along ethnic lines.<sup>6</sup>

---

<sup>3</sup> See [<http://www.state.gov/r/pa/prs/ps/2007/nov/94581.htm>]; [<http://www.state.gov/secretary/rm/2007/11/94586.htm>]; and [<http://www.whitehouse.gov/news/releases/2007/11/20071105-3.html>].

<sup>4</sup> Wendy Chamberlain, “Pakistan’s Crisis: US Reaction?” (speech transcript), November 6, 2007.

<sup>5</sup> “A Desperate Power Grab in Pakistan” (editorial), *Financial Times* (London), November 4, 2007; “Emergency Could Backfire on Musharraf,” *Associated Press*, November 4, 2007; Peter Wonacott, “Emergency Rule in Pakistan Puts Military Under the Gun,” *Wall Street Journal*, November 5, 2007; Shahan Mufti and Mark Sappenfield, “Emergency Rule in Pakistan: Musharraf’s Last Grab for Power?,” *Christian Science Monitor*, November 5, 2007.

<sup>6</sup> Stephen Cohen, “Catastrophe or a Last Chance in Pakistan?,” November 5, 2007, at [[http://www.brookings.edu/opinions/2007/1105\\_pakistan\\_cohen.aspx](http://www.brookings.edu/opinions/2007/1105_pakistan_cohen.aspx)].

## Political Crisis in 2007

Pakistan suffers from considerable political uncertainty as the tenuous governance structure put in place by President Musharraf has come under strain. Moreover, among ordinary Pakistanis, criticism of the army — typically among the most respected institutions in the country — and its role in governance has become much more common.

### Judicial Crisis

A judicial crisis began with President Musharraf's summary March 2007 dismissal of the country's Chief Justice, Iftikhar Chaudhry, on charges of nepotism and misconduct. Analysts widely believe the action was an attempt by Musharraf to remove a potential impediment to his continued roles as president and army chief, given Chaudhry's rulings that exhibited independence and went contrary to government expectations. The move triggered immediate outrage among Pakistani lawyers; ensuing street protests by opposition activists grew in scale. In July, in what was widely seen as a major political defeat for Musharraf, the Supreme Court unanimously cleared Chaudhry of any wrongdoing and reinstated him to office. By providing a platform upon which anti-Musharraf sentiments could coalesce, the imbroglio morphed into a full-fledged political crisis. In August, President Musharraf reportedly came close to declaring a state of emergency. Secretary of State Condoleezza Rice telephoned Musharraf, by some accounts in a successful effort to dissuade him.

August brought further indications that the Supreme Court would not be subservient to military rule and could derail President Musharraf's political plans. Most significantly, the court ruled that former Prime Minister Nawaz Sharif could return to Pakistan after seven years in exile. When Sharif attempted to return on September 10, the government immediately arrested him on corruption charges and deported him. On October 24, Pakistan's Chief Justice stated that Sharif still has an "inalienable right" to return to Pakistan, and he accused current Prime Minister Shaukat Aziz of violating a Supreme Court order by arranging for Sharif's most recent deportation. In September, the Islamabad government arrested hundreds of opposition political leaders and activists, many of them deputies of Nawaz Sharif, including some sitting members of Parliament. A statement from the U.S. Embassy called the development "extremely disturbing and confusing," and Secretary Rice called the arrests "troubling."<sup>7</sup>

### President Musharraf's Reelection

President Musharraf won provisional reelection on October 6, 2007, capturing 98% of the votes cast by Pakistan's 1,170-member Electoral College. About 57% of the total possible vote from the membership of all national and provincial legislatures went to Musharraf; two-fifths of the body had either resigned in protest (mostly

---

<sup>7</sup> See [<http://usembassy.state.gov/pakistan/h07092402.html>]; "Rice Says Arrests of Pakistani Opposition Troubling," *Reuters*, September 24, 2007.

members of the Islamist party coalition) or abstained (members of the Bhutto-led Pakistan People's Party). Musharraf vowed to resign his military commission following reelection, but he would become even more politically vulnerable as a civilian president. Controversy had arisen over Musharraf's intention to seek reelection by the current assemblies, as well as his candidacy while still serving as army chief (2002 and 2005 Supreme Court rulings allowed for his dual-role until November 15). Opposition parties called such moves unconstitutional and petitioned the Supreme Court to block this course. On October 5, the court ruled the election could take place as scheduled but that official results would be withheld until after the court rules on such legal challenges. While few observers predicted the court would void the result, Musharraf was to some degree left in political limbo — he is not expected to doff his army uniform until his reelection is confirmed. Some analysts feared that a state of emergency would be declared were the court to rule against Musharraf. U.S. and other Western officials, including Secretary Rice, urged Musharraf to refrain from any such move.

## **Musharraf-Bhutto Engagement**

President Musharraf and former Prime Minister Benazir Bhutto have in 2007 been negotiating a power-sharing arrangement that could facilitate Musharraf's continued national political role while also allowing Bhutto to return to Pakistan from self-imposed exile, potentially to serve as prime minister for a third time. The Bush Administration reportedly has encouraged such an arrangement as the best means of both sustaining Musharraf's role and of strengthening moderate political forces in Islamabad. Pakistan's deputy information minister recently claimed that the United States essentially forced a reluctant Islamabad to allow Bhutto's return from exile.<sup>8</sup> Some analysts take a cynical view of Bhutto's motives in the negotiations, believing her central goal is removal of standing corruption cases against her. Bhutto insists that she has engaged Musharraf so as to facilitate "an effective and peaceful transition to democracy."

On October 4, President Musharraf and Bhutto agreed to an accord that could pave the way for a power-sharing deal. The National Reconciliation Ordinance (NRO) provides amnesty for all politicians who served in Pakistan between 1988 and 1999, thus essentially clearing Bhutto of pending and potential corruption charges. Officials said the amnesty would not apply to former Prime Minister Sharif. In return, Bhutto reportedly agreed (tacitly) to accept Musharraf's reelection plans. The Supreme Court subsequently put a spanner in Bhutto's plans by ruling on October 12 that it would hear challenges to the NRO, thus threatening a Musharraf-Bhutto deal by potentially reinstating corruption charges against the former prime minister. Following the imposition of emergency, Bhutto stated that she will not meet or negotiate with Musharraf, further diminishing prospects for a deal.

Many Pakistanis were unhappy with news of the potential deal, viewing it as a politically unprincipled arrangement between two opportunistic figures. The public also appears increasingly put off by a seemingly arbitrary electoral process that

---

<sup>8</sup> Paul Wiseman, "Official: U.S. Forced Pakistan to Allow Bhutto Back," *USA Today*, October 29, 2007.



preserves the power of a corrupt elite perceived as being unconcerned with the problems of ordinary citizens. Moreover, there has been considerable dismay among Pakistanis at the appearance of unabashed U.S. interference in their political system.

## **Benazir Bhutto's Return**

On October 18, Benazir Bhutto made good on her promise to return to Pakistan after more than eight years of self-imposed exile and was welcomed in Karachi by hundreds of thousands of supporters. She has since vigorously re-entered Pakistan's political stage with a major and polarizing effect; even segments of her own powerful Sindh-based clan are bitterly opposed to her reentry. While Bhutto continues to enjoy significant public support in the country, especially in rural Sindh, there are signs that many PPP members are ambivalent about her return and worry that her credibility as an opponent of military rule has been damaged through deal-making with Musharraf. Pakistani government officials have warned that Bhutto could be subject to arrest if the Supreme Court upholds legal challenges to the NRO. Only hours after Bhutto's arrival in Karachi, two blasts near her motorcade — likely perpetrated by at least one suicide attacker — left some 140 people dead, but Bhutto was unharmed. To date, police have made no breakthroughs in the case, but there are signs (along with widely-held suspicions) that the perpetrators are linked to Al Qaeda and other Islamist extremists in Pakistan.

## **National Election Schedule and Credibility Concerns**

Pakistan's next parliamentary and provincial elections must take place by January 15, 2008, or within 60 days of the November 15, 2007, end of the current bodies' terms. Even before the emergency proclamation, some observers saw signs that the government did not intend to conduct credible elections; most prominently controversy surrounding the possible disenfranchisement of scores of millions of Pakistanis from voter rolls. The U.S. government has provided millions of dollars in democracy-related aid funds to Pakistan, much of these going toward an effort to computerize the country's voter rolls. Washington also plans to sponsor election observation programs in support of the parliamentary elections. U.S. officials have repeatedly emphasized that the United States is neutral with regard to the outcome of Pakistan's national elections.

## **State of Emergency Imposed**

As Islamist-related militancy surged and political uncertainty continued unabated in Pakistan in October 2007, observers grew increasingly concerned that President Musharraf would impose martial law through an emergency proclamation. When asked about the possibility on November 1, Secretary Rice said it was "quite obvious that the United States would not be supportive of extra-constitutional

means,” and she reiterated Washington’s view that Pakistan “needs to prepare for and hold free and fair elections” as planned.<sup>9</sup>

President Musharraf announced his decision to declare a state of emergency in a late-night televised address to the Pakistani people on November 3. In that speech, Musharraf argued that the country was under existential threat from terrorism and extremism, and that his government and its law enforcement agencies were stricken by paralysis due especially to Supreme Court interference. He also held certain elements in the Pakistani media responsible for deteriorating conditions. Calling his emergency proclamation necessary in the interests of the state, he compared his actions to those of Abraham Lincoln’s “sweeping violations of constitutional limits” as an effort to preserve the union, and he pleaded with Pakistan’s “friends in the United States” to give the country more time to establish democratic rule.<sup>10</sup>

The emergency declaration led to an immediate and harsh crackdown on Pakistan’s independent media outlets. Numerous private television and radio stations were blacked out in the wake of Musharraf’s announcement and a new government order banned any media reports that “defame or bring ridicule” to the government or military. Violations of the order can bring a one-year prison sentence or a five million rupee (\$82,000) fine. As of November 6, independent domestic news stations, as well as international outlets such as the BBC and CNN, remained off the air in Pakistan. Moreover, about 2,000 opposition figures, human rights activists, and lawyers were rounded up and detained in the two days following the emergency proclamation. On the Monday following Musharraf’s weekend move, thousands of lawyers protested in several Pakistani cities and were met with police beatings and mass arrests. Chief Justice Chaudhry, who was among seven Supreme Court judges dismissed by the Musharraf government, publicly urged the country’s lawyers to continue their protests. The U.S. government has expressed “grave concern” about the crackdown, calling such “extreme and unreasonable measures” contradictory to the goal of a fully democratic Pakistan.<sup>11</sup>

As noted above, the United States called the emergency declaration a serious setback to Pakistan’s democratization process. Other world governments, including that of key Pakistani benefactor Britain, echoed U.S. criticisms. Pakistani neighbor and rival India issued a notably restrained expression of “regret” for “the difficult times that Pakistan is passing through.” The Dutch government announced a cutoff of aid to Islamabad and several other countries are reviewing their own assistance programs. Former Prime Minister Bhutto expressed “bitter disappointment” with Musharraf’s move and vowed that her party would protest against the “mini-martial law.” The Pakistani public appeared overwhelmingly opposed to Musharraf’s move,

---

<sup>9</sup> Griff Witte and Imtiaz Ali, “U.S. Warns Musharraf Not to Use Martial Law,” *Washington Post*, November 2, 2007.

<sup>10</sup> Unofficial speech transcript at [<http://www.indybay.org/newsitems/2007/11/05/18458318.php>].

<sup>11</sup> Gretchen Peters, “Pakistan Stifles Media, Cuts Phone Lines,” *ABC News* (online), November 4, 2007; Jane Perlez and David Rohde, “Pakistan Attempts to Crush Protests by Lawyers,” *New York Times*, November 6, 2007; U.S. Embassy statement at [<http://usembassy.state.gov/pakistan/h07110401.html>].

but street protests have thus far been modest in scale. The Pakistani media were adamant in their criticism of what was widely seen to be a bald-faced attempt by Musharraf to maintain his own power in the face of increasing pressures.<sup>12</sup>

## Implications for Pakistani Democratization

Islamabad has sought to assure foreign governments that the emergency is a temporary measure and will soon be lifted. Prime Minister Aziz at first suggested that national elections could be delayed for up to one year, then later said the polls would be held “according to schedule.” However, many observers predict that elections are likely to be postponed until Musharraf has consolidated his grip on power and sufficiently hamstrung the opposition.<sup>13</sup> Some analysts also expect that Musharraf will now further delay his planned retirement from the army, even if the new Supreme Court validates his October 6 reelection as president. Islamabad may be measuring the Pakistani public’s reaction to the new situation before it announces decisions on this and issues related to the country’s political calendar.<sup>14</sup>

Former Prime Minister Bhutto’s stance in coming days could have major impact on the course of events: she was the only major opposition figure spared from jail in Musharraf’s crackdown and she could greatly bolster her influence by taking her party faithful to the streets in protest against military rule. She has plans to lead a party rally in Rawalpindi and has threatened to lead a mass protest march to the capital unless Musharraf quits as army chief, holds elections, and restores the constitution. She has given Musharraf until November 9 to comply. Until she issued that threat, she was seen to be hedging her bets by refraining from taking too hard a line against Musharraf’s actions.<sup>15</sup>

## Implications for Pakistani Security and Stability

The imposition of a state of emergency is likely to further inflame anti-Musharraf sentiment among the Pakistani public and aggravate already considerable

---

<sup>12</sup> Sam Dolnick, “World Leaders Condemn State of Emergency in Pakistan,” *Associated Press*, November 3, 2007; Indian External Affairs Ministry Press Release, November 3, 2007; “World Reconsiders Pakistan Aid,” *CNN.com*, November 5, 2007; Zarar Khan, “Public Angry as Pakistani Leader Declares State of Emergency,” *Associated Press*, November 3, 2007; “Simon Gardner, “Pakistan’s Media Slams Musharraf’s ‘Second Coup,’” *Reuters*, November 4, 2007.

<sup>13</sup> “Emergency Short-Term, Envoys Told,” *Daily Times* (Lahore), November 5, 2007; “Pakistan PM Says Election Will Be Held on Schedule,” *Reuters*, November 5, 2007; “Elections Appear Far Off in Pakistan: Analysts,” *Agence France Presse*, November 5, 2007.

<sup>14</sup> “President’s Game Plan Will Change Drastically,” *News* (Karachi), November 5, 2007.

<sup>15</sup> Zeeshan haider, “Bhutto Threatens Musharraf With ‘Long March,’” *Reuters*, November 7, 2007; Shahan Mufti and Mark Sappenfield, “Key Leaders Stay Silent in Pakistan,” *Christian Science Monitor*, November 6, 2007.

civil-military tensions. By redirecting resources toward subduing Pakistani civil society, the move could even hinder the military's ability to combat religious extremists, who many argue are strengthened by authoritarian rule that weakens the country's moderate political forces.<sup>16</sup> The developments also may harm what has been a generally strong Pakistani economy. Pakistan's main stock market in Karachi lost nearly 5% of its value when trading reopened on November 5 — the market's worst-ever one-day loss — and the country's attractiveness for foreign investors may wane considerably upon further instability. Many Western diplomats, including those from the United States, have reportedly been dismayed by President Musharraf's fixation on the Pakistani judiciary and on his arrest of civil society elements considered unthreatening to state security. Indeed, Musharraf has to many appeared more interested in battling his domestic political adversaries than in taking on the country's religious militants. When asked about this apparent contradiction, the White House spokeswoman said, "We do not believe that any extra-constitutional means were necessary in order to help prevent terrorism in the region."<sup>17</sup>

In the days after the emergency proclamation, rumors abounded in Pakistan that President Musharraf had himself been placed under house arrest. However, the only figures who could potentially unseat Musharraf — intelligence chiefs and corps commanders — all were handpicked by Musharraf on the assumption that they would remain loyal to him. The probability of Musharraf being removed from office by force is therefore considered to be quite low. Should a major outpouring of public protest occur, however, it is possible that Musharraf's powerful military subordinates could seek his resignation in the national interest.<sup>18</sup>

## Implications for Pakistan-U.S. Relations

### Policy Discussion

The ability of the United States to effectively exert diplomatic pressure on Pakistan is demonstrably low at present. In reaction to the November 2007 emergency proclamation in Islamabad, Bush Administration officials said they would review relevant U.S. law on aid to Pakistan. However, Pakistan has been under democracy-related U.S. aid sanctions for more than eight years. Musharraf's extra-constitutional 1999 seizure of power triggered automatic 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." Assistance may be resumed to such government if the

---

<sup>16</sup> Lisa Curtis, "Musharraf's Emergency Rule Will Only Fuel Pakistan Crisis," Heritage Foundation WebMemo No. 1691, November 5, 2007. See also Ahmed Rashid, "A Second Coup in Pakistan," *Washington Post*, November 5, 2007; "The Pakistan Mess" (editorial), *New York Times*, November 6, 2007.

<sup>17</sup> David Rohde, "A Detour From a Battle Against Terror," *Washington Post*, November 6, 2007; White House statement at [<http://www.whitehouse.gov/news/releases/2007/11/20071105-2.html>].

<sup>18</sup> M. Ilyas Khan, "Does Musharraf Face Risk of a Coup?," *BBC News*, November 5, 2007.

President determines and certifies to Congress that subsequent to the termination of assistance a democratically elected government has taken office. Post-September 2001 circumstances saw Congress take action on such restrictions. P.L. 107-57 (October 2001) waived coup-related sanctions on Pakistan through FY2002 and granted presidential authority to waive them through FY2003. Subsequent Congresses provided further annual waiver authority. In issuing the waiver, the President must determine and certify for Congress that it “would facilitate the transition to democratic rule in Pakistan” and “is important to United States efforts to respond to, deter, or prevent acts of international terrorism.” President Bush has exercised this waiver authority five times, most recently in July 2007.<sup>19</sup>

A State Department spokesman said it is important that the emergency decree be rescinded and that constitutional order be restored. Along with an expectation that President Musharraf honor his commitment to resign from the army, the U.S. government wants free, fair, and transparent national elections to be held on schedule. Necessary conditions for this would include “an end to the crackdown on independent media and on the political opposition....”<sup>20</sup> An unnamed senior Bush Administration official explained that, following the emergency proclamation, Islamabad has given mixed signals about future electoral and governance plans. As of November 5, this official was still looking for a “clarification of intentions” from Pakistan, but did note that positive indications on poll dates and restoration of constitutional order were beginning to be seen.<sup>21</sup>

In discussing the potential implications of new developments in Pakistan, Administration officials have emphasized the importance of not allowing Islamabad’s continuing cooperation in anti-terrorism efforts to be undermined. Thus, the Administration likely will continue to see the demands of what it terms the “War on Terror” as trumping concerns about Pakistan’s system of governance, as it has appeared to do since 2001. Many observers viewed President Bush’s response to the emergency proclamation and ensuing crackdown as somewhat subdued. Some see developments in Pakistan and the Administration’s fairly tepid response as evidence that President Bush’s so-called Freedom Agenda is applied selectively and without principle.<sup>22</sup>

## U.S. Assistance

While the President has the authority to immediately halt all or some U.S. assistance to Pakistan, there are no signs that he intends to do so. In “reviewing”

---

<sup>19</sup> See [<http://www.whitehouse.gov/news/releases/2007/06/20070629-2.html>].

<sup>20</sup> See [<http://www.state.gov/r/pa/prs/dpb/2007/nov/94611.htm>].

<sup>21</sup> See [<http://www.whitehouse.gov/news/releases/2007/11/20071105-6.html>].

<sup>22</sup> Howard LaFranchi, “Why U.S. Sticks By Musharraf,” *Christian Science Monitor*, November 6, 2007; Mark Mazzetti, “Bush Urges Musharraf to Reverse Course But Signals No Penalty If He Doesn’t,” *New York Times*, November 6, 2007; “Working With a Dictator” (editorial), *Washington Post*, November 6, 2007; Brian Bennett, “Can the US Pressure Musharraf?,” *Time* (online), November 5, 2007; Dana Milbank, “Hitting the Mute Button on the Freedom Agenda,” *Washington Post*, November 6, 2007.

U.S. aid programs, Administration officials could place holds on certain items, such as F-16 combat aircraft being purchased by Pakistan as a Foreign Military Sale. Acute and historic Pakistani sensitivities to such U.S. policy choices — combined with repeatedly voiced concerns that Pakistan’s full cooperation in counterterrorism efforts continue — have most analysts doubting that the United States would halt delivery of defense supplies to Pakistan. Congress already has legislated conditions on U.S. aid to Pakistan and pending legislation would provide for further conditionality.<sup>23</sup> However, many analysts, including those making policy for the Bush Administration, assert that conditioning U.S. aid to Pakistan has a past record of failure and likely would be counterproductive by reinforcing Pakistani perceptions of the United States as a fickle and unreliable partner.

Numerous commentators on U.S. assistance programs for Pakistan have recommended making adjustments to the proportion of funds devoted to military versus economic aid and/or to the objectives of such programs. For most of the post-2001 period, funds have been split roughly evenly between economic and security-related aid programs, with the great bulk of the former going to a general economic (budget) support fund and most of the latter financing “big ticket” defense articles such as airborne early warning aircraft, and anti-ship and anti-armor missiles. Only about 10% of the more than \$10 billion provided to Pakistan since 2001 (including coalition support) has been specifically devoted to development and humanitarian programs. The Bush Administration and/or Congress may find it useful to better target U.S. assistance programs in such a way that they more effectively benefit the country’s citizens. Some analysts call for improving America’s image in Pakistan by making U.S. aid more visible to ordinary Pakistanis.

---

<sup>23</sup> The Implementing the 9/11 Commission Recommendations Act of 2007 (P.L. 110-53) would end U.S. military assistance and arms sales licensing to Pakistan in FY2008 unless the President reports to Congress a determination that Islamabad is undertaking a comprehensive campaign to “eliminate from Pakistani territory any organization such as the Taliban, al Qaeda, or any successor, engaged in military, insurgent, or terrorist activities in Afghanistan,” and “is currently making demonstrated, significant, and sustained progress toward eliminating support or safe haven for terrorists.” The Senate version of the National Defense Authorization Act for FY2008 (H.R. 1585) would withhold FY2008 and FY2009 coalition support reimbursements to Pakistan unless the President certifies to Congress that Pakistan is “making substantial and sustained efforts to eliminate safe havens for the Taliban, Al Qaeda and other violent extremists in areas under its sovereign control ....”