

Civil-Military Relations in Pakistan

**Parliament's Quest for
Oversight on Defence in Pakistan**

Civil-Military Relations in Pakistan

**Parliament's Quest for
Oversight on Defence in Pakistan**

PILDAT is an independent, non-partisan and not-for-profit indigenous research and training institution with the mission to strengthen democracy and democratic institutions in Pakistan.

PILDAT is a registered non-profit entity under the Societies Registration Act XXI of 1860, Pakistan.

Copyright © Pakistan Institute of Legislative Development And Transparency - PILDAT

All Rights Reserved

Printed in Pakistan

Published: January 2012

ISBN: 978-969-558-246-6

Any part of this publication can be used or cited with a clear reference to PILDAT

Published by



Pakistan Institute of Legislative Development and Transparency - PILDAT

Head Office: No. 7, 9th Avenue, F-8/1, Islamabad, Pakistan

Tel: (+92-51) 111-123-345; Fax: (+92-51) 226-3078

Lahore Office: 45-A, Sector XX, 2nd Floor, Phase III Commercial Area, DHA, Lahore, Pakistan

Tel: (+92-42) 111 123 345 | Fax: (+92-42) 3569 3896

E-mail: info@pildat.org; Web: www.pildat.org

CONTENTS

Preface

About the Author

Introduction	07
Efforts to bring the Defence Services under Parliamentary Oversight	08
The Progress	08
The Defence Committee of the Cabinet	09
May 13 in-camera Briefing to Joint Session of Parliament	12
Conclusion	16

PREFACE

Pakistan political history is marked by the expanded role of the military in non professional fields involving coups, direct and indirect military rule, increased involvement in the economic and business activities and influence-peddling from the sidelines. This state of affairs continues to cause serious strains in civil-military relations in Pakistan.

Since after 2008 General Election, within the 4 Parliamentary years, there have been two specific joint sessions of the Parliament in which Pakistan Military has briefed the Parliament, first on National Security issues and later on the May 2 unilateral strike of USA into Pakistan. Have these briefings, held on October 08, 2008 and on May 13-14, 2011 helped further Parliament's quest for oversight on defence in Pakistan?

Mr. Muhammad Ziauddin, Senior Journalist, explores this question in writing this Issue Paper. In addition to the role of Parliament, Mr. Ziauddin, with his signature skill and analytic poise, looked at the entire spectrum of the nature, and attempts at, democratic oversight of defence in Pakistan during the past 4 years of the current Government.

Acknowledgments

This paper has been prepared under the PILDAT project titled Dialogue on Civil-Military Relations in Pakistan which is supported by the British High Commission, Islamabad.

Disclaimer

The opinions, findings and conclusions or recommendations expressed in this paper belong to the author and do not necessarily reflect the views of the PILDAT or British High Commission.

Islamabad
January 2012

ABOUT THE AUTHOR

Mr. Muhammad Ziauddin is a senior journalist of Pakistan with 47 years experience of journalism. He holds a Masters degree in Journalism from the Karachi University. Currently he is serving as the Executive Editor of the Express Tribune, a leading English newspaper in Pakistan. Mr. Ziauddin has earlier served as the Resident Editor of the Dawn, Islamabad and Lahore as well as the Resident Editor of The News Rawalpindi. He writes on political and economic issues.

Introduction

Events on the national front since October 2011 have overtaken the May 13, 2011 in-Camera briefing to Parliament's joint session. Prime Minister Yousuf Raza Gilani's statement to the media before his departure to Davos on January 25, 2012, optimists expect, would help in normalizing the relations between the Executive and the Armed Forces. The Prime Minister (PM) appeared to move away from his earlier charge that the military had acted 'unconstitutionally,' saying that the remarks were made under a 'unique situation' and were no longer relevant.

It all began with a dramatic testimony before the US Congress, of the outgoing Chairman of the US Joint Chiefs of Staff, Admiral Mike Mullen in late September 2011 who underlined that the dreaded Haqqani network is a 'veritable arm' of the Pakistan Army and the ISI in Afghanistan. He had earlier directly accused the ISI as having a hand in the murder of journalist Saleem Shehzad. Pakistan, especially the Army reacted sharply.

This was followed in mid October by an article in The Financial Times by an American businessman of Pakistani origin, Mansoor Ijaz. In the article, Mr. Ijaz blamed a Pakistani diplomat (who he later identified as Hussain Haqqani, the then Pakistan's ambassador in Washington) of dictating him a memo in mid-May 2011 to be delivered to the then US Joint Chiefs of Staff, Admiral Mike Mullen, requesting US intervention to stop an imminent military take over and promising in return to do the US bidding in letter and spirit in its war against terror and also hand over the nuclear assets to the US (for 'safe keeping'?). This prompted the DG ISI, General Pasha, to take a round trip of London where he met Mansoor Ijaz and on his return claimed to the Army Chief that he was convinced by the evidence presented by Mr. Ijaz that he was speaking the truth. This led to a meeting between the foursome (the President, the Prime Minister, the Army Chief and the DG ISI). In the meeting it was decided to call Mr. Haqqani home for interrogation. On his arrival a meeting was held by the foursome in Haqqani's presence. Haqqani denied any role in the memo affair. But it was decided to ask Haqqani to resign pending further investigations to establish truth.

Mr. Haqqani claims that he had already offered in a letter to the President to resign. However, deliberate media leaks and Mansoor Ijaz's daily media circus traced the smoking gun at the President's door steps. At about this time the President decided to go to Dubai for medical check up

prompting rumours that he had thrown in the towel and abdicated. But then within a week he came back. The tension between the Civil Government and the Army continued to rise as media went to town with unsubstantiated inside stories that suggested that the Army would only back off if the President were to call it a day. That did not happen.

Meanwhile, the PML-N chief Nawaz Sharif went to Supreme Court (SC) appealing the SC to probe the Memo scandal to find out the truth. The SC invited all the actors involved to submit their version of the incident.

The Government, led by PM Gilani, dismissed the memo as nothing more than a piece of paper of dubious origin. But both the Army Chief and the DG ISI reiterated their original versions in their submissions to the SC. The Defence Secretary, who was supposed to route their statements through the law and Interior Ministry, claimed in his submission to the SC that the Defence Ministry had no control over the operational aspect of the Armed Forces.

The SC, which had given the impression over the past couple of years that it had least tolerance for those who violated the Constitution and Rules of Business, ignored both the direct submission of the two Generals and the extraordinary statement of the Secretary Ministry of Defence. This prompted the Prime Minister to talk about *state within state* in one of his speeches in the National Assembly escalating the tension. Then when the Chief of Army Staff (COAS) was still in China, the PM talking to a the Chinese Online Agency accused both General Kayani and Lt. General Pasha of violating the Constitution and Rules of Business. The ISPR countered with a very harsh statement which was taken as a manifestation of a final split between the civil and military and one waited with bated breath for a military take over.

Meanwhile, the SC had formed a Commission of three High Court Judges to probe the memo affair and at the same time issued a contempt notice to the PM for not implementing its ruling in the NRO case. At this point in time it looked as if the superior Judiciary, the media and the Army had joined hands to hound the civil Government to resign and go home.

An institution which had failed to protect its General Headquarters (GHQ) from attacks by terrorists, failed to detect the presence of world's number 1 terrorist, Osama Bin Laden, who was living for the past five years in

Abbottabad only a few kilometres from the Pakistan Military Academy, failed to stop the US from violating the country's sovereignty by sending in its helicopters to Abbottabad to kill Bin Laden, failing to pre-empt a terrorist attack on Mehran Naval base in Karachi and finally failing to save 24 of its soldiers including two officers from NATO/ISAF helicopter fire, had manipulated events in such a manner, mainly using the memo affair to put the civilian Government in the dock and en-cash the wide spread anti US sentiments in the country to divert the national attention towards irrelevancies.

The manipulative tactics of the establishment also gave credence to another widely held belief that in its hearts of heart the Army was not prepared to give up even an iota of its control over all that which had remained under its control over the last several years and anything appearing to the contrary was only a mirage.

Efforts to bring the Defence Services under Parliamentary Oversight

“At the heart of the political maelstrom is the Pakistan Army, probably the best organized group and a veritable political force unto itself, whose every action and hint creates reverberations in Pakistan's polity. Under its present Army Chief, General Ashfaq Parvez Kayani, who has sworn to take the Army back into the barracks, there are many doubters who see the politicians facing a huge challenge in running the country effectively after nine years of autocratic rule by President Pervez Musharraf. They point to the gradual destruction or diminution of institutions: the Judiciary, the Constitution, the bureaucracy and the Legislature, and to the transmogrification of a Parliamentary system of government into a presidential system by Musharraf.”¹

The good news is that the Parliament has made concerted efforts in establishing oversight on defence and security issues. But the not-so-good news is that the achievement so far is only in form. Content and substance-wise there is not much to write home about.

However, the fact that the Parliamentary Committee on National Security has evolved a new set of rules of engagement with the USA which was discussed threadbare at the latest meeting of the Defence Committee

of the Cabinet (DCC), and which is likely to be presented to the forthcoming joint session of the Parliament for approval, is being seen by some as a watershed. So far foreign policy, especially policies concerning the US, India and Afghanistan, were no-go areas for the civilians. The Army had a complete monopoly over these policies. This is the first time that the Army has conceded the right to the Parliament to be a stakeholder in these policies.

Also, the fact that the Parliamentary Committee on National Security is investigating the memogate scandal, which is essentially a contentious matter between the Army and the civilian Government, indicates that the former is willing to be made accountable by the Parliament.

The Progress

The National Assembly Standing Committee on Defence, the National Assembly Standing Committee on Defence and Defence Production, the Senate Standing Committee on Defence and Defence Production and the Parliamentary Committee on National Security have been functioning over the last four years mostly as debating clubs rather than making the defence services accountable for their actions and non actions.

According to official data collected by The Express Tribune (January 23, 2012), the panels have failed to present their reports to the Parliament. Only the Parliamentary Committee on National Security submitted its recommendations before the Parliament while others were only able to present reports before either the Prime Minister or the Senate chairman – however, these recommendations are yet to be implemented.

The National Assembly Standing Committee on Defence Production conducted nine meetings – but was unable to submit a single report to the Parliament. *“We cannot publicise committees' reports because of sensitive issues which are discussed in bicameral meetings,”* said the chairman of the aforementioned committee, Sheikh Aftab Ahmad, MNA (NA-57, Attock-I, Punjab, PML-N). He added, however, he regretted that the majority of the committee's recommendations are yet to be implemented despite a lapse of several years. For example, the committee recommended that a shipyard with the capacity to generate over Rs.115 billion annually at Gwadar Port

1. Army and Politics by Shuja Nawaz (Pp80 Pakistan: Beyond The “Crisis State”).

should be constructed, but the Government has yet to make a decision regarding this proposal, he added.

The National Assembly Standing Committee on Defence has a slightly better record. The panel has held 21 meetings on several issues over the last three years. However, the Defence Ministry has been unable to implement its proposals, observed the committee chairperson, Dr. Azra Fazal Pechuho, MNA (NA-213 Nawabshah-I, Sindh, PPPP). The panel provided recommendations for the improvement of the Airport Security Force two years ago. The committee also prepared recommendations to solve the Siachin and Sir Creek disputes with India.

Parliamentary Committee on National Security has the best record. Presided over by Senator Raza Rabbani (Sindh, PPPP) the committee conducted 61 meetings to prepare its recommendations pertaining to the security situation in the country. It prepared a 14-point resolution which was discussed in the joint session of the Parliament last year. Rabbani's committee has discussed NATO, ISAF, the Afghan imbroglio, Pak-US relations and Pakistan's policy regarding its neighbouring countries, especially India. In light of this discussion, it has prepared an important resolution on Pakistan's foreign policy. The story ends on the same note however—its recommendations are yet to be implemented.

Memogate Issue was also taken up by this Committee. The Chairman has summoned the ISI chief Lt. Gen. Ahmed Shuja Pasha, former Pakistan envoy to the US Hussain Haqqani and the central character of the scandal Mansoor Ijaz. The first two have made their submission. The Committee is awaiting the submission of the last one.

The Chairman of Senate Standing Committee on Defence and Defence Production Senator Lt Gen (Retd.) Javed Ashraf, claimed that his committee presented three reports to the Prime Minister and conducted 40 meetings to discuss various issues relating to defence and security. *"Reports could not be made public because the matters discussed by the committee are confidential and sensitive,"* he said, adding: *"We cannot disclose our defence strategy and weapon production."* Ashraf also complained that his committee's recommendations were not fully implemented.

The Defence Committee of the Cabinet

After remaining dormant for almost a decade, the Defence Committee of the Cabinet (DCC) met for the first time after the 2008 election on Monday, December 08, 2008 and discussed security situation against the backdrop of Pakistan-India tensions.

In all there were nine (9) DCC meetings during the past four years. All of them were reactive and not single one was convened to plan to meet anticipated developments. And there was no explanation either from the civilian government or from the defence establishment why even a reactive DCC was not convened soon after the October 2009 attack on the GHQ. In times of crisis governments² need to demonstrate courage and show they possess a backbone. But days after the dramatic siege of the GHQ which stunned a nation, we learn that the Prime Minister has set off on a six-day trip to China, that the Cabinet Defence Committee, where the three service chiefs are represented, has not met and that no inquiry into the attack on one of our most sensitive buildings has been ordered. There have been suggestions from insiders that the reasons for this are buried in history.

Except for the decisions arrived at by the ninth DCC meetings, there were no follow ups after the first eight meetings. And even the follow-ups that were made after the ninth DCC meeting raised some pertinent questions, more about that later.

DCC Meeting on December 9, 2008

The first meeting held on December 9, 2008 focused mainly on the crisis that ensued between India and Pakistan following the November 26, 2008 terrorist attacks on Mumbai: The 2008 Mumbai attacks (sometimes referred to as 26/11) comprised 11 coordinated shooting and bombing attacks across Mumbai, India's largest city, by terrorists who allegedly came from Pakistan. The attackers allegedly received reconnaissance assistance before the attacks. The sole survivor from among about nine attackers, Ajmal Kasab later claimed upon interrogation that the attacks were conducted with the support of Pakistan's ISI. The attacks, which drew widespread global condemnation, began on Wednesday, November 26 and lasted until Saturday, November 29, 2008, killing 164 people and wounding at least 308.

2. October 15, 2009--Rewind the past, The News, <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=203191&Cat=8&dt=10/15/2009>

Reiterating Pakistan's resolve³ not to allow its soil to be used for any kind of terrorist activity anywhere in the region or the world the DCC renewed the offer of full cooperation to India, including intelligence sharing and assistance in investigation as well as setting up of a joint investigation commission to probe the Mumbai attacks. There has been no substantial progress on the matter in all these intervening three years.

DCC Meeting on March 21, 2009

The second DCC meeting held on March 21, 2009 purportedly discussed different dimensions of national defence and security, and reviewed the Armed Forces Development Plan 2025, worth US \$ 24 billion, which was recently approved during a high-level meeting in Rawalpindi. It also reviewed the investigation so far made in Mumbai attacks and attack on Sri Lankan cricket team in Lahore. Again there were no follow-ups on the decisions made at the meeting.

DCC Meeting on January 6, 2010

The third DCC which was convened in January 6, 2010 was also a reactive session focusing mainly on remarks recently made by the Indian Army Chief Gen. Deepak Kapoor about pursuing a proactive strategy to simultaneously wage wars against Pakistan and China.

The DCC sent a message to General Deepak that a telling response would be given to any act of aggression by the eastern neighbour. This was more of a self-reassurance than any serious riposte to the Indian General's indulgence in fantasy.

DCC Meeting on December 4, 2010

The fourth DCC meeting decided⁴ to convey to the US authorities the Government's reservations over the disclosure of confidential and secret information by WikiLeaks. The committee, presided over by Prime Minister Yousuf Raza Gilani, denounced the leak of sensitive information and warned that its continuation would endanger friendly ties among countries.

If one were to read through the revelations made by the WikiLeaks one would find many similarities between what was told to the former US ambassador to Pakistan Anne Patterson by our Army Chief, General Kayani and the ISI DG

Pasha and what was supposed to have been dictated by former Pakistan Ambassador to the US, Hussain Haqqani, to the infamous US citizen of Pakistani origin, Mansoor Ijaz.

Here it is: The reports⁵ one to conclude that the civilian and the military leadership in Pakistan are not always on the same page. Instead of resolving differences, they have been blaming each other while separately meeting US officials particularly the former US envoy to Pakistan. The COAS and ISI chief are reported to have told Anne Patterson that there were concerns in the military about corruption and bad governance on the part of President Zardari. They have also maintained that the operation in Waziristan had to be delayed because of objections from the President who cited political reasons for postponing it. They reportedly told Patterson that but for the spanner thrown by Zardari in the works; all was set to initiate backchannel talks with India.

On his part, Zardari is reported to have told a top US official that while he is in agreement with the US aims in the region, he is powerless to deliver on account of opposition from the military. He is also reported to have told the then British Foreign Secretary David Miliband that his men (army officers and ISI) were not sharing critical information with him. This indicates deep seated misunderstandings between the civilian government and military establishment.

What one expects from the DCC is that it would provide the Government and the Military leaders with a forum where they can resolve their differences instead of taking them to foreign dignitaries which is not in consonance with national dignity. Perhaps the meetings of the DCC have been less frequent than was required for removing the mistrust prevailing between the two sides. Unless resolved in time, misunderstandings could lead to intrigues and plots that the country can ill afford.

At the same DCC meeting the Prime Minister is also said to have stated that Pakistan needed to depart from its 'traditional thinking' on national security and develop 'alternative strategies. *"The multiplicity and size of the challenges to our national security demand that we may have to make a departure from our traditional thinking and*

3. December 09, 2008, DCC pledges not to allow use of Pak soil for terror attacks, reviews border situation, The News, <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=18876&Cat=13&dt=12/9/2008>

4. December 04, 2010, ? Civilian, military leaders meet Concern over damage done by leaks, Dawn, <http://www.dawn.com/2010/12/04/civilian-military-leaders-meet-concern-over-damage-done-by-leaks.html>

5. December 04, 2010, deep-worries-sweep-decision-making-corridors Dawn, <http://www.dawn.com/2010/12/04/deep-worries-sweep-decision-making-corridors.html>

look for out-of-box solutions and alternative strategies,” he told the meeting. There has been no follow up on this aspect as well.

DCC Meeting on May 12, 2011

The fifth DCC meeting⁶ took exception to the May 2 US military action in Abbottabad to kill Al Qaeda leader Osama bin Laden. The one-point agenda of the meeting concerned reviewing the security situation of the country and redefine Pakistan's relationship with the US following the May 2 incident.

Sources told Dawn that the gathering saw a rare agreement between the Prime Minister and his cabinet colleagues on one side and the entire Military establishment on the other to forcefully condemn the American stance. However, paradoxically the DCC failed to order a probe into the failure of the security agencies to detect the presence of Osama in Abbottabad for five long years and also the failure of our defense forces to detect and pre-empt the incursion of US helicopters all the way to Abbottabad from across the Durand Line.

DCC Meeting on May 26, 2011

The sixth DCC (May 26, 2011--Dawn)⁷ was convened to discuss the security situation in the aftermath of the Mehran base attack. The attack on the naval base raised questions about the ability of the security agencies to defend strategic installations, fuelling global concerns about the prospects of nuclear arsenal falling into the hands of terrorists.

But as usual the DCC continued in its denial stupor and rejecting such concerns, expressed *“full confidence in the ability and the capacity of the Armed Forces and law-enforcement and intelligence agencies in meeting all threats to national security.”*

The Prime Minister said: *“Under the National Command Authority we have an effective command and control system for ensuring the safety and security of our nuclear weapons and related systems.”*

DCC Meeting on August 18, 2011

At the seventh DCC meeting⁸ a de-radicalisation plan was considered to combat rising fundamentalism and

extremism in the country.

It also took a number of other decisions, like strengthening coordination between provinces and the federal government on security issues and establishment of a National Crime Database, in addition to deliberating on loopholes in the criminal justice system and various incidents of terrorism. But as usual there were no follow ups.

DCC Meeting on November 27, 2011

At the eighth DCC meeting⁹ furious over the pre-dawn NATO attacks on border posts, it was decided to close down indefinitely supply routes used by western forces in Afghanistan and once again ask the United States to vacate the Shamsi airbase previously used for drone operations. The Government also said it would carry out a thorough review of its cooperation with the US and NATO.

About 40 per cent of NATO's non-lethal supplies are transported through Pakistan using Chaman and Torkham border crossings the preferred routes for being economical.

NATO has developed an alternative northern route through central Asian states as a contingency for a situation where the Pakistani route is choked.

It was for the third time in 2011 that the US had been asked to vacate the Shamsi airbase, 300 kms southwest of Quetta. But this time it was given a 15-day ultimatum for leaving the airfield, under the formal control of the United Arab Emirates.

The two previous occasions when similar demands were made from the US were after the CIA operative Raymond Davis episode and then in the aftermath of Osama bin Laden denouement. Drone operations from the base were believed to have ceased in April and the facility is now supposedly being used for logistic purposes.

DCC Meeting on January 15, 2012

At the ninth DCC meeting a US military investigation into the deadly NATO air strikes on Pakistani border posts in November was rejected.

6. May 12, 2011, Pakistan to define anti-terror cooperation with US, Dawn, <http://www.dawn.com/2011/05/12/pakistan-to-define-anti-terror-cooperation-with-us.html>

7. May 26, 2011, Military asked to wipe out terror and sanctuaries, Dawn, <http://www.dawn.com/2011/05/26/military-asked-to-wipe-out-terror-and-sanctuaries.html>

8. August 18, 2011, De-radicalisation plan under study, Dawn, <http://www.dawn.com/2011/08/18/de-radicalisation-plan-under-study.html>

9. November 27, 2011, US told to vacate Shamsi base; Nato supplies stopped, Dawn, <http://www.dawn.com/2011/11/27/us-told-to-vacate-shamsi-base-nato-supplies-stopped.html>

The Director General of Military Operations presented a point-wise riposte to the US findings and insisted that the attacks were intentional.

The Army regretted that the Americans did not formally share the report with it and instead placed it on the website.

May 13 in-camera Briefing to Joint Session of Parliament

In one sense the event can be described as a watershed. But on many counts it was business as usual.

In an unprecedented move¹⁰ the country's military offered itself to the Parliament for accountability over the intelligence failure and deficiencies that came to light in the wake of Al Qaeda leader Osama bin Laden's killing in a covert US commando raid in Abbottabad.

In an in-camera briefing to a joint session of the two houses of Parliament, top military officials admitted intelligence failure in not being able to locate the world's most wanted fugitive taking up residence in Abbottabad for about five years and inability of Pakistani radars to track four US helicopters that carried out the May 2 operation, according to participants of the joint session.

It was the first time in Pakistan's history that the military, which has ruled the country for more than half of 64 years of its life, came out with an open admission of failures and offered itself for accountability by the Parliament or any other forum.

After attending the briefing, several Parliamentarians, from both opposition and treasury benches, told the media that the Director General of the Inter-Services Intelligence, Lt-Gen Ahmed Shuja Pasha, even offered to resign if the Parliament so wished. "*I am a disciplined person. I do not want to stay glued to the office and will accept any decision taken by Parliament and the Government,*" one PML-Q legislator quoted the ISI chief as telling the session which, besides Prime Minister Yousuf Raza Gilani, was also attended by all services chiefs.

A PML MNA, Riaz Fatyana, (NA-94, T.T.Singh-III, Punjab, PML) told reporters outside the Parliament House that the military establishment had said it was ready to face any commission formed by the Parliament to probe the

Abbottabad incident. He said the top military officials assured lawmakers that they were ready to act in line with the Government's decisions.

While the briefing was still in progress, Information Minister Firdous Ashiq Awan, MNA (NA-111, Sialkot-II, Punjab, PPP) also came out of the chamber to divulge details of the proceedings to state-run and private television channels. She said the ISI DG had "*surrendered*" himself to the Parliament.

She said the military officials had reassured the lawmakers that the country's nuclear assets were safe and fully protected. The Armed Forces were capable of defending the country's frontiers; the minister quoted the officials as saying.

Firdous Awan quoted the ISI chief as saying there was no "*intentional negligence*" on the part of his organisation and that police and civilian agencies were also responsible for the intelligence failure.

She said General Pasha told the session he was prepared to present himself for accountability "*before Parliament or any other forum.*" According to her, the Parliament was told that US authorities had kept Pakistan military authorities in "*complete dark*" and provided no prior information about their action in Abbottabad.

She said Gen. Pasha highlighted the ISI's achievements in the war against terror, saying it had "*broken*" Al Qaeda's network by killing and arresting a number of its key operatives and that while elimination of Osama bin Laden was a common objective, the unilateral action by US Navy Seals commandos was "*a clear breach of the country's sovereignty*".

The minister also quoted the ISI chief as calling for revisiting Pakistan's relationship with the US in the aftermath of the May 2 operation and that anti-state forces were hell-bent to create a cleavage between the military and civilian leadership.

Ms. Awan quoted the Deputy Chief of Air Staff (operations), Air Marshal Mohammad Hassan, as telling the session that the American Special Forces used "*stealth technology*" during the operation. The technology allows helicopters to fly low and evade detection by radars. The radars were functioning smoothly on the day, he added.

10. My 14, 2011, Military offers itself for accountability, Dawn, <http://www.dawn.com/2011/05/14/military-offers-itself-for-accountability-2.html>

According to a PPPP MNA, who did not want to be named, military officials disclosed that the Army Chief had ordered shooting down the US helicopters, but by the time the PAF planes came into action, the helicopters were beyond the Pakistan airspace.

The session was informed that the US forces had kept jet fighters ready in Afghanistan to counter any Pakistani retaliation besides two of the four helicopters that took part in the operation — flying only about 35 metres above the ground — staying back in Kala Dhaka, to the northwest of Abbottabad.

The PPPP MNA quoted General Pasha as saying that during his recent visit to the United States he had developed differences with the Central Intelligence Agency chief Leon Panetta when he refused Mr Panetta's request for permission to carry out covert operations in Pakistan.

According to the MNA, the ISI DG also expressed concern over what he called excessive issuance of visas to foreigners, saying that the ISI had some objections against some visitors.

The deputy chief of air staff told the House, according to the MNA, that drones used for spying flew from Shamsi airbase in Balochistan, while those carrying out missile attacks took off from Afghanistan and that the Shamsi airbase had been under the control of the UAE, and not of the PAF, since the 1990s.

A couple of PPPP and PML-Q legislators quoted Chief of the Air Staff Air Chief Marshal Rao Qamar Suleyman as saying that the PAF was capable of shooting down drones and could do it if ordered by the Government.

According to them, PML-N MNA Tehmina Daultana NA-169, Vehari-III, Punjab started a fiery speech at the outset of the briefing, targeting the ISI and the Army for what she called their political role and asked the ISI chief to resign from office.

She was countered by PML MNA Shahnaz Sheikh, NA-303, Punjab who praised the Army for its role in the war on terror, before both were asked to stop such exchanges by Acting Speaker of the National Assembly Faisal Karim Kundi, MNA (NA-24, D. I. Khan, KP, PPPP).

Mr Kundi chaired the session in the absence of both Speaker Dr. Fehmida Mirza and Senate Chairman Farooq H. Naek. Senator Naek was acting as President while President Asif Ali Zardari was on a visit to Russia.

The briefing was also attended by the chief ministers of Sindh, Khyber Pakhtunkhwa, Balochistan and Gilgit-Baltistan and the Azad Kashmir Prime Minister.

The joint parliamentary session ended after adopting a unanimous resolution which called for review of security and foreign policies. The resolution condemned the US raid on the Abbottabad compound in which Al Qaeda chief Osama bin Laden was killed. It said that in the event of another US operation Pakistan would cut off the supply route for US and allied troops in Afghanistan.

In its editorial on the in-camera briefing *The Express Tribune* (May 14, 2011-The DG ISI's offer)¹¹ said *“Without getting into the semantics of the whole situation, it is perhaps worth saying at the outset that had such a security lapse happened in a truly democratic country, the heads of the institutions responsible for the lapse usually resign on their own, without offering caveats and/or qualifiers. If failure is being admitted to, then it is unclear why the nation's forgiveness is being sought because the issue of protecting the frontiers of the country from external threat is related to the preparedness of our defence forces, and, in this particular case, our intelligence and radar systems.*

“If the head of the country's premier intelligence agency is admitting before Parliament that his institution failed in tracking the world's most-wanted terrorist then perhaps the sensible thing would be to resign. There is another, perhaps even more important, issue that will have to be touched upon very soon by both the legislature as well as the executive. And that has to do with the fact that what has happened is perhaps an outcome of our security and strategic doctrines as well as chunks of our foreign policy relating to our neighbours, in which, by and large, elected civilian governments have had little or no role or say. Questions such as whether Osama bin Laden was in fact sheltered by elements sympathetic to his cause and ideology, or why we don't hunt down terrorists hiding in veritable sanctuaries on our own soil, also need immediate answers.”

11. May 14, 2011, The DG ISI's offer, *Express Tribune*, <http://tribune.com.pk/story/167964/the-dg-isis-offer>

12. May, 15, 2011, Parliament condemns US raid, *Dawn*, <http://www.dawn.com/2011/05/15/parliament-condemns-us-raid.html>

Dawn in its editorial on the same event¹² said that the *in camera* session of the Parliament is somewhat reminiscent of the real-life national portrait provided by the 2008 general election: all participants have got something out of the exercise. The upreme Parliament should be happy that after all these years of exclusivity Osama bin Laden has provided it with an opportunity to hold the country's military accountable for its action, or lack thereof. The Government should be satisfied with its performance in the joint session, which besides allowing it to work for the protection of national interests, gave it room to forge ever closer ties with the Army which is a decisive force in the country's political matters. The opposition PML-N also used the forum to voice its demand for the resignation of the ISI Director General and finally an end to the ISI's role in politics; the ISI chief has offered himself for a probe by a commission and is ready to resign if parliament so desires; the prime minister deems the resignation unnecessary and members of the treasury have reposed their confidence in our defenders. After the 2008 election, what transpired on Friday corroborated just how dependent on one another all actors in the Pakistani cast are, notwithstanding how big or small their role has been in creating the mess the country finds itself in today."

In another editorial on the subject the very next day, The Express Tribune¹³ pertinently brought out some very crucial paradoxes in the unanimous resolution passed by the joint session after the in-camera briefing:

"After a 10-hour deliberation and several drafts of a unanimous joint declaration, parliament has taken the foreign policy of Pakistan out of the hands of the PPP coalition government. Since the foreign policy was never completely in the hands of the elected government, the shift will not matter much, and the state will proceed in the same old direction, led by the army whose aggressive stance has now been approved by the MNAs and senators of Pakistan. If this is not a paradox, there was more of it in the military's plea that it be guided by the 'sovereign' parliament, only to hear that the parliament was in favour of acting tougher towards the United States; more than the military had done so far. Yet more paradoxically, the government has gone along and celebrated the emasculation of its own mandate. If there was any mismatch between the post-Osama posture of the government and the army, it has been removed by the joint declaration. Now it will be the task of the military to temper

the extremism of the joint declaration, at the risk of violating its content.

Ironically enough, the joint declaration demands 'policy change' but wants to retain its anti-India and anti-US direction as practised by the military. The air force says it can shoot down the drones, without clarifying what will be the effect of doing so and also ignoring the fact that many fly from bases in Pakistan and hence, must have tacit sanction of the government. The PPP, which clearly as a result of the whole Abbottabad incident, stands exposed as being weak and not willing to assert itself in any manner whatsoever, has sought an alternative to Pakistan's policy on America, but the effort may come to naught.

The joint resolution suggests no reform in the military's India-centric outlook and suggests no change or review of the overall national security doctrine/strategy either. In fact, the status quo seems to have been endorsed. And the terrorists must feel the better for it as they kill 82 paramilitary troops at Shabqadar the same day. This is not good because it can only lead to international isolation and a reinforcement of a mindset, common among many of us, which blames the rest of the world for our ills and refuses to even see inward, let alone take corrective action. Now is the time for us to review/re-examine policies such as 'strategic depth', categorising the Taliban as 'good' and 'bad' and treating them in different way, and of tolerating sanctuaries where terrorists and militants can find easy refuge. These policies have clearly not worked or helped us and, if anything, will only serve to further push us to a pariah-like status. This need to be realised and a correction must take place. That would be in our national interest."

Human Rights activist, Asma Jahangir in her piece in Dawn¹⁴ while describing the *in camera* session as a positive step said that the conclusion, however, is by and large confusing, unrealistic and apologetic rather than constructive. If the joint statement is anything to go by, then the establishment has once again hoodwinked parliament. The joint statement gives no indication of a shift in policy; instead, it lends further patronage to the age-old policy of self-denial and constantly playing with fire. Sadly, the joint resolution itself is misleading. It starts by saying that a joint session was held to consider "the situation arising from the unilateral US forces' action" in Abbottabad, whereas the general impression was that the

13. May 15, 2011, Our failure to see our own faults, Express Tribune, <http://tribune.com.pk/story/168620/our-failure-to-see-our-own-faults>

14. May 21, Carry on Javees by Asma Jahangir, Dawn, <http://www.dawn.com/2011/05/17/carry-on-javees.html>

session was also called to discuss the situation that “led” to the unilateral action by the US. Finally, the resolution has decided to set up a commission that is expected to fix responsibility and recommend necessary measures to ensure that such an incident does not recur.”

Ayaz Amir, MNA (NA-60, Chakwal-I, Punjab, PML-N) in his column for The News¹⁵ was at his devastating best as he brought out with telling effect the contradictions inherent in the briefings and the unanimous resolution passed.

“Any normal person, your average mortal, could have been forgiven for thinking that the in-camera session of parliament was being called to toss some tough questions at the military. After all, it was the army, Pakistan Air Force and Inter-Services Intelligence (ISI) caught with their collective pants down by the Bin Laden affair. And the entire world, as a consequence, was laughing at our expense.

But in the joint session of Parliament there was a turnaround of which the Lucky Irani Circus if not Houdini himself would have been proud. So skillfully and with such finesse was the sitting handled – I would not say manipulated for that would be too crude a word – that Pakistan's eagle-eyed parliamentarians found themselves questioning not the military but attacking with abandon – you've guessed it – the United States. What should have been an inquest thus turned into a festival of injured patriotism.

The unanimous resolution passed at the end is a monument to the sense of unreality to which Pakistan's ruling classes surrender in moments of distress and panic. All anger and denunciation, it talks about revisiting (everyone's favourite word nowadays) Pakistan's relationship with the US and not putting up with unilateral military strikes any more. It even talks of cutting Nato supply lines to Afghanistan should the US not respect Pakistan's sovereignty. All in all, a vociferous declaration of independence directed at the US.

The in-camera session of parliament was a benign charade. The military establishment did not submit themselves to political tutelage. They made a show of stooping only to conquer. But to what larger purpose remains as much unclear as the other items of dogma that make up our bible of national security.”

15. May 20, 2011, In-Camera humour by Ayaz Amir, The News, <http://www.columnspk.com/in-camera-humour-by-ayaz-amir>

Conclusion

Since the 2008 General Elections an inevitable turf war has ensued between the Army and the civilian Government. There is nothing new about it. We had seen similar wars more than once during the 1990s. Every time an election was held following the one conducted in 1985, the Army thought it had manipulated the elections enough to bring in a civilian government of its liking which would govern the country according to the Army's agenda. But the un-intended consequences of transition had invariably ended up generating a turf war between the Army and the civilian government that perhaps the latter had not even wanted.

Transitions from a closed system (military regime) to a civilian dispensation (an open system, no matter how fledgling) are always prone to accidents. And in case the very institution that had brought the civilian Government into being feels that it is being sucked into a turf war with the latter and fears that this war would eventually lead to clipping its powers and privileges, it acts without so much as your leave and sends the civilian dispensation packing. The Junejo government, the two Benazir governments and the two of Nawaz, all had ended up because of lack of patience and tolerance on the part of the Army. This will happen again, unless the current Army leadership held its hand, did not act precipitately and allowed the current civilian dispensation to complete its tenure and then hold elections under the rules as envisaged in the Constitution.



Pakistan Institute of Legislative Development and Transparency - PILDAT

Head Office: No. 7, 9th Avenue, F-8/1, Islamabad, Pakistan

Tel: (+92-51) 111-123-345; Fax: (+92-51) 226-3078

Lahore Office: 45-A, Sector XX, 2nd Floor, Phase III Commercial Area, DHA, Lahore, Pakistan

Tel: (+92-42) 111 123 345 | Fax: (+92-42) 3569 3896

E-mail: info@pildat.org; Web: www.pildat.org