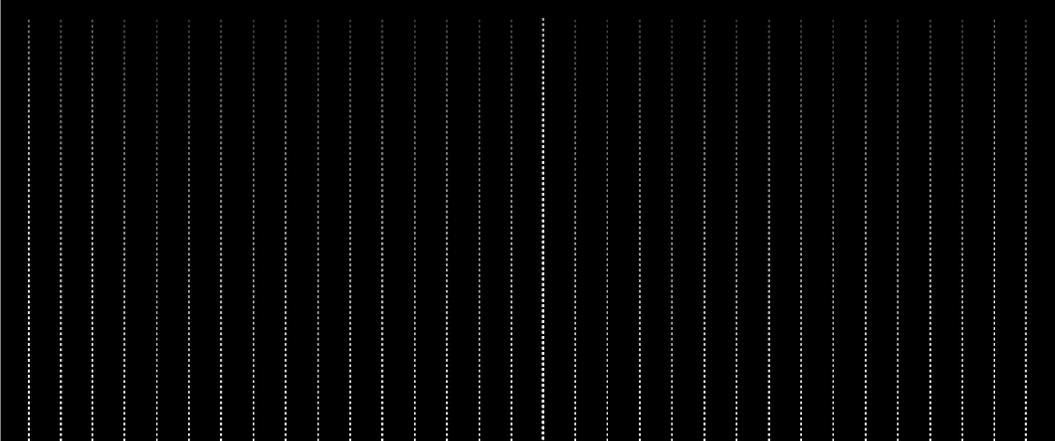


MONITOR

Civil-Military Relations in Pakistan

December 2013-February 2014



PILdAT
Pakistan Institute of
Legislative Development
And Transparency

National Security Policy

After nearly 9 months of the formation of Prime Minister Nawaz Sharif's Government, the long-overdue National Security Policy of Pakistan has been presented in the National Assembly of Pakistan on February 26, 2014. Despite the delay, it is not only commendable that we have a policy unveiled, but also that the Government, after the nod of the Federal Cabinet, has presented its key features to the National Assembly.

The major announcement of the policy is to convert National Counter-Terrorism Authority (NACTA) into the coordinating body and to establish a Joint Intelligent Directorate under the NACTA as a coordinating body between '26 Intelligence agencies'. The policy puts too much responsibility with NACTA when it places NACTA as responsible for developing a national narrative on national security - a job which is that of the political leadership which should develop a national narrative though consensus.

Another key feature of the policy - the idea of a new rapid-response force in Islamabad and the provinces - may not be ideal either. The Government, instead of re-inventing the wheel, should strengthen existing institutions for ensuring security. The key focus of the Government should instead be on the capacity building of the civilian security organizations such as Police. Lack of merit and heavy political influence in recruitment, posting, transfer and promotion of police officers and policemen is the main reason for the current decay in the law enforcement agencies and their inability to ensure internal security. We are not sure if there is a plan to address this key flaw in our existing policing system in the national security policy. Unless we develop a robust mechanism to rid the recruitment, posting, transfer and promotion of personal of civilian security agencies of political influences and ensure a fair degree of independence of these agencies, creating new forces is not going to improve the national security in any meaningful way.

A country's national security blue print is generally considered to enjoy bi-partisan consensus, a requirement that, for reasons known only to the Government and its

opposition parties, has not apparently been met. The Interior Minister made it a point to highlight that even though the Government had consulted with all political forces and provinces on the draft of the policy, none of the provinces and only one political party contributed to it.¹ The opposition, on the other hand, blamed the Government for not consulting it on the policy.

The major challenge for the Government would be the proper implementation of the policy and to ensure an effective coordination of all the intelligence agencies especially under the NACTA.

The National Security Policy seems to be silent on what kind of linkage or working relationship will exist between the Ministry of Interior and the office of the National Security Advisor to the Prime Minister while developing and implementing the national security policy. Apparently the office of the National Security Advisor has been marginalised as far as the evolution and ownership of the National Security Policy is concerned.

A major part of internal security relates to the provinces as they have the primary responsibility for law and order. It is not clear whether a close consultation with the Provincial Governments was ensured while finalising the policy. It is also not clear what responsibilities will the provinces be made to share and what will be the decision-making mechanism for such matters.

First Meeting of the Cabinet Committee on National Security

After nearly 4 months of its formation, the Cabinet Committee on National Security held its first meeting on December 17, 2013.² While the new structure of CCNS is an improvement in some respects as former Ambassador to Afghanistan Mr. Muhammad Sadiq Khan was promoted to Grade 22 and made Secretary of the CCNS,³ but the Committee can only be effective if it holds regular meetings on security challenges facing the country (at least once a month). However, since its re-organisation, this was the first meeting of CCNS.

1. Nisar unveils national security policy in NA, Dawn, February 26, 2014, <http://www.dawn.com/news/1089598/nisar-unveils-national-security-policy-in-na>
2. Govt, armed forces agree on strategy for national security, The News, December 18, 2013, <http://www.thenews.com.pk/Todays-News-13-27363-Govt-armed-forces-agree-on-strategy-for-national-security>
3. PM promotes 23 officers to Grade 22, The News, December 20, 2013, <http://www.thenews.com.pk/Todays-News-13-27416-PM-promotes-23-officers-to-Grade-22>

In keeping with the national security challenges facing Pakistan, it will be appropriate that the rules of business of the CCNS clearly stipulate the periodicity of its meetings. The British National Security Council meets every week under the Chairmanship of the British Prime Minister.

In the first meeting, the discussions were focused on three key issues — formulation of a national security strategy to safeguard Pakistan's national interests, a strategy on internal security and relations with Afghanistan. It was also revealed that progress has been made in the formulation of new national security policy but it will be finalized in next meeting.⁴ After the unveiling of the new policy, however, it is unclear what is envisioned as the role of the CCNS in overseeing the implementation of the policy.

Chair of National Assembly Standing Committee on Defence Elected

Sheikh Rohale Asghar, MNA, (NA-124, Lahore-VII, Punjab, PML-N) was elected as Chairman of the National Assembly Standing Committee on Defence on December 10, 2013, after more than six months of the election of the Leader of the House on June 01, 2013. In the newly-elected 14th National Assembly of Pakistan, the Assembly rules were violated when the Standing Committees were formed after an inordinate delay when the formation of Standing Committees is mandatory as per rules within thirty days of the election of the Leader of the House.⁵ The National Assembly Standing Committee on Defence was constituted on August 22, 2013.⁶ It was nearly 3 months after the formation of the 14th National Assembly –but the Committee did not become functional until its chair was elected – another three and half months later on December 10, 2013⁷ - making it a total delay

of nearly 6 months after the election of the Leader of the House.

Much like other Standing Committees, the most critical task before the National Assembly Standing Committee on Defence in the near future is to effectively utilise and operationalise the critical power granted to the Committees through the change in rules⁸ to effectively oversee and scrutinise the Defence Ministry's budget.

Through this key reform passed by the outgoing National Assembly, Standing Committees have now been empowered to scrutinize and suggest amendments, and recommend their Ministry's Public Sector Development Program (PSDP) for the next financial year before the same is sent to the Ministry of Finance for inclusion in the Federal Budget for the next financial year. This change in rules now means that every Federal Ministry is supposed to submit its budgetary proposals relating to Public Sector Development Program (PSDP) for the next financial year not later than the **31st January** each year while the Standing Committees are required to make recommendations latest by 1st March on the budget back to the Ministry.

Premier at the NDU

In the presence of country's top Military leadership, Prime Minister Muhammad Nawaz Sharif delivered an important speech at the National Defence University on February 04, 2014 in the context of current challenges and Civil Military Relations in Pakistan.⁹ He emphasised that “only a constitutional order and rule of law can provide for institutional balance” and “democracy is a defining feature of today's Pakistan.”

4. Govt. armed forces agree on strategy for national security, The News, December 18, 2013, <http://www.thenews.com.pk/Todays-News-13-27363-Govt-armed-forces-agree-on-strategy-for-national-security>
5. Rule 200, Rules of Procedure and Conduct of Business in the National Assembly of Pakistan
6. NA elect 33 standing Committees, Business Recorder, August 22, 2013, <http://www.brecorder.com/general-news/172/1225156/>
7. Rohale Asghar elected chairman of committee on defence, APP, December 10, 2013, http://www.app.com.pk/en/_index.php?option=com_content&task=view&id=254071&Itemid=2
8. On an amendment moved by a private member of the then-opposition belonging to the PML-N, Ms. Anusha Rehman Khan, MNA, the 13th National Assembly passed the following amendment in its rules on January 29, 2013:
“Amendment in rule 201:- *That in the Rules of Procedure and Conduct of Business in the National Assembly, 2007, in rule 201, after sub-rule (5), the following new sub-rule (6), shall be added, namely:-*
“(6) Each Standing Committee shall scrutinize and suggest amendments, if necessary, and recommend Ministry's Public Sector Development Program (PSDP) for the next financial year before the same is sent to the Ministry of Finance for inclusion in the Federal Budget for the next financial year. Each Ministry shall submit its budgetary proposals relating to Public Sector Development Program (PSDP) for the next financial year to the relevant Standing Committee not later than the 31st January of preceding financial year and the Standing Committee shall make recommendations thereon not later than the 1st March of the preceding financial year: Provided that where such recommendations are not made by the 1st March, the same shall be deemed to have been endorsed by the Standing Committee.”
9. Prime Minister Speech at NDU (04.02.2014), <http://www.pid.gov.pk/Importants%20speech%20and%20messages%20%20from%20June%202007,%202013.htm>

The Prime Minister pointed out that “political instability and unconstitutional rule divides the nation and reduces their collective strength.”

The greatest challenge facing Pakistan, according to the Prime Minister, is of law and order and internal security. Terming this as a complex issue, he acknowledged that it could not be resolved by any one party or one institution and required a unified response. If the political and military leadership remain on one page and take unanimous decisions, only then law and order and internal security situation can be improved. Prime Minister also reminded that “while shaping our future, we will have to keep in mind the mistakes of our past.”

The Civilian leadership also has to learn lesson from the past and have to ensure good governance and uphold the rule of law. Democracy in Pakistan can only be strengthened through good governance and economic stability.

PM-COAS Meetings

From December 2013 to February 2014, Chief of Army Staff General Raheel Sharif met with the Prime Minister 6 times other than the CCNS meeting. According to media reports, only once Minister of Defence, Khawaja Muhammad Asif, MNA, was present in the meeting. In two of these meetings, Federal Minister of Interior, Chaudhry Nisar Ali Khan, MNA, was present. Three meetings were held on one-to-one basis. The National Security Advisor was not present in any of the meetings.

Treason Case against Gen. (Retd) Musharraf

There can be no two opinions that the due process of law should take its course, without any fear or favour, in the treason trial against Gen. (Retd.) Pervez Musharraf. Given Pakistan's turbulent political and democratic history and multiple violations of the rule of law, the State and Society of Pakistan, in order to move forward, require a closure of the so-called emergency and de-facto Martial Law imposed by General Musharraf on November 3, 2007.

It is unfortunate that Gen. (Retd.) Musharraf tried to involve the institution of the Army in the case and said in an interview that he had the backing of Army.¹⁰ It is also unfortunate that a reputable institution such as the Armed Forces Institute of Cardiology (AFIC) was allowed to be used as what appeared to be delaying tactics by Musharraf.

The sooner all concerned State institutions understand that national interest and the Military's interest would be best served by allowing due process of law to take its course, the better it will be for the country.

It is important that this case, like any other, should be handled with complete fairness and without any hint of ridicule to any State institution. Rule of Law is the most important principle to uphold in a civilized society and the prime objective of the case should be to establish the principle of supremacy of the rule of law in Pakistan.

10. Defiant Musharraf says Army's backing him, Dawn, December 30, 2013, <http://www.dawn.com/news/1077140/defiant-musharraf-says-armys-backing-him>