

# Chapter 1

## Political Background

Pakistan came into being on 14 August 1947 under the leadership of Mohammad Ali Jinnah, with a Constituent Assembly elected indirectly by the provincial legislatures, the status of a Dominion and membership of the Commonwealth. It became a republic in 1956, when a new constitution came into force. Until late 1971 Pakistan consisted of two geographical units 1,600km apart, West and East Pakistan, separated by India. East Pakistan was later to secede, in 1971, to become Bangladesh. Today, Pakistan comprises the Federally Administered Tribal Areas, the Islamabad Capital Territory and four provinces: Punjab, Sindh, North-West Frontier and Balochistan.

### Political Developments 1958-88

On 7 October 1958, the 1956 Constitution was abrogated and Pakistan came under martial law. The Commander-in-Chief, General (later Field Marshal) Ayub Khan, became the leader and subsequently assumed the Presidency. A 1962 Constitution provided for a presidential system of government with a largely indirect system of elections. In March 1969, following serious disturbances beginning in late 1968, Ayub Khan was forced to hand over power to General Yahya Khan, who abrogated the 1962 Constitution and declared martial law.

The first 'one person, one vote' general election was held in December 1970. The Awami League (AL) in East Pakistan, led by Sheikh Mujibur Rahman, and the Pakistan People's Party (PPP) in West Pakistan, led by Zulfikar Ali Bhutto, won large majorities in East and West Pakistan respectively, with the AL gaining a majority in the country as a whole. However, the AL's claim to form a government was not accepted by Yahya Khan and in the midst of heightening tension and acrimony Sheikh Mujib insisted on complete autonomy for East Pakistan.

The AL declared a political strike and Yahya Khan tried to impose central rule in East Pakistan by force, reimposing martial law. Civil war broke out in March 1971 and continued until December 1971 when, following the armed intervention of India, the Pakistan Army surrendered and East Pakistan, which had earlier announced its unilateral secession, became independent as Bangladesh. Pakistan withdrew from the Commonwealth in January 1972 following recognition of Bangladesh by some member governments.

In December 1971 Yahya Khan was replaced as President by Mr Bhutto, who became Prime Minister in 1973 under a new constitution, approved by Parliament, which restored a Westminster-style system and gave wider powers to the Prime Minister. Following the March 1977 general election, won by Mr Bhutto's PPP amid allegations of vote-rigging, the armed forces assumed power again on 5 July 1977 under General Zia-ul-Haq and imposed martial law throughout the country. After a controversial trial Mr Bhutto was convicted of conspiring to murder a political opponent and was eventually hanged on 4 April 1979 despite international appeals for clemency.

The military government scheduled a new general election for October 1977, but this was postponed. General Zia, until then known as the Chief Martial Law Administrator, declared himself President on 16 September 1978. In December 1984 a referendum was held which approved a number of Islamisation measures that had already been implemented. This result was deemed by General Zia to have confirmed him in the Presidency until 1990 without further elections, although this was clearly not an issue before the electorate.

In February 1985, elections were held on a non-party basis for a National Assembly and the four Provincial Assemblies. The largest two groupings in the new National Assembly were formed by a faction of the Pakistan Muslim League (Pagara Group) and former members of the PPP. In late March, General Zia appointed Muhammad Khan Junejo, a member of the PML (Pagara Group), as Prime Minister and an almost entirely civilian cabinet was formed. Martial law was lifted on 30 December 1985.

### Democracy Restored

On 29 May 1988, General Zia dissolved the National Assembly and the Cabinet and announced fresh elections. A caretaker cabinet was announced on 9 June 1988. On 17 August 1988, General Zia was killed in a plane crash. The elections were held as scheduled in November and the PPP emerged as the single largest party in Parliament. Mr Bhutto's daughter, Benazir Bhutto, who had returned from exile in April 1986 to take over the leadership of the PPP, became Prime Minister on 2 December 1988. The legislature then elected Ghulam Ishaq Khan as President. Pakistan rejoined the Commonwealth in October 1989.

Ms Bhutto's premiership lasted until August 1990 when she was dismissed by the President on grounds of incompetence and corruption. The National Assembly was dissolved and new elections were held on 24 October 1990 which were won by the Islamic Democratic Alliance, led by Nawaz Sharif. Ms Bhutto's PPP challenged the credibility of the results, accusing the President and the armed forces of rigging the vote.

Mr Sharif's stay in power was itself short-lived. In April 1993 his government was dismissed and the National Assembly dissolved by the President, following moves by Mr Sharif to repeal the Eighth Amendment to the Constitution (which gave the President sweeping discretionary powers, including the right to dismiss the Government and to dissolve the National Assembly). The President's grounds for dismissing the Government included maladministration, corruption and nepotism, and of having unleashed a reign of terror against its political opponents.

Mr Sharif's subsequent appeal against his dismissal was upheld by the Supreme Court which, in a landmark verdict, ruled by a majority of ten to one that the President had exceeded his powers when he sacked Mr Sharif's government and dissolved the National Assembly. However, the power struggle between the President and the Prime Minister continued until both resigned in July 1993. A neutral Caretaker Government was established under the Prime Ministership of Moeen Qureshi, a former Executive Vice-President of the World Bank. National Assembly elections were called for 6 October 1993, and Provincial Assembly polls for 9 October 1993.

### Recent Political Developments: 1993-96

The October 1993 general election was observed by a Commonwealth Observer Group, which concluded that 'the voters of Pakistan were able to express their will freely, fairly and openly'. The PPP won the largest number of seats, Ms Bhutto was able to form a coalition government and the following month the PPP's deputy leader, Farooq Leghari, was elected to the Presidency.

However, her Government was also to be dismissed by the President, again after having completed only three years of its term.

In March 1996 the Supreme Court had issued a robust assertion of judicial independence, following criticism by human rights groups and others that the Government was 'packing' the benches with its supporters. Its ruling curtailed the Government's power to appoint and transfer judges and stated that the Government could appoint judges solely on the basis of seniority and that its nominees would require the endorsement of the Chief Justice of the relevant court. A subsequent Government petition against the ruling failed.

Tensions between the President and the Prime Minister intensified as Ms Bhutto's period in office went on and came to a head following the murder of Ms Bhutto's estranged brother, Murtaza, in Karachi in September 1996. In the month following the murder President Leghari wrote to the Prime Minister on at least three occasions criticising the Government's performance. He also intensified his efforts to ensure that he could appoint judges to superior courts without consulting the Prime Minister.

The opposition Pakistan Muslim League (Nawaz), known as PML(N), continued to urge the President to dismiss the Bhutto Government, appoint a three-month interim administration and call fresh elections, while the Islamic party Jamaat-e-Islami (JI) launched a street campaign which culminated in serious clashes with riot police in the capital, Islamabad.

President Leghari dismissed Ms Bhutto's Government and dissolved the National Assembly

on 5 November 1996, appointing Malik Meraj Khalid as Caretaker Prime Minister. The President's dissolution order cited nine grounds:

- police extra-judicial killings in Karachi and elsewhere;
- the alleged involvement of Ministers, the Director of the Intelligence Bureau and others in a conspiracy which led to Murtaza Bhutto's murder;
- the Government's delays in complying with the directions of the Supreme Court concerning the appointment and removal of judges;
- Government action 'to set at naught ... all efforts made, including the initiative taken by the President, to combat corruption and to commence the accountability process';
- the Government's failure fully to separate the judiciary from the Executive;
- 'illegal phone-tapping and eavesdropping techniques', including surveillance on judges, leaders of political parties and high ranking military and civilian officials;
- 'corruption, nepotism and violation of rules in the administration of the affairs of the Government' which had 'become so extensive and widespread that the orderly functioning of Government in accordance with the provisions of the Constitution and the law has become impossible and in some cases, national security has been endangered';
- the violation of Cabinet collective responsibility (by the induction of a Minister against whom criminal cases were pending);
- the failure of the Government to comply with a presidential requirement that the sale of shares in energy concerns should be reconsidered by the Cabinet.

National Assembly elections were called for 3 February 1997 (within the 90-day period stipulated by the Constitution).

## Issues

Four issues dominated the weeks following the calling of the general election. First, there was predictable controversy over the President's decision to dissolve the National Assembly and dismiss the Government. Ms Bhutto claimed that a conspiracy had been orchestrated to overthrow her. Challenges were made in the Supreme Court to the validity of the Constitutional article under which the dissolution had been ordered. A second set of petitions, including one by Ms Bhutto herself, contested the grounds advanced by the President.

It was further alleged that the decision to dismiss the Government was linked with efforts to ensure electoral success for what came to be known as a 'King's Party'. In its most developed form this allegation amounted to the charge that President Leghari had made an arrangement with the leader of the PML(N), Nawaz Sharif. Under this, it was alleged, Mr Sharif would become the next Prime Minister and not be held accountable for massive bank loans that could have barred him from participating in the elections. For his part, it was alleged, Mr Sharif had offered the President a second term and certain candidates would stand down to enable several of the President's supporters to be elected.

Second, there was the issue of the timing of the general election. The Caretaker Cabinet was itself reported to be deeply divided on the issue of whether the general election should take place as planned on 3 February. Some members of the Caretaker Government apparently believed that the polls should be postponed to allow time for allegedly corrupt politicians to be brought to justice (a process referred to as 'accountability'). Others outside the Government were of the same view, with Jamaat-e-Islami eventually taking its argument that there should be 'accountability before elections' to the point where it decided not to participate in the general election (although it reserved its right to do so if an election was held at a later date).

It was also argued that a census should be held before the general election, since it is on the basis of the census that constituencies are delimited. The last census had been held in 1981 and it was argued that before elections went ahead there needed to be a revision of constituency boundaries and therefore a census. To go ahead without a census, it was argued, would produce a parliament which would not accurately reflect the actual distribution of the population.

Furthermore, there were also objections that the general election should not be held during the Muslim holy month of Ramzan.

The President made clear that in his view the accountability process had to be conducted in line with due legal process and natural justice. He acknowledged that this would make it impossible to complete before the elections. The need for a new census was widely recognised. However, he was bound by the Constitution to hold the general election within 90 days of the dissolution of the National Assembly. Election preparations went ahead without any postponement.

Third, there was the related issue of how the Caretaker Government should pursue the matter of 'accountability'. It was increasingly alleged that the 'caretakers' were pursuing the allegedly corrupt with insufficient vigour. On 18 December 1996 the highly respected Law Minister, Fakhruddin Ebrahim, resigned from the Caretaker Government in protest at what he claimed was presidential interference regarding measures to bring corrupt politicians, officials and others to court.

On this point the President made clear that while the accountability process could not be completed before 3 February a start would be made. A Chief Accountability Commissioner was appointed to review evidence against individuals and to send such cases to judicial tribunals where justified, and laws against corruption had been tightened and extended. He was confident that no future government would be able to roll back these changes and the continuing process of accountability would in time have the required effect.

Fourth, there was criticism of the Caretaker Government for stepping beyond its mandate. The Caretaker Government introduced a number of new policies, taxes, laws and other arrangements – it was taking major policy decisions as late as the day before the general election on matters such as official appointments, banking rules and electronic media regulations.

But the matter which aroused greatest controversy was the President's amendment to the government's Rules of Business 1973 to constitute, on 6 January 1997, a Council for Defence and National Security (CDNS) with a broad mandate, encompassing the economy as well as defence. It was announced that the President could also refer any issue to the Council without consulting the Prime Minister.

The establishment of the CDNS aroused considerable domestic and international attention since the military has had both a controversial and major role in Pakistan's politics since the formation of the state. The country has been under military rule for almost half of the period since it was established and at other times the shadow of the military has loomed large in the background. Even today it is believed that the armed forces exercise considerable influence on national affairs, although the current phase of civilian rule has now lasted more than eight years.

Critics charged that this ten-member council – chaired by the President and comprising the Chairman of the Joint Chiefs of Staff, the army, navy and air force commanders, the Prime Minister and four other Ministers – gave the military a formal role in Pakistan's political structure for the first time since the lifting of martial law in 1985. There was also criticism that the far-reaching policy decision to establish the Council should have been taken by the President, during the tenure of an interim administration and without any parliamentary debate or legislation and that it represented a dramatic shift of power from the Prime Minister to the President.

Reaction from a number of political parties was hostile. Ms Bhutto described the decision to establish the Council as "totally unconstitutional". On the other hand, the Secretary-General of the PML(N) was quoted as saying that while there might be concern that the establishment of the CDNS would undermine the political system, "if the next government works within the rules of the game then these concerns could be allayed and the body could become one of the normal state functioning bodies."

Support for the decision to establish the CDNS was expressed in some business circles. Some felt that it merely formalised existing military involvement in Pakistan's politics and was no more than a reflection of reality. Others believed that the establishment of the CDNS would ensure improved conduct on the part of future governments and that it was therefore to be welcomed. The *Business Recorder* newspaper, for instance, predicted on 16 January 1997 that the

'CDNS will have an influence on decision-making and hopefully the leaders in future will behave in a responsible manner.'

However, 13 human rights organisations announced that they would mobilise public opinion against the new body. Speaking on their behalf Ms Asma Jahangir, Chairperson of the Human Rights Commission of Pakistan, said on 10 January that, "we consider the Council a conspiracy against the people's struggle for democracy in the country. We are convinced that the move to form it does not augur well for democracy or good government in the country."

*The Nation* newspaper asked, 'does this all mean that the parliament does not really matter?' For his part, the President stated on television that the CDNS had been established to promote stability and to give "superior advice".

### **Political Parties**

Some 54 political parties would contest the 3 February general election. However, two parties dominate the politics of Pakistan and it was clear from the outset that, barring some unforeseen development, they would again be the major contestants on election day. These parties were the Pakistan People's Party headed by Benazir Bhutto and the Pakistan Muslim League (N) led by Nawaz Sharif, each of which secured around 40 per cent of the popular vote in the 1993 elections for the National Assembly.

***Pakistan People's Party (PPP)*** – established in 1967 by Zulfikar Ali Bhutto, formed governments following the 1970, 1988 and 1993 elections, one of which was replaced by the military and two of which were dismissed by the President. The PPP has nationwide support but its primary base is in rural Sindh. Once considered socialist it now embraces free market policies. The party has been damaged by allegations of corruption and economic mismanagement. The 1997 election manifesto included a pledge to repeal the Eighth Amendment of the Constitution, under which the President can dismiss the elected government. The PPP's main support comes from rural landowners and agricultural workers and urban working class voters.

***Pakistan Muslim League (Nawaz) (PML(N))*** – emerged in 1993 as the dominant faction after splits in the original PML (established 1906), which advocated a better deal for Muslims and later promoted the idea of a separate state. Main party in the IDA (Islamic Democratic Alliance) coalition which won the 1990 elections, with PML(N) leader Nawaz Sharif becoming Prime Minister (dismissed three years later by the President on grounds of 'maladministration, nepotism and corruption', then restored by the Supreme Court). PML(N) became the principal opposition party following the 1993 National Assembly elections. Fundamentally pragmatic, the party has national support but is especially strong in Punjab. Main support comes from the urban middle and working classes.

However, note should also be taken of a number of other parties (in alphabetical order):

***Awami National Party (ANP)*** – formed in July 1986, the ANP is an ethnic Pathan party based in the North-West Frontier Province and is led by Khan Abdul Wali Khan. It won six seats in the 1990 elections and three in 1993 when it stood in alliance with PML(N). The ANP campaigns for maximum provincial autonomy.

***Jamaat-e-Islami*** – Islamic religious party which despite its good organisation, core of dedicated activists and ability to mobilise popular support on the streets has never achieved major electoral success: it won eight seats as part of the IDA in 1990, while in 1993 the Pakistan Islamic Front alliance of which it was a major element secured only three. Some of its supporters fought alongside various *mujahideen* groups in neighbouring Afghanistan in the 1980s.

***Muttahida Qaumi Movement (A) (MQM(A))*** – supported by the Urdu-speaking community of Muslims who migrated to Pakistan from India in 1947, the Mohajirs. The MQM(A) is strong in the urban centres of Sindh, where it won 15 National Assembly seats in the 1990 elections,

making it the third biggest party. It argues that the Mohajir people suffer intense discrimination, accuses the Government of harassment and intimidation and charges that the state is behind armed attacks on it by the breakaway MQM(H), which was also standing candidates in the 1997 general election. In turn, the Government says that MQM(A) figures have themselves been involved in terrorist activities. In 1993 the MQM(A) boycotted the National Assembly elections complaining that it was not being permitted to campaign freely.

*Pakistan Muslim League (Junejo) (PML(J))* – led by Hamid Nasir Chatta, it was formed after the death of former Prime Minister Muhammad Khan Junejo in March 1993. It was the third biggest party following the 1993 National Assembly elections, in which it formed an alliance with the PPP known as the Pakistan Democratic Front, although with only six seats it came a long way behind the PPP and the PML(N). PML(J) recently split into two factions, the breakaway being named after its leader, Brigadier Asghar.

*Pakistan People's Party (Shaheed Bhutto)* – founded by the late Murtaza Bhutto, now headed by his widow Ghinwa, who pledges to continue the mission of her late husband and his father, Zulfikar Ali Bhutto, and is targeting Benazir Bhutto. Essentially the product of a family feud PPP(SB) has some support in Sindh, the PPP's powerbase.

*Tehrik-e-Insaf (Movement for Justice)* – led by Imran Khan (a national sporting hero who captained Pakistan's 1992 World Cup winning cricket team), formed mid-1997 and electorally untested: core appeal is for a clean-up in national life.