

U.S.-Pakistan Relations: Assessing Priorities Amid Continuing Challenges

Testimony of Aqil Shah
Wick Cary Assistant Professor of South Asian Politics
Department of International & Area Studies
University of Oklahoma

Before the Committee on Foreign Affairs
Subcommittee on Asia and the Pacific
U.S. House of Representatives

Tuesday, February 6, 2018

Chairman Yoho, Ranking Member Sherman, and distinguished members of the committee, thank you for holding this timely hearing on Pakistan and for inviting me to testify.

Pakistan's nascent democracy is facing a serious threat from the military, which has repeatedly intervened to arrest the development of democracy in the country, ruling it directly for almost half the country's existence and maintaining a firm grip on national security policy and politics for the rest of the time. As Pakistan nears parliamentary elections later this year, the military's intelligence arm, the Inter-Services Intelligence Directorate (ISI), is reportedly trying to engineer an outcome that would undercut the electoral prospects of the ruling Pakistan Muslim League of former Prime Minister Nawaz Sharif [Pakistan Muslim League-Nawaz (PML-N)] with the ultimate aim of creating a hung parliament. Sharif was ousted from office in July 2017 when the country's Supreme Court disqualified him from holding public office, in a corruption inquiry linked to the Panama Papers, not on the basis of proof but a technicality, with the judgement resting on an insidious constitutional requirement of "honesty," inserted by a previous military dictator and used to oust dissenting members of parliament. The probe that became the basis for the court's decision was, moreover, led by military intelligence officials and marred by serious accusations of partiality amid reports of witness intimidation, and illegal wiretapping of the witnesses' phones.¹

Military Manipulations

Dishonesty is not the reason for Mr. Sharif's predicament. Instead, it is his attempts to wrest authority from the military in matters of national security and foreign policy. He has already been deposed twice in the past—in 1993 by a military-backed presidential decree and in 1999 by General Pervez Musharaf's coup—for seeking reconciliation with India and for asserting civilian supremacy over the military.² After assuming office for the third time in 2013, he ran afoul of the

¹ "JIT Accused of Tapping Phones of Witnesses," *Dawn*, January 18, 2017.

<https://www.dawn.com/news/1340055/jit-accused-of-tapping-phones-of-witnesses>

² Aqil Shah, "Pakistan Court Sets Dangerous Precedent," *New York Times*, July 28, 2017.

<https://www.nytimes.com/2017/07/28/opinion/why-ousting-nawaz-sharif-sets-a-dangerous-precedent-for-pakistan.html>

military once again for making peace overtures to India, calling for an end to undue Pakistani interference in Afghanistan, and his insistence that the Inter-Services Intelligence stop using jihadi terrorist groups, like the Lashkar-e-Taiba (LeT), as proxies to promote perceived national security goals, which has eroded Pakistan's international credibility.³

Rather than acting against these violent extremists, the military has also sought to “mainstream” them by recasting them as political parties. The aim is to shield these groups from international sanctions, and to balance politicians like Sharif.⁴ Barely two weeks after Sharif was ousted, the LeT front organization, Jamaatud Dawa, reinvented itself as a political party to compete against Sharif's wife in the bye-election held to fill the seat vacated by him. Another violent extremist group, the Tehrik-e-Labaik Pakistan (TLP), inspired by the police guard Mumtaz Qadri who murdered Punjab governor Salman Taseer over his criticism of Pakistan's blasphemy laws in 2011, also fielded a candidate in the contest. While they did not win the contest, the two parties secured 11% of the vote by cutting into the conservative vote bank in Sharif's home town. Emboldened by their performance, other jihadi groups too have vowed to establish their own political parties. The military's attempts to undermine the PML-N government were also clearly visible in the role it played in the TLP's three week long anti-government “sit-in” that blocked the main highway into the capital Islamabad to force the resignation of the law minister accused of committing blasphemy. The military refused to come to the aid of the PML-N government against the protestors and the protests ended only after the government was forced to accept their demands in an agreement brokered by the military.⁵

The military's anti-democratic policies are part of a long-standing pattern. Every time democracy starts to find a footing in Pakistan or a democratically elected leader challenges the military's domination, it either directly or indirectly tries to subvert the democratic process, for instance, by deploying political proxies such as the Taliban-sympathizing opposition leader, Imran Khan, and the Islamic cleric, Tahirih Qadri, a dual Pakistani-Canadian national, to stage protests in order to destabilize the civilian government. The military also uses intimidation and blackmail to undermine the government. It reportedly engineered a no-confidence vote by PML-N dissidents against Sharif's Balochistan chief minister Sanaullah Zehri who was forced to resign from his post and replaced by a pro-military leader, weeks before crucial Senate elections in which the

³ Cyril Almeida, “Act against Militants or Face Isolation, Civilians tell Military” *Dawn*, October 6, 2016. <https://www.dawn.com/news/1288350>. “Factions of Army and Judiciary Sabotage Democracy in Pakistan: Nawaz Sharif” *Express Tribune*, February 2, 2018.

<https://tribune.com.pk/story/1624661/1-factions-army-judiciary-sabotage-democracy-pakistan-nawaz/>. “Sharif Threatens to Spill the Beans,” *Express Tribune*, January 3, 2018. <https://tribune.com.pk/story/1599738/1-tradition-implanting-blue-eyed-boy-poll-engineering-must-stop-sharif/>

⁴ “Pakistan Army Pushed Political Role for Militant Linked Groups,” Reuters, September 15, 2017. <https://www.reuters.com/article/us-pakistan-politics-militants/pakistan-army-pushed-political-role-for-militant-linked-groups-idUSKCN1BR02F>. Zahid Hussain, “Mainstreaming the Militants,” *Dawn*, October 29, 2017. <https://www.dawn.com/news/1366753>

⁵ “Faizabad Sit-In Ends as Army Brokers Deal,” *Dawn*, November 28, 2017. <https://www.dawn.com/news/1373274>

PML-N was assured of a majority, which would have strengthened its ability to expand civilian space after the general elections.⁶

If parliamentary elections take place as planned in mid-2018, it would be Pakistan's second transition from one elected government, which had completed its term to another, a milestone in a country where all previous transitions to democracy were aborted by military coups or interventions. Pakistan achieved its first one in 2013, when former Prime minister Benazir Bhutto's Pakistan People's Party (PPP), now represented by her widower, left office and handed over power to the PML-N, which carried enormous symbolic significance. But a second transition is crucial because it would show that the country's political leaders and parties are unconditionally committed to democracy even when they lose elections, and signal to the military that Pakistanis have the right to democratically change their leaders.⁷

Elections do not equal democracy. But regular elections can help solidify democracy by habituating politically significant groups, such as political parties, the military, and civil society, to the fact that democratic procedures and norms are the "only game in town."⁸ The experience of other military dominated polities in Latin America and Asia shows that the certainty of electoral competition can empower democratically elected leaders to successfully roll back the institutional prerogatives of the military.⁹ As the democratic process gains traction over time, the institutional costs to the military of subverting democracy will inevitably outweigh its benefits.

Violent extremists are also less likely to find easy refuge in a democratic Pakistan. The stronger Pakistan's democratic institutions become, the less room the Pakistani military and its intelligence agencies, including ISI, will have to use jihadi proxies both for domestic and foreign adventures. Pakistan's people have always aspired to democratic government, and it is obviously for them to determine who governs them. But it is in the interest of both Pakistan and the United States that the election results accurately reflect the preferences of Pakistani voters.

Repression of Human Rights

The transition from authoritarian rule to democracy is usually associated with improvements in the protection of human rights, and democratizing states are more likely than other types of regimes to make commitments to international human rights treaties and institutions because of the incentive to demonstrate their democratic intentions to international audiences, including the

⁶ "Baloch MPs told me about pressure from [Intelligence] Agencies: PM," *Nation*, January 11, 2018. <https://nation.com.pk/11-Jan-2018/baloch-mpas-told-me-about-pressure-from-agencies-pm>

⁷ Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1993), p. 267.

⁸ Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: Johns Hopkins University Press, 1996), p. 5.

⁹ See Zoltan Barany, *The Soldier and the Changing State: Building Democratic Armies in Africa, Asia, Europe, and the Americas* (Princeton, NJ: Princeton University Press, 2013); Narcís Serra, *The Military Transition: Democratic Reform of the Armed Forces*, trans. Peter Bush (New York: Cambridge University Press, 2010); Wendy Hunter, *Eroding Military Influence in Brazil* (Chapel Hill: University of North Carolina Press, 1997).

protection of human rights.¹⁰ But the Pakistani military's continued institutional power and entrenched presumptions of impunity mean that human rights are likely to continue to deteriorate in the coming years.

Pakistani intelligence services have long been accused of "disappearing" Baloch and Sindhi dissidents and suspected anti-military militants. But in recent years, they have broadened their crack down to include social media and other political activists, rights defenders, and reporters. In 2016 alone, the Human Rights Commission of Pakistan reported that 728 people were forcibly "disappeared" the highest number in six years.¹¹ Pakistan's official Commission on Inquiry on Enforced Disappearances received nearly 300 cases of enforced disappearances from August to October 2017, the highest since its creation in 2011.¹²

In January 2017, suspected intelligence agents abducted and tortured at least four activists who had mocked the military's political role on social media for three weeks.¹³ In December of last year, Raza Khan, an activist working for peace between Pakistan and India, went missing in the city of Lahore after attending a meeting that strongly condemned the TLP sit-in.¹⁴ Even a judge of the Islamabad High Court who was holding hearings on the protests admitted that he might go missing or be killed for questioning the military's enabling role in the standoff between protestors and the government.¹⁵ On January 10, the investigative journalist and well-known critic of the military, Talha Siddiqi, barely escaped a kidnapping attempt in Islamabad.

The military has also committed flagrant violations of human rights against Baloch nationalists who have been fighting an insurgency against the Pakistani state since 2006. The insurgency was sparked by the military's brutal killing of Nawab Akbar Bugti, a respected Baloch political leader, but is more deeply rooted in Baloch grievances over the lack of provincial autonomy and the denial of their fair share in the distribution of resources (such as the low share of revenue the province receives from the federal government for natural gas that is produced in Balochistan). According to human rights organizations, thousands of Baloch nationalists have been missing, while hundreds have been abducted, tortured, killed and their bodies dumped by the roadside.

¹⁰ Emilie Heffner Burton, Edward Mansfield and John C. Pevehouse, "Human Rights Institutions, Sovereignty Costs and Democratization," *British Journal of Political Science* (2013), pp. 1-27.

¹¹ "2016 Saw Highest Number of Disappearances, HRC Report Finds," *Dawn*, May 11, 2017. <https://www.dawn.com/news/1332397>

¹² See Commission on Inquiry on Enforced Disappearances. <http://coioed.pk/>

¹³ "Four Rights Activists Gone Missing This Week," *Dawn*, January 8, 2017. <https://www.dawn.com/news/1307195>. "Pakistani Blogger Asim Saeed Says He was Tortured," BBC, October 25, 2017. <http://www.bbc.com/news/world-asia-41662595>

¹⁴ "Raza Khan: Fears over Missing Activist in Pakistan," BBC, <http://www.bbc.com/news/world-asia-42249090>.

¹⁵ "IHC Judge Comes Down Hard on Army, Government over Faizabad Agreement," *Pakistan Today*, November 27, 2017. <https://www.pakistantoday.com.pk/2017/11/27/who-is-the-army-to-adopt-mediators-role/>

Despite civil society protests against these crimes, exposure in the media, and appeals for action from human rights organizations,¹⁶ “state agencies” (a euphemism for the ISI) continue to operate without facing any consequences.

There are official mechanisms that can address human rights violations, including enforced disappearances. The government established a National Commission for Human Rights in 2012 for the protection and promotion of human rights. However, its functioning has been marred by institutional problems such as lack of autonomy, shortage of trained personnel, budgetary constraints, a limited mandate over the armed forces, and the fact that it has no authority to investigate intelligence agencies. The official Commission of Inquiry on Enforced Disappearances, established in 2011, has the authority to fix responsibility and file police reports against those involved in the disappearance of an individual. But it has not brought anyone to justice for these crimes.

U.S. Policy Options for Supporting Democratization and Human Rights in Pakistan

Last week, Secretary of State Rex Tillerson firmly expressed the U.S. commitment to what he called the three pillars of diplomatic engagement: economic growth, security, and democratic governance.¹⁷ For too long, the United States has focused narrowly on security in Pakistan which has invariably meant a military-centric relationship at the expense of civilian democratic governance and economic development. For instance, the U.S. has provided over \$33 billion dollars in aid to Pakistan since 2002, of which almost \$23 billion were security-related. Pakistan is unlikely to become a stable or secure state committed to fighting terrorism and to end its support for jihadi proxies such as the LeT or denying Afghan terror groups like the Haqqani Network sanctuaries on its soil as long as the military retains its undue power over national politics and policies in Pakistan.

The options outlined below can help Congress achieve the important goals of supporting democratic governance and protecting human rights in Pakistan:

Democratic Progress:

1. Congress should actively support and publicly demand a free and fair vote in Pakistan in which all political parties and leaders have a level playing field; and strongly condemn any attempts by the intelligence or security services to undermine the democratic process, which will send a strong signal that the U.S. is firmly committed to the continuation of the democratic process in Pakistan.

¹⁶ See, for instance, Amnesty International, “Pakistan: End Enforced Disappearances Now,” Nov. 17, 2017. <https://www.amnesty.org/en/latest/research/2017/11/pakistan-end-enforced-disappearances-now/>

¹⁷ Press Statement, Austin, Texas, February 1, 2018. <https://www.state.gov/secretary/remarks/2018/02/277840.htm>

2. More specifically, Congress should ensure that U.S. election monitors, such as the National Democratic Institute, and the International Republic Institute, coordinate their efforts with other international observers, to closely assess and monitor the electoral process before, during and after the election.
3. Congress should review the composition of U.S. assistance to Pakistan, which has historically been heavily tilted towards security assistance. U.S. aid should instead prioritize the strengthening of democratic institutions such as political parties, the parliament and the Election Commission; and building partnerships with civil society organizations, the media, and universities.
4. Beyond democratic procedures, the U.S. should take a long view and invest in the future of Pakistan, for instance, by working with its European and other allies to help Pakistan reform its education system and provide economic opportunities to Pakistanis through enhanced trade ties.
5. Pakistan's moderate, centrist political parties, including the PML-N and the PPP, and civil society want the country to become a modern, democratic state at peace with its neighbors. In the short run, it is important that the U.S. help them succeed by supporting the crucial upcoming electoral transition. But Congress should also clearly articulate a long-term, unconditional commitment to democracy in Pakistan. Ultimately, a strong, stable and prosperous democracy in Pakistan would be the international community's most natural partner in fighting terrorism.

Human Rights

1. Congress should unequivocally condemn human rights violations in Pakistan, and call for the immediate release of those believed to be in the illegal captivity of Pakistani intelligence services
2. Congress should strongly urge Pakistani authorities publicly and privately to ensure the effective investigation and prosecution of those responsible.
3. Congress should hold frequent hearings on human rights violations in Pakistan to keep up the pressure on the state agencies that perpetrate these crimes. Congressional hearings may not readily alter their behavior, but regularly bringing rights abuses into the spotlight can certainly impact their cost-benefits calculations and act as a deterrent, while at the same time, assuring activists and journalists in Pakistan that the U.S. is firmly standing by them rather than displaying silent complicity in the violation of their human rights.
4. The U.S. should work with its allies to urge Pakistan to strengthen the Commission on Enforced Disappearances, and the National Human Rights Commission, and to urgently ratify the International Convention for the Protection of All Persons from Enforced Disappearances.

Thank you, Mr. Chairman and committee members, for your attention and consideration.