

**CARNEGIE ENDOWMENT
FOR INTERNATIONAL PEACE**

**PAKISTAN'S EMERGENCY RULE:
U.S. AND EUROPEAN RESPONSE**

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NOVEMBER 20, 2007

*Transcript by
Federal News Service
Washington, D.C.*

TRANSCRIPT NOT CHECKED AGAINST DELIVERY

FREDERIC GRARE: Well, good morning ladies and gentlemen, and welcome to the Carnegie Endowment for International Peace. Welcome to an event also which is caused by the International Crisis Group.

Well, as you all know Pakistan is in crisis. It has become routine in saying that Pakistan is in crisis; it's almost a cliché. The fact is that in so often in crisis that one can wonder whether it is still accurate to describe it as a crisis just because precisely the crisis is defined by a short duration of whatever event is taking place. But the fact is that the event of November 3rd, once again emergency was declared. Emergency was just the name; it was officially given because for all practical purpose this was not emergency. I mean, emergency is a constitutional procedure, which is a prerogative of the president and in no way can the chief of army staff declare something which is emergency. So for all practical matters we are under martial law in Pakistan today.

You have seen, of course, the following events. You have seen general as being arrested; you have seen television channel being shut down, the last one being GO (?), interestingly enough, in Dubai last weekend. You have seen lawyers being beaten up and arrested; you have seen political opposition being beaten up and arrested, and so on and so forth.

The response of the international community so far has been also interesting because everybody is, of course, saying the right thing, asking for the emergency organization of elections and Pervez Musharraf giving up his uniform. The interesting thing in the old story is that by doing that, they are simply accepting the fete accompli because the end of emergency and the restoration of the status quo are two different things, and it makes all the difference between Pervez Musharraf remaining president of Pakistan with or without a uniform and Pervez Musharraf out of power.

Once again, as often the International Crisis Group was the first organization to write a comprehensive report on the ongoing crisis and this is the reason why we have the pleasure to hold them today to present the last report which is entitled, "Pakistan: Winding Back Martial Law." To do so, we have the pleasure and privilege to welcome Mark Schneider, who is senior vice-president for advocacy in the International Crisis Group.

He is familiar to many of you, and for years before joining the crisis group he was director of the Peace Corps and served as deputy assistant secretary of State for human rights. He was also assistant administrative for Latin America and the Caribbean at the U.S. Agency for International Development, and led the office of health and strategic planning at the Pan-American Health Organization, World Health Organization. He was foreign policy advisor to Senator Ted Kennedy as well, and he returned – (unintelligible) – from his fourth recent trip to Pakistan and Afghanistan. He has, therefore, fresh news and fresh analysis to give us and I'm sure that as usual, whatever views the International Crisis Group will be giving us today will be as pertinent and relevant as it's always been.

Mr. Mark Schneider.

MARK SCHNEIDER: Thank you very much, Frederic. You've already started to show the slides – (laughter) – and we'll go back for a moment.

First, I want to thank Frederic Grare and the Carnegie Endowment for organizing today's discussion. Obviously, this is a moment of crisis not only for Pakistan but for U.S.-Pakistan relationship. As Frederic said, I spent nearly a week in Pakistan but split the first three days around the end of October, and then I went to Afghanistan and I came back for two or three days and left on November 2nd, knowing that this was the time to leave.

And I think it's important because there is a fundamental distinction between the sentiment in Islamabad the first several days that I was there, and the sentiment in Islamabad the last two days I was there before emergency was declared on November 3rd. And there had been no change in the terrorism contacts within the country; there had been no change in terms of the capacity of the Pakistan military or government to handle the incipient extremist organizations, whether the jihadi organization was al Qaeda or Taliban. What had changed was the sense of what the Supreme Court was going to do with respect to the cases before it, questioning Pervez Musharraf's qualifications to be reelected as president.

The first several days that I was there – and I met with government officials; I met with lawyers; I met with party officials; I met with human rights activists, with journalists, with editors of the newspapers. The sense was that the court was likely to find that the two charges questioning his qualifications, that they were not sufficient to prevent him from being president. A week later it was clear that the sense was that a strong majority of the 11-member panel was going to find that one or both of those counts against him indicated that it would be unconstitutional for his reelection.

The first issue, as you know, related to the question of whether he could both be chief of the army and the president at the same time. And that issue, according to the Pakistan constitution, seemed to be clear however there had been a law in 2004 that seemed to give some possibility for that to be voided during his tenure of the previous parliament. The second – and that was one of the issues that the constitutional validity of that was in question. And the second was whether he could be reelected even if he gave up his military uniform, within two years of giving up that military post. And again, it seemed to be clear that that was unlikely to be permitted so far as a strong majority of the court was concerned. Granted, this is speculation but within that week, that was essentially the major change.

But even there it's really, I think, important to understand that no one expected a coup, and let's be clear: This was a military coup carried out by the chief of the army. It was not, as Frederic mentioned, a president carrying out the constitutional provisions of his office and using the authority to declare a state of emergency. And I just – the reason that most of the observers seem to think that he would simply, if he felt that the situation was moving seriously against him, use the constitutional provision was the feeling that the country would not be able to handle going back to 1999, and that the kind of unity in the country that was required to deal with the

current challenges across the board would not permit the country to be so divided as it was in 1999; and in sense of, at this stage, trying to reestablish a military government without a constitution, and essentially voiding many of the institutions of government.

And it was clear from the proclamation that was issued that there were two causes for the proclamation by the chief of the army. One was the courts. There are several provisions in the proclamation in which it simply says that the courts were impeding the activities of the executive, and on that basis the proclamation was issued. And the proclamation itself, in paragraph three, which I actually think I have someplace – the provisional constitutional order, if you look – how about that. It's up there.

If you look at the second paragraph under article three it states, provided – that is, that the courts in existence immediately before shall continue to function, provided that the supreme court or a high court and any other court shall not have the power to make any order against the president or the prime minister, or any person exercising powers or jurisdiction under their authority. And the point is that simply that this is, without any question, not simply a challenge to the individuals; it's a challenge to the independence of the judiciary itself. And that is not permitted under the state of emergency in the constitution.

This was a coup in which the other institutions and branches of government were being essentially told, all institutions will originate from the office of the chief of the army and the executive, and all allegiance will be sworn to that office. Any judge who did not swear, and there was an oath required, to the new provisional constitutional order was sacked. The order itself was declared unconstitutional by seven of the members of the supreme court prior to their being sacked. And the view of many constitutional lawyers in Pakistan is that, therefore, the provisional order itself is unconstitutional. And at some point, when the emergency is lifted and the constitution restored, one hopes, that may well be the finding.

I know that there's a better way to do this but in any case, where are we now. And I think it's important to realize that one of the other things that occurred during that timeframe is that while people understood that the military might be leaning toward a state of emergency, no one anticipated that there would be martial law imposed. No one anticipated that thousands of lawyers and human rights activists and political party leaders were going to be arrested. And I think it's safe really to say that no one expected the entire judiciary to essentially be removed unless they agreed to operate in accord with the president; that is, not to challenge in any way the decisions of the executive branch.

Now, where are we today? Today, as you may have read, some 3,000 political prisoners apparently have been released. There is a hope that 2,500 or so additional prisoners will be released. Nevertheless, President Musharraf has refused to give up his post as chief of the army, and that's an important point because as of 15 November, the permission for him to under the previous parliamentary order lapsed. And so in a sense he's now holding the office of the presidency without the constitutional permission under the previous order of the previous parliament. He continues to insist that even if emergency rule is lifted, the sacked judges will not be restored. There's no date for the restoration of the constitution. There's no date still for him to remove his uniform. And presumably, the justices who have agreed to swear allegiance

to the military government are likely to find whatever he decides to be desirable constitutional. And that includes continuing to void the previous judicial order; that includes, presumably, establishing a process for elections without the freedoms that were voided in the original declaration for being restored.

And I should add what we're talking about here in terms of the provisions of the constitution. Security of the person, article nine of the constitution, specifically voided. Safeguards as to arrest and detention, article 10, specifically voided. Freedom of movement, article 15, specifically voided. Freedom of assembly, freedom of association, freedom of speech and protection of property, all specifically voided in the original order. The question is if the emergency provision is removed, will the previous constitution be restored or will there be another order with continuing restrictions on these individual freedoms? There's no guarantee at this point that the original constitution will be restored without significant amendments.

Now, we've heard, as you know, originally there was a discussion about a caretaker government, which he now has named, that would be in office between the time of the parliament ending on 15 November and the holding of elections. And, in most of the public declarations, the view is that the caretaker government would be, in a sense, viewed as independent and a composite of the various political parties. That is not the case. Caretaker government, again, represents President Musharraf and his political alliance and that is the government's going to be place to organize elections, which now we understand are supposed to be held at the beginning of the second week, January 8th.

At the very least, one should be arguing – the United States should be arguing, the Europeans should be arguing, the friends of Pakistan should be arguing that the emergency needs to be lifted, the constitution restored, the political freedoms essential for there to be fair and free elections in place not a week before that election, but at the very least within a time frame that permits a free campaign, that permits political parties to operate, that permits the candidates of political parties to campaign, and that doesn't continue to keep at least one of the political leaders in Saudi Arabia and another political leader in some form of modest house restriction. And that needs to be done early enough so that people would have a chance to say that there has been a fair and free opportunity to campaign and hold elections. So you would hope that this would be at least 60 days, not six days, and yet there's no indication of when the emergency rule will be ended.

Now, the other is he's refused during this period to either change the composition of the election commission. He clearly has continued to refuse to allow Nawaz Sharif to return to the country. I should add one of the other reasons that there was a change in the view of what was likely to happen in that week that I was in Afghanistan was that there's a third case that was before the supreme court. And that case had already been, in a sense, concluded with the supreme court having, in August, determined that Nawaz Sharif under the constitution had a right to return to Pakistan. And as you know, when he was returned he was deported from the airport.

And there was a case before the court holding the prime minister, essentially the government of President Musharraf, in contempt for failing to heed the earlier order of the

supreme court. And again, it was the view of many of the lawyers from the Supreme Court Association and others that the likelihood was that the contempt order against the government would be held and there would be some requirement to abide by the original order and perhaps punishment for the individuals. In this case, the issue was the foreign minister said, well, I was ordered to do it by the prime minister and initially the prime minister said, not me. But in any case, it was clear that this contempt order was extremely worrisome because at least at that point, it would have meant that the supreme court, again, would have been ordering the government to allow Nawaz Sharif to return.

And as you know, by the way, still the censorship orders against many of the independent television stations, as Frederic mentioned, remain intact. Editors have been called and threatened. There have been death threats; there have been threats of detention; and in some instances when some of the televisions that were permitted to return to the air, when they began to have critical comment about the current political situation, there was electronic interference in their broadcasts.

Now, let me talk briefly about – before I get to what we think we should be done, let me talk briefly about the issue of terrorism. The argument is that the reason that one has to be extremely careful about what one recommends with respect to U.S. policy toward Pakistan at this time is that there are significant terrorist threats facing the country. And there are; there's al Qaeda, which has a significant presence still, after six years; there's the Taliban, which has an even greater presence in several places in the country, not merely in the northwest province and not merely in Fatah and not merely, I should say, in the mountain regions of those areas but in several of the major cities. And there's a threat from jihadi organizations which have been declared terrorist organizations by the U.N.

Let me just mention two of those because the point is is that when you talk about when the government of President Musharraf has done with respect to terrorism, there are serious questions, particularly with respect to what it's done regarding the Taliban and with respect to the jihadi organizations. For example, two organizations banned by the government as terrorists as 2002, Lashkar-e-Tayyiba and Jaish-e-Mohammed, they've changed their names. And if we know they've changed their names, presumably the government of Pakistan knows that they've changed their names but that they remain intact. Nothing has been done to stop those organizations, to round them up. You have an emergency provision right now. One would have expected that if a government was committed to deal with terrorist threats and it imposed a state of emergency, its first act would have been to take action against some of the terrorist organizations, the jihadi organizations, Taliban Shura leadership, political and military, some of the clearly terrorist mullahs who have linkages to Taliban.

That hasn't been done. They're not the ones who are either under house arrest or detained in prisons. Instead, it's secular lawyers, moderate political leaders, essentially supporters of democracy and civil society. So you have to wonder when you're talking about the effectiveness of this government and the priority that it attaches to dealing with the problem of terrorism, whether you've gotten an adequate response.

Now, it's not just we're raising that question, but it's important to recognize that the U.S. Congress has raised that question. The current deputy secretary of State, in his original testimony in January, raised that question. General Lute, when he was the J-3 before being named czar for Iraq and Afghanistan, he raised that question in testimony before the Armed Services Committee. When they were asked, does the Taliban maintain its headquarters, its political and military headquarters, in Quetta and Peshawar the answer was yes, it does. And so the question is, what has this government done in a significant area of concern with respect to terrorist activities? And if you could say, well, it didn't have the capacity, it just established and has established an emergency decree, has it moved against that political leadership? Has it moved against their financial capacity? Has it moved against their ability to recruit? And the answer is no. So one has to raise a certain degree of question.

Now, what is it that we think should be – first, let me just say here, why is it that President Musharraf might be taking a series of steps designed, perhaps, to prevent not only the court from acting but from there being a possibility for fair and free elections? This is the IRI end of September poll that was done recently, indicating by province the position on a very simple question: Should President Musharraf be reelected? And as you can see, it ranges from 68 percent to 77 percent opposed.

Now, there's another chart which I think I have in here that shows by date, do you support the reelection of President Musharraf to another term, February '07, June '07, and September '07. And it goes from 40 percent opposed to 64 opposed to 74 percent opposed at the end of September. Now, I don't know what it would show today, but I doubt that number would have gone down. So the question is, how do you have a unified country to deal with issues like terrorism, real issues, when you have probably more than 80 percent of the country opposed to his reelection?

This is the question about whether you support his being reelected by the lame-duck assemblies or wait until there's a new, freely elected, fairly elected new parliament and provincial assemblies who together form essentially the electoral college to elect the president. Again, 48 percent disagreed in February, 62 in June, 74 again in September. I suspect it would be substantially higher.

Now, there's – I guess there isn't one other one.

My point is simply that there's at least a significant body of opinion in Pakistan, and that was the case when I was there, that these actions are designed not to permit the government of Pakistan, a partner of the United States in the war on terror, to be more effective in that effort but rather, these actions were taken to ensure that President Musharraf would maintain political and essentially military power at the same time, and that any possible threat to that by the courts, by the population, by the secular moderate political parties, was not going to be permitted.

Now, what should be done? We, in the policy brief that we issued, I think have been fairly clear. First, we believe that the United States and European countries, and all of the allies and the regional partners of Pakistan, should be speaking out clearly in support of democracy, restoration of the constitution, lifting of martial law, and putting into place a series of measures

which will permit fair and free elections early next year. And that has to include domestic and international monitoring, but it has to include the level playing field now to permit those parties to fairly and freely compete and to have observers to be essentially monitoring what the situation is.

When I was in – and here's one of the reasons. I mentioned that the electoral commission had not been changed. As many of you know, the electoral commission carried out a new registration of voters that was going to be complete in the spring. They came up with 55 million new registered voters – not new, but a registration order now that contained 55 million registered voters. In 2002, there were 70 million. So you had a significant decline between 2002 and now if that had held. There was a protest by political parties that there was something wrong. The supreme court said, it appears to us that there's something wrong; unlikely that there's 72 million registered voters in 2002 and you can only find 55 million now, many people have knocked down their names, you need to do something. Within a matter of weeks, the electoral commission added, which is impressive, something on the order of 25 million names to those rolls. And now, the parties and others are going through and saying, these people died, we're still not on the rolls, et cetera. That has not yet been completed.

Were the supreme court prior to November 3rd in place, at some point in this process, they may well have been asked by the parties to review what the final registration rolls showed. That's something that perhaps the government didn't want to see. At this point, if there's any appeal from the election commission, it will go to the courts backed with Musharraf appointees. That's an issue.

At this point, we think that the U.S. government should be quite clear that it is not willing to have the same relationship with Pakistan, the government of Pakistan, not the people of Pakistan, not the country, but with the presidency and the current government that it did prior to three November. If there's any sense of where the United States believes the future lies in Pakistan in terms of stability, in terms of security and in terms of the values that the people of Pakistan have expressed time and again, and you see the lawyers in the streets expressing those values, and civil society, they clearly are putting themselves on the line for democracy in the way they understand it, not in the way we understand it. They are committed to the same freedoms that are in their constitution, and why shouldn't they be? And at the very least, we should be saying that we agree with that not only because it's, quote, right, but if anything that we know about past history is that that's most likely to produce a more unified nation and a more sustainable institutional structure.

And when you go through – and I thought I did have this one, the chart here. Okay. If you look at the other chart, which I clearly don't have, that shows at that same time what the views of the people are with respect to the various political parties at that time, this was in September, the party of Nawaz Sharif had jumped above Benazir Bhutto's party by 7 or 8 percentages; it had something like 36 percent. Her party I think had 29 percent. And, I mean, it totaled somewhere in the nature of 65 percent, those two moderate secular parties alone.

The other parties would have jumped it up into 75 percent, close to 80. The religious parties were down around, were about under 15 percent. And the PMLQ had another 8 percent,

9 percent. All I'm saying is that there was and is a different political situation in Pakistan than everyone talks about Iran. There are secular, democratic parties with a long and fairly active history; they have nationwide reach and they are both committed to anti-terrorist policies. So the option for the United States, it seems to me, it seems to us, is let the political process in Pakistan play itself out, support the constitutional process, support democratic institutions, not a political party or a political leader and definitely not an anti-democratic leader.

So what should be done? We suggested that since he did not give up his post as army chief, since he did not lift the emergency order, we suggested that first, the current scheduled military cooperation high-level talks should be suspended, that new military training should be halted, that some \$300 million in foreign military sales, FMS, and other non-coalition support that is non-counterterrorism, clearly indicated support, should be suspended.

Now, I just want to emphasize again that in the current legislation that's pending before the House-Senate conference on foreign operations, which includes FY '08 economic and military aid. There is, in fact, a provision that would condition that \$300 million already on the secretary certifying that the actions have been taken with respect to the democracy provisions.

Now, at this point, however, that was before the emergency was declared. At this point, the failure of the government under President Musharraf to remove the emergency, restore the constitution, restore the judges, one of the – I'd say that the U.S. in Islamabad and in Washington has made the right statements about lifting the emergency. It has made the right statements about restoring the constitution. It has made the right statements about releasing political prisoners and allowing political parties to operate and about fair and free elections. But it has not made the right statement with respect to restoration of the judiciary and the judges. And that's a fundamental flaw because it seems to be saying that it's okay for you to decide that the independence of the judiciary is unimportant. And that should not be the position of the United States.

And we believe that non-counterterrorism military aid, at this point, should be suspended, particularly the kinds of big-ticket F-16, Orion, harpoon missiles, the sort of the conventional warfare kind of weaponry. At this stage, at the very least, that should be suspended. Restore the constitution, restore the judiciary, establish a playing field for fair and free elections, restore the weapons. The issue is the United States' relationship should be with the people of Pakistan, with the institutions of Pakistan, and not with the individual military leadership.

Down the road, if this continues, then I think you need to look at targeted sanctions on the individuals in terms of visas, in terms of relationships with those individuals. Either we believe that a Pakistan under democratic government is going to be a better ally in the war against terror or not. And at this point, it seems to me that it's clear that the people of Pakistan want to see the provisions of the constitution restored, they want to have a democratic process. And we, at the very least, should be standing with them in that effort.

Why don't I stop there and take any questions?

(Applause.)

MR. GRARE: Well, thank you very much. Mark, we have now quite a bit of time for question-and-answer session. Now, usually, I will simply ask you to identify yourself briefly and ask you a question. So who wants to start? Yes, sir, in the background.

Q: Ronald Datta, Foreign Policy Association – in the last 60 years of Pakistan independence, army rule had been in existence for about 45 years. Take your mind back; why has the army rule come? The same sentiments of the people that you are supporting elected representative of the people brought in the democratic government, but they messed it up. Every time messed up because of the corruption, did not live up to the dreams of the people. Every time the army has to come to the rescue of the county and especially under these circumstances when the increased de-stability of, due to terrorism inside Pakistan and outside at the borders, at the – (inaudible) – line. There is a far more reasons for any government, maybe civil government, democratically elected government to usher in a democracy, usher in an emergency, state, the example of the civilian government in India.

The democratically, duly elected government of Mrs. Gandhi had to impose an emergency because of the internal disturbances though it could be construed that she wanted to perpetuate her own personal rule. She was pitted against the judiciary, too, but she also held it up and it lasted for another year when these reasons for ushering the democracy, I mean, ushering the emergency was withheld. What are your thoughts on it? How should the government support either the people under the circumstances of increased destabilization of Pakistan, especially, when number one threat to United States remains al Qaeda, Taliban?

MR. GRARE: Well, it's very touching to have a former Indian military defending Pakistani military. But I'll let Mark answer you.

MR. SCHNEIDER: A couple of things – one is, first, I believe that Madame Gandhi used the provisions of the constitution to establish that emergency. In this case, President Musharraf did not act as president. He acted as chief of the army and he voided the constitution and established essentially military law. That's a fundamental difference.

And second, you're absolutely right that the issue of terrorism is a very significant one. But as I said, it's now six years. After six years, one would have thought that the government of Pakistan would not have allowed the Red Mosque within a few blocks of ISI headquarters and the presidency to be able to create, essentially, an armed sanctuary that not only carried out actions against civilian population, but actually took hostage policy and did nothing about it until it wound up in a major, major explosion.

But what has this government done to go after the jihadi organizations in the past? Very little. And with respect to the Taliban, again, at least three significant U.S. military officials have testified that the Taliban command and control center and headquarters remain not in the mountains, but in Kaweka, Peshawar, areas where one would think that if the government of Pakistan were serious, it would have done something about it, more significant than it has.

And finally, on the question of corruption – no question that the political parties at different points in the past have been charged accurately with being engaged in corrupt activities. But I don't see Transparency International giving the Pakistan military government high marks either. There have been a series of corruption scandals recently, as well, in Pakistan. The question is, for example, how many of the semi-autonomous state organizations that have been turned over to the military are running in the most efficient non-corrupt transparent fashion?

MR. GRARE: To which you could probably add that this is not just as unfortunate position between something which was vaguely democratic, but corrupt and something which will again be vaguely democratic, but corrupt. But there is a systematic destruction of the social fabric of Pakistan in between, meaning that, in practical terms, that it's making, notwithstanding the will or the absence of will of the Pakistani government to move in that direction, making the actual counterterrorism operation more difficult by the day. So this is not something which can be taken lightly. And in terms of what you suggest should be the U.S. objective, this is also highly questionable. But let's move to the next question.

Q: If I could, one other thing, remember that over the course of the past three years, this government, the Musharraf government, made deals in Waziristan with essentially local mullahs, which were linked to Taliban, and which clearly resulted in the Taliban being able to acquire presence and capacity and to reorganize and to recruit and to carry out attacks on U.S. and Afghan institutions across the border. And that was done in a sense against the recommendations of the U.S., one thing.

MR. GRARE: Madam, no please.

Q: Sameera Daniels, Ramsey Decision, good to see you. I was wondering whether it would make sense to also look at these tribal relationships, which, over a period of 30 years or so, have added a layer of complexity, whereby while I agree that there are issues related to the military and the rest, the non-military, there are a lot of dynamics among each of these – among different regions and tribes, which sabotage each other as well. You know, the Punjabis, the Pathan (sp) as you know, at least 30 percent – or actually even higher – percentage of the army was Pathan itself. So what I'm saying is that it's not simply this dynamic we should be looking at, but the sort of subterranean dynamics that are occurring where sabotage is constantly happening, and then the military gets its hind up and is trying to keep it unified. So I think that that's what I want to say.

MR. SCHNEIDER: No, I think that's accurate. The issue becomes one though is whether the stance of the government is encouraging to the degree possible the secular forces in each of these areas. Take Baluchistan. Essentially, there is a low-level civil conflict underway there in which the government has taken the position that secular, moderate Baluch national party leaders who are seeking greater local autonomy, that they constitute more of a threat than the religious extremists who are in alliance with the government. And so, instead of Baluchistan being under a relatively moderate and definitely secular party leadership, it's under a religious coalition. And that's only as a result of the decision of this government.

Q: Reed Smith, CATO Institute. Just quite simply, how does President Musharraf currently stand with his own military and how would that military be able to function with another leader, potentially a Sharif or Bhutto?

MR. SCHNEIDER: Well, I think as I understand, they've already identified the number two who would step up to be chief of the army when – if – President Musharraf were to remove his uniform and give up that post. And that individual is seen by people in the U.S. military as quite supportive of policies against the terrorist. He, as I understand it, has some U.S. training and is a relatively competent, professional military officer.

The issues, it seems to us, is that there is not an argument against the strengthening of the Pakistan military. There is an argument against the Pakistan military running democratic politics in the country. And I think that the evidence of that is that the U.S. has strong – and wants to have – strong relations in the military. The military has to see that the actions that President Musharraf has taken endanger their institutional future, that the relationship with the United States will not stay the same. And I don't think that the Pakistan military want to see an isolation, if you will, and a distancing from the U.S. military. I'm sure they can find other weapons from other places. But I suspect that they really would not like that to happen.

The question is whether they believe that the United States is serious when it says that it wants to see a restoration of the constitution, and whether it's serious that it says that the relationship with the Pakistan military and the Pakistan government will change significantly if they continue along the current lines.

Q: Thanks, Blair King from USAID. Please do not take what I say as a defense of military intervention in Pakistani politics. But as the first questioner points out, and as you acknowledged, the choices in Pakistan are actually not particularly good. We either have the military or very corrupt secular politicians or the mullahs who, as you also point out, perhaps much less likely to take power nationally than in Iran in '79.

But my question is about the secular politicians. As you said, you met with some of these party leaders when you were there. This was, of course, before the emergency martial law.

MR. SCHNEIDER: Some of them were detained subsequently.

Q: Right, but my question is this. Did you get any sense that they are more committed to reforming both the way that they have run their own parties and the way that they've run the country when they have been in power, or is it simply about them wanting to get back into power, period?

MR. SCHNEIDER: It would be naïve not to understand that they clearly want to get back in power. There is no question about that. On the other hand, I did ask all of them two questions.

One question I asked was are you committed to take additional transparent public actions against the jihadi madrassas, against the Taliban leadership, the command and control? It seems

to us that if you're serious that Afghanistan is being threatened in part by the capacity of the Taliban to continue to reorganize and train itself and plan and carry out attacks into Afghanistan from Pakistan, then the Pakistan government and military should have been doing much more against the leadership. And the question I asked is, would you go after the Taliban shura and military leadership in Quetta and Peshawar? And the answer was yes.

I also asked on the question of internal reform, that it seemed to me that that clearly was something that was necessary. Now, can I swear to you that their answer that they did intend to carry out that type of political reform would be implemented? I can't. But I'd much rather that the people of Pakistan have the opportunity to vote for the democratic parties that they wanted, and then to throw them out if they didn't want it. I mean, that's what the purpose of elections are.

And I also, by the way, added that I think that what the U.S. should be doing is strengthening the mechanisms of accountability within – and supporting those with civil society organizations – which do place demands on political leadership, if they're given the opportunity. That's where AID should be functioning more effectively and more adequately, it seems to me, providing greater support for civil society in those efforts, particularly those who are trying to hold accountable the political leadership.

By the way, the other thing is that while we argue in the paper for suspending, at this point, military assistance, we argue for increasing economic and – if you will – civil society support, and humanitarian assistance in Pakistan, and emphasizing that there is a long-term cooperation relationship with the people of Pakistan and with the country that is going to require continued economic cooperation over the next decade.

MR. GRARE: We'll come back to you, sir, but the gentleman in the back, please.

Q: My name is Ejaz. I am a student at SAIS. I am really thankful for your very good lecture on the issue. But I want to point out that in Pakistan, after emergency rule, the action, which the military is taking against the militants in Sawat. You haven't mentioned that issue, because Sawat is a settled area of Northwest Frontier Province, and there was a real danger that the – what we call – the wave of Talibanization is sweeping through not only the tribal area, rather into the small settled areas of Pakistan.

My point of view is that there is an issue that the government of USA and the think tank in USA, they are usually not satisfied with the actions taken by the government of Pakistan, with the government of Mr. Musharraf. Musharraf had been attacked by militants a number of times; he is under constant threat by the militants; and the prime minister of Pakistan – ex-prime minister – Shaukat Aziz was under threat by suicide attackers. A number of ministers were attacked. And the government of Pakistan and the military of Pakistan had taken actions against militants, northwest and various other regions, with thousands of military. People were killed.

Even then, when the Western authorities think that the government of Pakistan are not doing enough; that's a dilemma. The dilemma is that the people of Pakistan – a majority of the people of Pakistan feel that the government sometimes do harshly with these militants. And

when they do harshly with these militants, not only the militants are killed; rather common people are killed. Add the handling of – (inaudible) – issue in Islamabad. A lot of young men were killed and that created a lot of problems.

Resultantly, under the constitution, which gives freedom for – a lot of human rights and freedoms – the government felt constrained to suspend and impose emergency rule so that to take firm action against the militants.

MR. SCHNEIDER: I have never believed that anyone should be able to carry out criminal action or terrorist acts. And anyone who does, clearly is violating the law. And the freedom to associate or to engage in demonstrations isn't what gives them the ability to carry out those acts. And I have support fully using the security institutions to go after them. My concern is that they haven't. They made agreements with them in the Waziristans. They allowed the jihadi madrassas to operate. President Musharraf committed himself to regulate effectively the madrassas so that you knew who was running them, how they were being operated, so there wouldn't be a continued recruitment of suicide bombers from some of them – not obviously all of them, but some of them.

And similarly, that you wouldn't be able to do what the Red Mosque did, which is to build up an armed capacity. That's not something that's allowed as a result of the freedom to associate. That's allowed because there is a decision made that politically you don't want to go after those who are part of the political structure that provides a majority.

Remember, President Musharraf was aligned with a six-party religious coalition. Many of those individual parties have links to the Taliban. That's a matter of concern. How did Sawat develop to where there is control over local governmental institutions from individuals who have clear jihadi and Taliban links?

And with regard to Sawat, the concern is not what's occurring now. Obviously, they government is taking military action. The concern is how did you allow this to happen and why. And let me just make a point. The – I guess he's the father-in-law of – the current local leader in Sawat, his father-in-law had been arrested for having sent three years ago, young men fighting against Afghanistan. This is Maulana Sufi Mohammed. And he was imprisoned since 2002. He's now been moved from prison to a hospital in Peshawar. And there's some suspicion that there may be another Waziristan deal in the making. So there is a question about what the commitments are to deal with those real jihadi threats.

MR. GRARE: Next question, yes, madam, please.

Q: Good morning. My name is Michelle Marchesano. I'm from the Partnership for Global Security. In recent weeks, there's been a lot of talk about Pakistan's nuclear arsenal and the security with it. And Sunday, we had the article in the New York Times talking about U.S. cooperation. And then there was the op-ed that seemed to almost be advocating military strikes. I was just hoping you could react to that.

MR. SCHNEIDER: Well, there's no question that there's legitimate concerns about the nuclear capacity, ensuring the security of that that it doesn't fall into the wrong hands. First, I don't think that the Pakistan military wants to see that nuclear arsenal in a sense becoming available to any terrorist organizations.

Second, you wonder about how much confidence should you rely on this particular government, which didn't really take much action about the relationship with Dr. Khan until after he was exposed. And I drove by his house. Believe me, this is not somebody who is under detention for seriously endangering security of his own country – let alone everyone else – by the sales of nuclear technology to Iran. He lives in a lovely home. He has a significant amount of freedom to travel. And while he is, he is – what is the right word – escorted. He is not exactly suffering. So the question about the degree to which the government has shown its determination to void those who are involved in selling nuclear technology being seen as legitimate and accepted figures within the national population, that showing has not yet been made.

MR. GRARE: Right over there in the back.

Q: I'm Steven Stern. Is there something in this current crisis that has developed over the last eight years that's new in terms of the assertiveness of the courts, the assertiveness of civil society, that might have some impact on elements of the military and maybe even beyond the party system that has gone back and forth for the military – that wasn't there in '99 that has some promise of some stability coming out of this crisis?

MR. SCHNEIDER: I mean, I think that there are two things. One is that I do agree that civil society has clearly been more active. The evidence of the lawyers association protesting, that's fairly new. The courts have begun to be more independent, really only – I would say – the last year and a half or so; the supreme court has acted.

But the way, there's a certain degree of difference between the constitutional authority and powers of the supreme court under the Pakistan constitution than under ours. They can in a sense de novo take issues on their own if they feel that there is a constitutional threat and a threat to the underlying constitutional framework. And so, they can make a decision, for example – this electoral commission issue. They can view it as being in their area of responsibility if somebody challenges the electoral commission's registration process. It doesn't have to come up through the court system.

And they have begun to be more independent. I think that's all positive. It's positive that the judiciary has become more of a check on the executive. It's positive that civil society is attempting to exercise a role within the democracy. The problem is that at this point, emergency rule essentially guts those efforts. Hopefully – remember, the goal here is not to cast out President Musharraf or to denigrate the military. The goal is to reestablish constitutional order and respect for the rule of law and permit the democratic process to operate. That's the goal, because we believe that a democratic Pakistan is going to be better for its own people and, in fact, better in terms of its alliance with the U.S. and the West in terms of dealing with the problem of terrorism.

MR. GRARE: Over here, please.

Q: Albert Keidel, excuse me, Carnegie Endowment. I had sort of a two-part question. The first point is, in this polling, is there an indication of the degree of support for United States and NATO activities both in Iraq and Afghanistan and in the cooperation of the Pakistani government in NATO operations in Afghanistan? And second, what is Musharraf saying and how is he articulating the reasons for this emergency rule in ways that would appeal, almost in the sense of an ideology, to the Pakistani people? Is he at all trying to say why this is necessary in ways that would appeal to large numbers of Pakistanis, or is it just authoritarian fiat?

MR. SCHNEIDER: Let me take the last part first while I'm looking for this. But I would say that the thrust of the public statements from President Musharraf have been in relation to the terrorist threat. And with a subtext of, in a sense, the meddling of the courts. I mean, he has talked about that very frequently. Those are the two issues that dominate the public presentation; and obviously, the threat from the terrorist in Sawat and the attacks on Pakistan military.

You know, one of the things that is interesting though is that when he did issue the emergency decree, one of the first things that happened under the emergency was the release of some 28 Taliban prisoners in exchange for some 213 Pakistani soldiers who had been taken hostage in August. Again, that is not exactly the message that shows the strength of your resolve in dealing with terrorist organizations.

Now, in terms of the U.S., the U.S. is not doing very well in Pakistan; not just recently, but after 9/11 – after the attack on Iraq, more so than after Afghanistan. If you look at the Pew polling, it really went down after the attack on Iraq, as a fellow Muslim country. That was the key difference. And I suspect as well that some – I've not seen the breakdown – but some of the elements, Abu Ghraib, those issues I think had a significant impact.

I don't have – I thought I had the data today. But it's down. It was down in the teens in terms of approval of the U.S. Now, whether it's distinction between the U.S. government, the Bush administration, and the American people, in some of the polling, that continues to be a significant distinction there.

Q: But part of the question, what does that mean for Musharraf as being complicit in American activities? Is that part of his lack of popularity? How does that mean a democratic process would actually strengthen the kinds of activities that we might want to see against terrorists?

MR. SCHNEIDER: I think that right now, where the major sort of anger with Musharraf because of his supposed following the lead of the United States comes from the religious side of the political spectrum, less on the democratic side. You have to assume that the democratic parties, which have both – in this coalition that they had previously and in the last recent statements – have committed to be a strong supporter of the responsibilities against terrorism that they've committed to under U.N. resolutions; not in direct relationship to U.S. demands.

MR. GRARE: We'll come back to the gentleman from USAID, please.

Q: Thanks. I heartily – following up on my earlier question and your answer – I heartily agree with you that the Pakistani people need to have the ability to throw the bums out. My point was that there really aren't any alternative for them to the bums, that the PMLN and the PPP are equally bad in this regard in terms of their level of corruptness and their inability to deliver the kind of services to the Pakistani people, educating them, reducing illiteracy rates, et cetera. So I mean, we have the lawyers and the journalists, who, as you've said, have been more active in recent years; but they're not running for office, at least not yet.

So my question is, do you think the current situation has driven PMLN and PPP, their interests, together more greatly? And perhaps even with the lawyers and the journalists to sort of get together and say, all right, we've got to do this differently now. Maybe this is completely naïve, but I'm wondering, is there any sense of that sort of logic perhaps emerging out of this terrible situation?

MR. SCHNEIDER: The only thing that I can tell you is that they say that. And I wanted to be frank in saying that you have to see. But I'd much rather have a situation in which you're testing their good faith implementation of those commitments after having been elected by the people of Pakistan than not. It seems to me that's a much better choice for the United States to be taking at this point, and particularly if that then results in a government that has the support of 80 percent of the population.

It just seems to me that then that government is much more capable of making some difficult decisions with respect to allocation of resources, with respect to going after – explaining why there is a difference between being supportive of Islamic traditions and not allowing the Taliban to send suicide bombers into Afghanistan. I'd much rather have a democratically elected government going out and explaining that.

MR. GRARE: If I may just intervene at that stage, it seems to me that the question is not exactly phrased in the right question – when it's not the democratic process versus the army, I mean, when we see a democratic state with an army performing its duty – and that's where the question is – now, we have an additional problem with the Pakistani army as well, because they are still playing with a lot of the fractures of the Pakistani society. That includes playing around with sectarian violence still. They have reduced it, reduced it to a much more manageable level. But it is still there and still playing with it.

That includes reducing – absolutely no action against a number of jihadi groups. They include a number of actions not taken at the very beginning. We mentioned Sawat. In Sawat, there are something like 17 FM radios. Who has moved against it? So we are now in a situation, which is a complete mess, which results in a confrontation when that could have been avoided months ago. And this is not a new phenomenon and so on and so forth.

So to go through democratic process would simply be to put the Pakistani state back on its feet and not – (inaudible). That's as simple as that. But it's not a mutually exclusive process anyway.

Q: I'm Jim Fanukin (ph), Jim Fanukin from the Department of Energy. Just wondering whether, if the U.S. government took the position that you're advocating – that is, made it clear to the Pakistani government, Musharraf, that the relationship will change, do you perceive that as sufficient to cause the Pakistani government to react? And is there any possibility that Ambassador Negroponte has already delivered this personally?

MR. SCHNEIDER: Funny you should ask. This is a chart that shows the level of U.S. foreign assistance to the government of Pakistan since 2001. And I just would call your attention in FY'2006 to what's defined here as coalition support funds of \$845 million. Now, in 2007, that amount stayed slightly higher. In 2008, the administration requested \$1.7 billion solely for that, which is sort of the support for let's say the counterterrorist effort seen globally, support for the coalition, if you will.

If you look under military financing, it stayed around \$300 million and continues in FY'08 at \$300 million. And you can see overall that the economic development funds overall over these past six years total somewhere around 10-15 percent of the total. I think that if the U.S. government were to carry its message to the government of Pakistan that we are determined to let you know that we cannot maintain the same relationship with you if you don't restore constitutional order, something would have to happen on that chart.

Until there is action threatened and taken when the bluff is called, it seems to me that it's unlikely that the simple rhetorical suggestion that the U.S. relationship will change will be credible. And if it's not credible, then it's unlikely that the military as an institution in Pakistan will press President Musharraf to move in the direction of restoring the constitution.

MR. GRARE: Back row again. We'll come back to you, madam, don't worry.

Q: (Inaudible) – Datta again. In support of my arguments put forward earlier, please consider that these old politicians like Benazir Bhutto had been responsible for their acts of commission and omission. Taliban was raised by Bhutto, and not only raised but nourished, with the ulterior motive to have some kind of a say in the internal affairs of Afghanistan. But the various assurances made by her to the Taliban, they have been responsible to avenge that assurances, which had been given to her but not carried out; and they are following up now, just in the reception given to her within five hours of her arrival. And under these circumstances, how can you really carry this baggage for this regime to increase the stability, instability in Pakistan?

This argument you have not taken into consideration, because these are the people – old politicians are carrying a lot of baggage. And a lot of promises made and not carried out. And these are the people to be inducted and to be supported by the United States, into the election fray of Pakistan. How does it spell as further stability of Pakistan if the United States supports this?

MR. SCHNEIDER: I guess three things. First, there are a lot of people who have responsibility for the Taliban and for the mujahideen, and who were organized at a time when the Soviet Union was occupying Afghanistan. And I wouldn't blame it all on Benazir Bhutto.

Second, there is a situation, which has significantly changed after 9/11. Both with respect to Afghanistan and with respect to the international – the acceptance by the international community in resolutions adopted by the United Nations against those kinds of terrorist organizations and activities. And at least from what I've read and heard – and I did have the chance to talk to her party leaders as well when I was in Islamabad, including people who flew from Lahore up to Islamabad. So they have been in close touch with her, and with secretary general of Nawaz Sharif's party as well.

And as I said, I did go through some of this with them, and particularly on the question of Taliban, particularly on the question of commitment to move against terrorist organizations. And they both indicated – and they showed me provisions in what previously was the national democratic alliance, which specifies that. Now, if you're saying, do you trust them? It's the same question. Let's allow the people of Pakistan to decide whether they trust them. We're not saying they should elect this one or that one. We're saying allow the constitutional political process, democratic process, to be in place and let the people of Pakistan decide.

And it seems to me, that still is the right answer. And again, as I say, in terms of the Taliban, this government has not acted against the Taliban leadership. And we're not just saying it, the U.S. military has said it. And Secretary Negroponte said it when he testified before the Congress. So yeah, I think that they might do a better job, because there's also a political issue here. President Musharraf obtains a parliamentary plurality through an alliance with religious parties – coalition of religious parties, some of whom have links to the Taliban; almost all of whom oppose actions against the Taliban.

Benazir Bhutto and Nawaz Sharif and their parties have no interest in the religious parties having greater power. There is no political interest on their part to see the religious parties and their allies gaining strength. There is a political interest on the part of Musharraf. As we've seen in the polling, he has no support, so he relies on that limited sort of sliver of the political matrix in Pakistan made up of religious parties and their allies. That's why.

MR. GRARE: Thanks for the anecdote. Just in case the Taliban operation in '94 was run by – (inaudible) – minister of interior of Benazir Bhutto and the next – (inaudible) – but it also was jointly run by the DGMO (sp) who was at the time was Pervez Musharraf, so internal baggage, we can just reconsider ourselves. Madam, please, in the back.

Q: Hi, Alana Shore with the Guardian. My question is about the Democratic presidential candidates' approach to this crisis in Pakistan. Given that it's fairly likely at this point that a Democrat may be in office soon, the fact that you see two candidates – Senators Clinton and Dodd – not advocating any limits on aid, and pretty much everyone else advocating varying degrees of it, does that suggest to you a healthy debate within the party over how to you respond to this crisis of emergency rule and what does it mean to you?

MR. SCHNEIDER: Well, without going into the political campaign, I'd rather look at what they've done – all of them – in supporting legislation that conditions the authorization of military assistance in the Department of Defense authorization bill that specifically places performance conditionality on future aid with respect to Taliban, with respect to al Qaeda, and establishes a policy statement in support of democratic government. And this was before the emergency rule, and they all stated.

And I don't agree with you; at least, I've seen both statements and they included review of military aid at the time, which is right after the imposition of the emergency rule. And I know that I've seen – and I don't know who all is a cosponsor, but at least Senator Biden and Mr. Obama and their resolution that Kerry was the prime sponsor, it does speak again of reviewing military assistance. In addition, they all voted for the conditionality on the 300 million (dollars) in the foreign operations legislation.

My suspicion is, if there's not an end to emergency rule and restoration of the constitution, it's not going to be possible – Democrats, Republicans – you're not going to be able to maintain, nor should you, the same military relationship with Pakistan. It's simply, I believe, not likely. How much, how long – other issues, but there are going to be restrictions.

MR. GRARE: We have time for two last questions. Sir, and then the gentleman in the back, please.

Q: Thank you very much. Don Wallace, Georgetown Law School. Mr. Schneider, a question. You were not with Deputy Secretary Negroponte, but what do you think he said to the general, in terms of restoring democracy? What did he say about his ability to survive the restoration of democracy? He is in power. And while everything you said is true, how do we get from here to there? What do you think Negroponte said to him?

MR. SCHNEIDER: Pure speculation. Now, I have had the opportunity to meet with the deputy secretary in recent weeks. I have had the opportunity to meet with U.S. ambassador in Pakistan and with other government officials here. And I can tell you this that Ambassador Patterson has been fairly outspoken in opposition to the emergency rule. She has identified herself with some of the lawyers and some of civil society. She has gotten to see some of the detainees. She just went to see some of the media, the television stations, which were restricted, actually suspended. So she sent a message, which is a different message from the past, which essentially says that we're concerned about what's going on. When the political party leaders were arrested a month or so ago, she actually made a public statement immediately in opposition to their intentions.

The issue is, as you say, what did Deputy Secretary Negroponte say beyond we're concerned? Did he say that some of this aid is going to be questioned? Remember, the U.S. already has said that they're reviewing it, reviewing the aspects of non-counterterrorism assistance. And I think it's fair to say that he at least conveyed the growing sentiment – at the very least – the growing sentiment in the Congress that if they don't reverse their actions in terms of emergency rule, that there's likely to be congressional action to restrict military aid.

And I would hope that he added – and it’s going to be impossible for this government – this administration – to act as if there’s no change in our relationship either.

Beyond that, I can’t tell you. Did he say to the military that he met with that you’re risking the institutional future of the armed forces of Pakistan if you allow to stand essentially the undermining of the democratic constitution, the undermining of constitutional order here, the rule of law here? I can’t tell you. Did he say to President Musharraf that you have to move in a different direction; you have to establish a constitutional order and permit the judiciary to be independent and to permit fair and free elections in which all parties are able to participate? I don’t know.

Maybe he told President Musharraf to go to Saudi Arabia where he is today to meet with Nawaz Sharif. I would hope that the U.S. doesn’t pick – by the way – the United States should not be picking its desired winners. The U.S. should be in support of the institutional process and the restoration of constitutional rule and permit the political process to operate. And the people of Pakistan should be picking whether it’s PPP or the PML-N, either; not the United States.

MR. GRARE: We have a last question in the back, please, sir?

Q: My name is Mohammed Said. I’m a freelance journalist. My question: Assuming General Musharraf steps down, what is the guarantee that the military will not interfere again in Pakistan politics?

MR. SCHNEIDER: My assumption would be that if he steps down, it would be because the military recognized it was more in their interest to see restoration of constitutional government and that they were willing to allow the political process and political parties to move forward. And in that event, my assumption is that there would be a modern secular prime minister chosen after elections in January. If that government then acted arbitrarily, if that government then acted completely corruptly, if that government acted in a way that did not sustain support for actions against the terrorist threat, I suspect the military would be very upset. But the point is, if they were to tell him to step down now because he refused to permit a restoration of constitutional order, my assumption is that they would have made a judgment that it was in their interest as an institution, Pakistan’s interest as a country, and as an ally of the United States for that to happen.

MR. GRARE: With that answer, the session will now come to a close. I’d like to thank you all for coming here today, so close to the Thanksgiving holiday. I’d like to thank ICG for co-hosting this; I’d even like to thank Mark for intervention. And our next meeting will be on December 5th on a totally different topic, but quite interesting as well, which will be India energy. Thank you very much and have a good day.

(Applause.)

(END)