

PILdAT  
CITIZENS' MONITORING REPORT

**Performance of the  
Parliamentary Committees of  
Defence and National Security**

*during the first 3 years of the  
13th National Assembly of Pakistan*

**March 15, 2008 - March 15, 2011**

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March 15, 2008 - March 15, 2010

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## PREFACE

The PILDAT report on **Performance of the Parliamentary Committees of Defence and the National Security** *during the first 3 years of the 13th National Assembly of Pakistan* is a first attempt of its kind in Pakistan by an independent institution and prepared in the backdrop of principle of Parliamentary oversight of security sector.

The report covers a period of three years, i.e., from March 15 2008 to March 15 2011 examining closely the publicly-available data on the work of the National Assembly and Senate Standing Committees on Defence and the Parliamentary Committee on National Security the three committees charged with the responsibility of dealing with subjects relating to defence and national security.

PILDAT is mindful of the fact that the democratic institutions like the Parliament and Parliamentary committees have not developed over the years due to repeated military intervention and long spells of autocratic or semi-autocratic regimes led by military. The report therefore is meant to assist the committees in their oversight functions. The objective of the report is not to offer a critique of the work of these committees but to analyse the performance in the backdrop of peculiar security needs of Pakistan and the role Parliament is playing in respect to defining and influencing policy and principles of national security. Furthermore, in the backdrop of specific civil-military equation in Pakistan, the purpose of the report is to examine the exercise of available powers of the Parliament by these committees with regards to Parliamentary oversight of defence and security sector a question that has gained special significance after the killing of Osama Bin Laden at the sovereign soil of Pakistan by the US troops. The report is part of PILDAT's larger focus on improving civil-military relations in Pakistan in the light of the Constitution of Pakistan and assisting Parliament and its committees in undertaking well-researched, objective and non-partisan oversight of defence and security sector alongside other fields in the executive branch.

### Disclaimer

PILDAT team has made every effort to ensure the accuracy of publicly-available data and analysis based on that data in this report and any error or omission is not deliberate.

Islamabad  
May 2011



March 15, 2008 - March 15, 2010

**EXECUTIVE SUMMARY**

Parliamentary control and oversight of the security sector, though an accepted democratic principle in the world, has not been able to take firm root due to peculiar civil-military relations in Pakistan. Democratic process has been interrupted by military interventions four (4) times in 63-years existence of the country. The last military and semi-military rule ended in 2008 when the present national and provincial assemblies were elected. Pakistan has, therefore, not been able to develop a strong tradition of institutionalising Parliamentary oversight/control of the security sector. The key reason attributed for this is understood to be “a combination of lack of political will, fear of the khakis, incompetence, and resistance by the security sector.”<sup>1</sup>

The principle of Parliamentary oversight on the Executive is enshrined in the Constitution of Pakistan mandated mainly through Parliamentary powers of legislation and passage of the budget. Currently, three (03) different Parliamentary Committees have been entrusted with the task of monitoring the defence and security sector, namely the National Assembly Standing Committee on Defence, Senate Standing Committee on Defence and Defence Production and Parliamentary Committee on National Security. The latter was formed through a joint resolution of the two houses of the Parliament in November 2008. During the three parliamentary years, starting from 2008-2009, the National Assembly Standing Committee on Defence held 26 meetings while the Senate Standing Committee on Defence and Defence Production held 25 meetings. During the same period, the Parliamentary Committee on National Security held 35 meetings.

The statistics show that both the Senate and the National Assembly Standing Committees have almost held similar number of meetings in the period, although analysis reveals that the Senate Committee on Defence and Defence Production has covered a wider range of relevant issues as compared to the National Assembly's Committee on Defence, discussing issues related to all three sectors of the armed forces, as well as covering issues pertaining to PIA, Civil Aviation Authority, etc.

All three of the Committees were briefed by the representatives from the Ministry of Defence, the Armed Forces, Inter-Services Intelligence (ISI) and other relevant authorities. The analysis of the performance of these committees, however, reveals that while there is some movement forward in which Parliament is gradually becoming aware of its responsibilities, the pace of exercising this responsibility remains slow.

The comparison with other Parliamentary democracies, such as India and the UK, both of which follow the Westminster system, shows that our Committees lag far behind in effectiveness as well as efficiency. The statistics show that the number of meetings held by the Indian Parliamentary Committee on Defence in 2009-2010 alone is roughly equal to the total number of meetings held by the National Assembly's Standing Committee on Defence during the three years. Similarly, while the Standing Committee on Defence, India presented a total of 9 reports in the 15th Lok Sabha during one year, 2009-10, and the House of Commons UK Defence Committee presented 9 Reports and 5 special reports for in one year (2010),<sup>2</sup> in comparison, the Senate Standing Committee on Defence and Defence Production failed to table a single report during the entire three years. The Parliamentary Committee on National Security presented just one report in 3 years while the National Assembly Standing Committee on Defence presented 6 reports in three years. In addition, the Parliamentary Committee on National Security which prepared a report and sent its recommendations to the Government in 2009, still complains of lack of implementation of its reports.<sup>3</sup> In comparison, however, the Indian Parliamentary Committee on Defence says almost 63% of the recommendations were accepted by the Indian Government during 2009-10.

Furthermore, the Indian Parliamentary Committee on Defence annually reviews the Demand for Grants by Defence Ministry, alongside other departments, and tables its reports to the Parliament before the passage of the budget. In Pakistan, such initiatives are either not undertaken by the Parliament or are blocked under the pretext of national security.

The analysis of the performance of Pakistani committees on defence and national security shows that much more effort needs to be put in if these committees are to achieve the level of efficiency and effectiveness required for Parliamentary oversight of security sector in Pakistan. An informed interaction needs to take place inside the Parliamentary Committees which should

1. Sayed, Mushahid Hussain, 'Parliamentary Oversight of the Security Sector in Pakistan' PILDAT, October 2010
2. 10 Select Committees: Information and Statistics about the membership, work and staff of select committees: <http://www.publications.parliament.uk/pa/cm201011/csession/1/00112.htm#a48>, as accessed on May 04, 2011
3. "NA body calls for strict tone with US on drone hits", The News, April 30 2011.



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engage in seeking a periodic assessment of the security scenario and offer guidelines. Furthermore, it is important that these committees also maintain a liaison with the public at large to create the ownership of the people on national security policies. Public hearings, inviting public comments and opening these hearings to the media and public will enhance the public trust in the Parliamentary committees, the Parliament as an institution and in the state policies. PILDAT recognises that no national institution wishes to undermine any aspect of national security and therefore committee meetings discussing national security are sometimes needed to be held in camera, but this does not need to be the overriding principle as determined by the Parliamentary Committee on National Security chaired by Senator Raza Rabbani. Parliament, first and foremost, is an accountable institution to the citizens and citizens views, opinions and voices need to be heard and incorporated into reviewing policies that define national security priorities for Pakistan.

PILDAT believes that it is the job of Parliamentary Committees on Defence and National Security to have raised the question about institutional strengthening of civil institutions relating to national security. The security establishment will only accept the supremacy of elected civilian leaders in interpreting national interests and in laying down the broad parameters of defence and foreign policies if there is an effective mechanism for developing a national security system. There is, therefore, an urgent need to activate and strengthen Cabinet Committee on Defence and National Security to be chaired by the Prime Minister including Ministers of Defence, Foreign Affairs, Interior and Finance and members; it is equally important that the Cabinet Committee supported by a permanent secretariat and think tank. Similarly, exercising even civilian control on defence and national security will not be possible without activating the civilian Defence Minister and the Defence Ministry.

Parliamentary committees need to seek details of a formal status of forces agreement, if one exists, that Pakistan has entered into with United States of America which establishes the framework under which Pakistan is cooperating with the United States in a comprehensive security arrangement. Such a mechanism is needed to be placed before the Parliament so it can look into the legal framework within which US security and intelligence personnel operate in Pakistan and how the domestic laws of Pakistan are applied toward them. If Pakistan has not entered into a formal status of forces agreement with the United States, the Parliament and its defence and national security committees need to demand comprehensive details of any written or otherwise agreement that applies on Pak-US relations and arrangements for security and intelligence cooperation. Both the military establishment and the foreign office keep referring to red lines<sup>4</sup> that the US should not cross on cooperation on counter terrorism and the committees must demand details of all such cooperation that falls under green, amber or red lines.

Pakistan is engaged in an unconventional war. Our security is threatened, our troops and civilians are laying down their lives, our economy is wrecked by this on-going war and our sovereignty appears to be compromised. Our Parliamentary committees and especially the ones relating to national defence and security need to be more alert, active, vigilant and serious than ever before in discharging their responsibility of oversight. If human or infrastructural constraints are holding them back, they must get the necessary resources to do their duty.

4. "The US knows our position and red lines. We do not expect the US to complicate matters involving counter-terrorism...." Foreign Office spokesman Abdul Basit, published in *FO reminds Washington of 'red lines'*: Dawn, December 24, 2010: <http://www.dawn.com/2010/12/24/fo-reminds-washington-of-%E2%80%98red-lines%E2%80%99.html>

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## Introduction

Pakistan and a number of developing countries have experienced the ascendancy of the military to political power. It has manifested in various ways ranging from direct assumption of power, displacement of one civilian government by another, manipulation of divided political and societal forces, making policy inputs from the sidelines to threat or actual use of coercion in support of their demands. At times, divided political and societal forces seek to strengthen their position by seeking the favour and support of the military known for or capable of playing an assertive role.

Pakistan's political history is marked by the expanded role of the military in nonprofessional fields involving coups, direct and indirect involvement in the political activities, taking over the government by force and establishing military rule, increased involvement in the economic and business activities and influence-peddling from the sidelines. The civilian political leaders often question the legitimacy of the expanded role of the military, especially their direct rule. These developments have caused serious strains in civil-military relations in Pakistan.

Parliamentary control and oversight of the security sector, though an accepted democratic principle in the world, has not been able to take firm root due to peculiar civil-military relations in Pakistan. Democratic process has been interrupted by military interventions four (4) times in 63-years existence of the country. The last military and semi-military rule ended in 2008 when the present national and provincial assemblies were elected. Pakistan has, therefore, been able to develop little tradition of institutionalising Parliamentary oversight/control of the security sector. The key reason attributed for this is understood to be "a combination of lack of political will, fear of the khakis, incompetence, and resistance by the security sector."<sup>5</sup>

As the civilian elected Government and Parliament complete 3 years of their constitutional term in March 2011, Pakistan is assessed to be a much more democratic and freer country today than at any time in its history<sup>6</sup> but has that translated into a better control and oversight of security sector? Many believe that developments that led to the change of government in 2008 have resulted into creating a broader national consensus on the respective

roles of different institutions. A strident media, a pro-active Judiciary and a public opinion that tilts towards continuation of democracy in Pakistan have contributed to create a democratic political culture - a culture, one may argue, which makes it amenable for the Parliament to establish traditions of Parliamentary oversight of security sector in Pakistan. However, incidents such as the operation against Osama Bin Laden by the US forces at the sovereign soil of Pakistan have raised many questions on the role of the security agencies and the requirement of civilian and Parliamentary oversight in the sphere, especially the supreme role Parliament needs to play in influencing a comprehensive and integrated counter-terrorism and national security strategy.

This report looks at how the Parliament and its committees on Defence and National Security have fared in the field of Parliamentary oversight of security sector in the three year period from March 2008 to March 2011. The report especially focuses on the performance of the National Assembly Standing Committees on Defence, Senate Standing Committee on Defence and Defence Production as well as the Parliamentary Committee on National Security.

The purpose of this report is to record the trends in the work of the relevant Parliamentary committees to gauge the overall direction, pace and developments in the field of Parliamentary oversight of security sector in Pakistan. The report is to serve as a baseline on the issue for future assessments.

5. Sayed, Mushahid Hussain, 'Parliamentary Oversight of the Security Sector in Pakistan' PILDAT, October 2010.

6. PILDAT, Mid-Term Report on the Assessment of the Quality of Democracy in Pakistan: March 25, 2010 September 24, 2010



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## Civilian Control of the Security Sector: Constitutional Provisions

The Constitution of Pakistan vests the control and command of the Armed Forces in the Federal Government. President of Pakistan, as the Supreme Commander of the Armed Forces, has the authority to appoint services chiefs, which, after the passage of the 18th Constitutional Amendment, has to be based on the binding advice of the Prime Minister of Pakistan.

The Federal Government is supposed to exercise its powers of control and command of the armed forces through its Ministry of Defence.

Article 243 of the Constitution of Pakistan states that:

- (1) *The Federal Government shall have control and command of the Armed Forces.*
- (2) *Without prejudice to the generality of the foregoing provision, the Supreme Command of the Armed Forces shall vest in the President.*
- (3) *The President shall, subject to law, have power-*
  - (a) *to raise and maintain the Military, Naval and Air Forces of Pakistan; and the Reserves of such Forces;*
  - (b) *to grant Commissions in such Forces.*<sup>7</sup>

The Constitution also vests the authority in the President of Pakistan, on advice of the Prime Minister of Pakistan, to appoint 3 Services Chiefs and Chairman Joint Chiefs of Staff Committee. The key responsibility of the Armed Forces, according to article 245 of the Constitution, is “*under the direction of the Federal Government defend Pakistan against external aggression or threat of war, and subject to law, act in aid of civil power when called upon to do so.*”

### Ministry of Defence of Pakistan

The Federal Government exercises its powers of control and command of the Armed Forces through its Ministry of Defence. The Mission Statement of Pakistan's Ministry of

Defence is to “enable the armed forces to defend the national sovereignty and territorial integrity of the Islamic Republic of Pakistan and protect its national interests and assets through military means and other defence related capabilities.”<sup>8</sup>

In view of its Mission Statement, the specific tasks assigned to the Ministry of Defence, according to its Year book 2008-2009 are as follows:

- i. to formulate, coordinate and execute the Defence Policy of Pakistan and other defence related policies
- ii. to provide for and manage the National Defence needs through Defence Budgeting
- iii. to administer the armed forces of Pakistan
- iv. to promote and regulate the Civil Aviation Authority and the related infrastructure in Pakistan, so as to be compatible with the contemporary global standards
- v. to assist the Civil Administration in the maintenance of Public Order, combating the internal threats and battling the national disasters, calamities and emergencies, if required and asked for
- vi. to contribute towards the world peace and progress through the UN Peace keeping and other operations.<sup>9</sup>

The following departments come under the purview of the Ministry of defence:

1. **The Defence Division** is an Administrative Division and Secretariat of the Ministry of Defence and is responsible for the achievement of its Mission Statement.
2. **Military Lands & Cantonment (ML&C) Department** which exercises supervisory control over eleven field offices of Military Estate Officers and forty three local governments in the Cantonments. These offices are mainly engaged in municipal and developmental works for the civilians residing in the Cantonments.
3. **Pakistan Meteorological Department** which is a scientific and technical organization engaged in the collection of real time diversified meteorological, climatological, hydrological, agro-meteorological and seismological data for undertaking multifarious activities.
4. **Airports Security Force (ASF)** which is tasked to safeguard Civil Aviation Industry against unlawful interference adopting counter terrorism measures,

7. The Constitution of the Islamic Republic of Pakistan, as amended by the Constitution Act (19th Amendment) 2010 (Act No. 1 of 2011)

8. Year Book 2008-09, Ministry of Defence, Government of Pakistan

9. Ibid.

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- preventing crime and maintaining law and order within the limits of Airports in Pakistan.
5. **Survey of Pakistan** which is responsible to delineate and demarcate International Borders, carry out topographic survey, prepare national geographic database and publish maps of Pakistan.
  6. **Pakistan Armed Services Board (PASB)** which is responsible to ensure optimum welfare, rehabilitation and re-settlement of ex-servicemen and their dependents including safeguarding the interests of service personnel in their civil matters.
  7. **Pakistan International Airlines Corporation** which is a National Airline that has been an air travel pioneer since its inception in 1955.
  8. **Civil Aviation Authority** which is responsible to provide safe, secure and efficient best-in-class aviation services to the stakeholders.
  9. **Pakistan Military Accounts Department (PMAD)** is mainly responsible for making payments to the Armed Forces, maintaining accounts thereof and rendering financial advice to Defence Authorities.
  10. **Federal Government Educational Institutions (FGEI)** is tasked to provide better educational facilities to the wards of Armed Forces Personnel as well as to the children of civilians residing in Cantonment areas throughout the country.
  11. **Maritime Security Agency** is responsible to assert and enforce national jurisdiction and sovereignty in the maritime zones in order to regulate and protect maritime interests of Pakistan.<sup>10</sup>

### Parliamentary Committees

The principle of Parliamentary oversight on the Executive is enshrined in the Constitution of Pakistan mandated mainly through Parliamentary powers of legislation and passage of the budget. These powers are further defined under respective rules of the National Assembly and the Senate of Pakistan that govern the functioning of the Parliamentary committees as well.

Committees are created in the National Assembly and the Senate of Pakistan with most of the standing committees set-up to correspond to the Ministries or Divisions of the federal government. The functions of a Standing Committee are to debate legislation relating to, and oversee the working and performance of, the relevant Ministry or Division. Standing committees have wide

powers to call witnesses, requisition official records, seek statements on oath and take up any matter within their jurisdiction, without reference by the House.

Defining specific roles and powers of the Standing Committees in the National Assembly of Pakistan, clause 198 of the Rules of Procedure and Conduct of Business of the National Assembly states that:

- (1) ...there shall be a Standing Committee for each of the Ministry of the Government
- (2) Each Committee shall deal with the subjects assigned, under the rules for the allocation and transaction of business of the Government to the Division or the Ministry with which it is concerned or any other matter referred to it by the Assembly.

Clause 201 (1) further defines the role of the Committees as:

*A Committee shall examine a Bill, subject or matter referred to it by the Assembly or the Speaker and shall submit its report to the Assembly or to the Speaker, as the case may be, with such recommendations including suggestions for legislation, if any, as it may deem necessary. In the case of a Bill, the Committee shall also examine whether the Bill violates, disregards or is otherwise not in accordance with the Constitution.*

Clause 201 (4) further states that:

*A Committee may examine the expenditures, administration, delegated legislation, public petitions and policies of the Ministry concerned and its associated public bodies and may forward its report of findings and recommendations to the Ministry and the Ministry shall submit its reply to the Committee.<sup>11</sup>*

10. Year Book 2008-09, Ministry of Defence, Government of Pakistan

11. Rules of Procedures and the Conduct of Business in the National Assembly of Pakistan, National Assembly of Pakistan.

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## Parliamentary Committees relating to Defence and National Security

At present, three parliamentary committees exist which deal with the subjects of Defence and Security. These committees are as follows:

- i. National Assembly Standing Committee on Defence
- ii. Senate Standing Committee on Defence and Defence Production
- iii. Parliamentary Committee on National Security (a joint Committee of the National Assembly and the Senate of Pakistan)

The broad responsibility of the Standing Committees dealing with Defence, in both Senate and the National Assembly of Pakistan is to oversee the functioning of the Defence division (and the Defence Production division in the case of the Senate Committee) and all its related bodies in keeping with the tasks assigned to the divisions. The following sections present the general information, composition, scope and performance of the above three parliamentary committees in the present parliament during the past three years.

### The National Assembly Standing Committee on Defence

The 13th National Assembly of Pakistan, met for the first time on March 17, 2008 when the newly elected Members of the National Assembly (MNAs) took oath after February 2008 General Election.

The National Assembly Standing Committee on Defence was elected on April 24, 2008 alongside other committees within the timeframe of 30 days as provided in the National Assembly Rules of Procedure and Conduct of business, 2007. However, a Committee only becomes functional upon the election of its chairperson, which, in the case of National Assembly Standing Committee on Defence, could only take place almost a year later on February 17, 2009 when Dr. Azra Fazal Pechuho, Member of the National Assembly of Pakistan returned from Nawabshah-I, Sindh for her second term and politically affiliated with the Pakistan Peoples Party-Parliamentarian (PPPP), was elected as the Chairperson of the committee.

The second meeting of the committee was held on April 28, 2009, about 2 months after the election of the Chair. As provided for in the rules, the Minister concerned serves as an ex-officio member of the Committee. The party wise distribution of the committee is as follows:

**Table 1: Membership of National Assembly Standing Committee on Defence**

| Party   | No. Of Members In Committee |
|---|-----------------------------|
| <b>Pakistan Peoples Party-Parliamentarian (PPPP)</b>  | <b>6</b>                    |
| 1. <b>Dr. Azra Fazal Pechuho</b> , MNA<br>Chairperson of the Committee<br>(NA-213 Nawabshah-I, Sindh) |                             |
| 2. <b>Capt (Retd.) Rai Ghulam Mujtaba Khural</b> , MNA<br>(NA-143, Okara-I, Punjab)                   |                             |
| 3. <b>Mir Amir Ali Khan Magsi</b> , MNA<br>(NA-206 Larkana-III, Sindh)                                |                             |
| 4. <b>Nawab Abdul Ghani Talpur</b> , MNA<br>(NA-231, Dadu-I, Sindh)                                   |                             |
| 5. <b>Dr. Talat Mahesar</b> , MNA<br>(NA-233, Dadu-III, Sindh)  |                             |
| 6. <b>Dr. Abdul Wahid Soomro</b> , MNA<br>(NA-237, Thatta-I, Sindh)                                   |                             |
| <b>Pakistan Muslim League-Nawaz (PML-N)</b>   | <b>5</b>                    |
| 7. <b>Sardar Mehtab Ahmad Khan</b> , MNA<br>(NA-17 Abbottabad-I, Khyber Pakhtunkhwa)                  |                             |
| 8. <b>Mr. Ayaz Amir</b> , MNA<br>(NA-60, Chakwal-I, Punjab)   |                             |
| 9. <b>Shaikh Rohale Asghar</b> , MNA<br>(NA-124 Lahore-VII, Punjab)                                   |                             |
| 10. <b>Mr. Bilal Ahmed Virk</b> , MNA<br>(NA-136 Nankana Sahib-cum- Sheikhpura, Punjab)               |                             |
| 11. <b>Begum Ishrat Ashraf</b> , MNA<br>(NA- 273, Punjab-I)   |                             |
| <b>Pakistan Muslim League (PML)</b>   | <b>3</b>                    |
| 12. <b>Makhdoom Syed Faisal Saleh Hayat</b> , MNA<br>(NA-88, Jhang-III, Punjab)                       |                             |
| 13. <b>Chaudhry Wajahat Hussain</b> , MNA<br>(NA-104, Gujrat-I, Punjab)                               |                             |
| 14. <b>Sardar Talib Hassan Nakai</b> , MNA<br>(NA-142, Kasur-V, Punjab)                               |                             |
| <b>Muttahida Quami Movement (MQM)</b>   | <b>1</b>                    |
| 15. <b>Ms. Shagufta Sadiq</b> , MNA<br>(NA-319, Sindh-XII)  |                             |
| <b>Awami National Party (ANP)</b>   | <b>1</b>                    |
| 16. <b>Syed Haider Ali Shah</b> , MNA<br>(NA-16, Hangu, Khyber Pakhtunkhwa)                           |                             |
| <b>Independent (Ind.)</b>   | <b>1</b>                    |
| 17. <b>Mr. Jawad Hussain</b> , MNA<br>(NA-39, Tribal Area-IV, FATA)                                   |                             |
| <b>Total</b>  | <b>17</b>                   |

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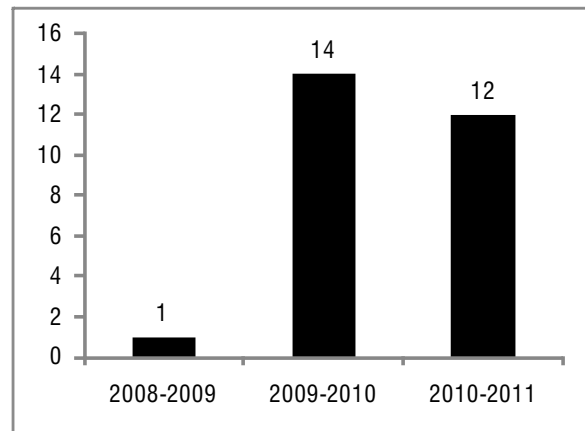
### Monitoring and Analysis

The National Assembly Standing Committee on Defence has held a total of 27 meetings since its formation; with one meeting held in the Parliamentary year 2008-09, 14 meetings in the Parliamentary year 2009-10 while 12 meetings during the Parliamentary year 2010-2011.<sup>12</sup>

**Table 2: Meetings of the National Assembly Standing Committee on Defence**

| Parliamentary Year | Number of Meetings held |
|--------------------|-------------------------|
| 2008-2009          | 1                       |
| 2009-2010          | 14                      |
| 2010-2011          | 12                      |
| <b>Total</b>       | <b>27</b>               |

**Figure 1: Meetings held by National Assembly Standing Committee on Defence**



### Issues discussed by the Committee

Following is an analysis of the key areas covered in these 27 meetings of the National Assembly Standing Committee on Defence.

During its 27 meetings spanned over a time period of three years, the National Assembly Standing Committee on Defence discussed and made recommendations on areas related to the defence of the country. The Committee was briefed by representatives from the Ministry of Defence and Ministry of Interior more than once. Briefings were

also given to the Committee by the Secretary Defence, Mr. Aitzaz Ahsan (on the Pakistan Army (Amendment) Ordinance, 2007), representatives from the Civil Aviation Authority, representatives from the Pakistan Navy and so on. Appendix A contains agenda and key discussions during the meetings of the National Assembly Standing Committee on Defence as reported through the press releases of the meetings.

The Committee also discussed following legislation in this period:

1. The National Defence University Bill, 2009
2. The Institute of Space Technology Bill, 2009
3. The Defence Housing Authority Islamabad Ordinance, 2007
4. The Pakistan Army (Amendment) Ordinance, 2007
5. The Pakistan Naval Academy (Award of Degrees) (Amendment) Bill, 2010
6. The Carriage by Air Bill, 2010

Three of these legislation, namely the National Defence University Bill, the Defence Housing Authority Islamabad Ordinance and the Institute of Space Technology Bill, were passed by the committee. One of these, the Defence Housing Authority Islamabad Ordinance 2007, was passed by the Committee although dissenting views and concerns were expressed about various provisions of the ordinance inside and outside the Parliament including a number of legal and constitutional questions relating to the formulation of the Ordinance while the ordinance also related to the wider question about the nature and equation of civil-military relations in Pakistan.<sup>13</sup>

The committee prepared and tabled 6 reports during the period.

### Defence Budget

Parliamentary Control of the purse strings of a state is one of the most crucial powers of any Parliament. The Finance Bill constitutes the single most important legislation debated and passed by a legislature in any given year. Ironically, this is the legislation which gets the least amount of serious attention in the Assembly in terms of its review and oversight as, unlike other legislation, it is never referred to a standing committee for serious analysis and scrutiny.

12. As per the official information provided by the Committee Section-National Assembly of Pakistan

13. PILDAT Legislative Brief 7: The Defence Housing Authority Islamabad Ordinance 2007. January 2010

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For all practical purposes, the Budget making remains an exclusive domain of the unelected executive and elected representatives are kept out of the pre-budget phase of the process on the pretext of secrecy.

Prior to 2008, Parliament would get one lump sum figure indicating the amount for the defence budget in the Federal Budget. The break-up of this amount indicating allocation to Army, Air Force and Navy was also not provided. Assembly after assembly swallowed this affront to its supremacy and approved the budget without a question. The Constitution of Pakistan does not impose any restriction on debating defence expenditure and Members of the National Assembly have the right to move cut motions in the defence budget, like budget of other ministries, but this has not been a practice since 1962-69 when members from East Pakistan moved cut motions in defence expenditures. In practice, since the exit of East Pakistan, the members hardly discuss defence expenditure. It was in 2008-09 budget that some details were provided about the Defence Budget. The extent of details of Defence Budget presented to Parliament may not be sufficient, especially compared to the details presented to some other parliaments such as the Indian Parliament, but Pakistan has made progress in providing some details and one can hope the trend will continue in the following years for greater transparency.

Parliamentary experts call Committees as the 'Parliament at work' and the plenary as the 'Parliament on Exhibition.' That is why there is an increased trend in the world Parliaments to transact most of the parliamentary business in the committees. Pakistani Parliament, at least in the context of the Budget Process, is working just against the global trend. One of the key reforms required in this area is that once the budget is presented to the House, each National Assembly Standing Committees should receive the relevant Demands for Grants and a briefing from the concerned Ministry. The Standing Committees should be given Approximately 2 to 3 weeks to complete their consideration and prepare their reports for the House. The Demand for Grant for the Ministry of Defence should be reviewed by the Standing Committee on Defence. A part of the Committee proceedings may be held in camera if considered appropriate by the Committee Chair.

The Indian Parliamentary Committee on Defence annually reviews the Demand for Grants by Defence Ministry,

alongside other departments, and tables its reports to the Parliament before the passage of the budget. In Pakistan, such initiatives are either not undertaken by the Parliament or are blocked under the pretext of national security. Other than the period of budget, as explained earlier, Standing Committees have wide powers at all times to examine expenditures of related ministry or division. Despite this key responsibility of examining expenditure as per the rules of the National Assembly, the National Assembly Standing Committee on Defence did not examine or evaluate Defence budget or demand for grants by the Ministry of Defence even once during the past 3 years. The Committee chose not to exercise this power even though the Senate Standing Committee on Defence, in comparison, had established the tradition of reviewing defence budget ahead of its presentation, even as a token gesture, since 2006.

However, at the beginning of the fourth Parliamentary year of the 13th National Assembly, a meeting of the National Assembly Standing Committee on Defence was called with the agenda to review:

- i. Demand for Grants for 2011-2012 (Defence Budget)
- ii. Budget Proposals for 2011-2012 (Defence Budget)
- iii. Budget expenditure over and above the 2010-2011. (Defence Budget)<sup>14</sup>

The meeting which was held in-camera, was reported in the newspapers to have recommended the increase of 18 per cent in the Defence Budget 2011-2012, as attributed to the Chairperson Dr. Azra Fazal Pechuho, MNA who spoke to the media afterwards. The chairperson is reported to have said that the increase in defence budget was due to ongoing military operation against militants in the tribal belt. It was also reported that the committee suggested to the Ministry of Defence that limit of procurement of weapons and defence related equipment would not exceed 25 per cent of the allocated budget.<sup>15</sup>

This was the first time that the committee discussed defence budget and demand for grants ahead of the budget, a long-overdue step that must be lauded. Such an initiative may just be a token initiative at this stage given the fact that the Committee system lacks adequate independent research support, but it symbolises that elected representatives are exercising their right to oversee the executive in the interest of the people and the country.

14. Official Notice of Meeting of the National Assembly Standing Committee on Defence dated March 31, 2011. Accessed from the National Assembly Website: [www.na.gov.pk](http://www.na.gov.pk) on April 13, 2011

15. Defence Budget: NA panel recommends increase up to 18 pc, by Wasim Iqbal. Business Recorder, April 08, 2011.





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**Senate Standing Committee on Defence and Defence Production**

After the Senate elections of 50% of its members in March 2008, the Senate Standing Committee on Defence and Defence Production was formed on July 27, 2009.

**Table 3: Membership of Senate Standing Committee on Defence and Defence Production**

| Party   | No. Of Members In Committee |
|---|-----------------------------|
| <b>Pakistan Peoples Party-Parliamentarian (PPPP)</b>  | <b>4</b>                    |
| 1. <b>Senator Waqar Ahmed Khan</b><br>Khyber Pakhtunkhwa, PPPP  |                             |
| 2. <b>Senator Faisal Raza Abidi</b><br>Sindh, PPPP  |                             |
| 3. <b>Senator Mian Raza Rabbani</b><br>Sindh, PPPP  |                             |
| 4. <b>Senator Sardar Ali Khan</b><br>Khyber Pakhtunkhwa, PPPP   |                             |
| <b>Pakistan Muslim League-Nawaz (PML-N)</b>   | <b>1</b>                    |
| 5. <b>Senator Raja Muhammad Zafar ul Haq</b><br>Punjab, PML-N   |                             |
| <b>Pakistan Muslim League (PML)</b>   | <b>3</b>                    |
| 6. <b>Senator Ch Shujaat Hussain</b><br>Punjab, PML   |                             |
| 7. <b>Senator Mir Jan Muhammad Khan Jamali</b><br>Balochistan, PML  |                             |
| 8. <b>Senator Lt. Gen. (Retd.) Javed Ashraf</b><br>Chairman, Senate Standing Committee on Defence and Defence Production<br>Punjab, PML |                             |
| <b>Muttahida Quami Movement (MQM)</b>   | <b>1</b>                    |
| 9. <b>Senator Col. (Retd.) Syed Tahir Hussain Mashhadi</b><br>Sindh, MQM  |                             |
| <b>Awami National Party (ANP)</b>   | <b>1</b>                    |
| 10. <b>Senator Haji Muhammad Adeel</b><br>Khyber Pakhtunkhwa, ANP   |                             |
| <b>Jamiat Ulema-i-Islam-Fazal (JUI-F)</b>   | <b>1</b>                    |
| 11. <b>Senator Molana Muhamad Khan Sherani</b><br>Balochistan, JUI-F  |                             |
| <b>Jamaat-e-Islami Pakistan (JIP)</b>   | <b>1</b>                    |
| 12. <b>Senator Prof. Khurshid Ahmed</b><br>Khyber Pakhtunkhwa, JIP  |                             |
| <b>Total</b>  | <b>12</b>                   |

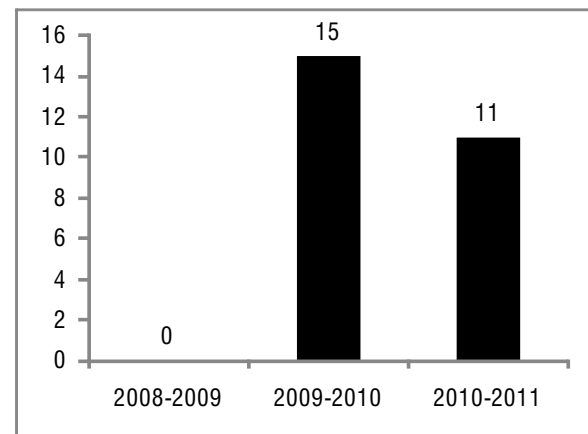
**Senator Lt. Gen. (Retd.) Javed Ashraf**, (Punjab, PML) was also elected as the chair of the committee on the same date. The party wise distribution of the committee is provided in Table 3.

**Monitoring and Analysis**

The Senate Standing Committee on Defence and Defence Productions held no meetings during 2008-2009, 15 meetings in the year 2009-2010, and 11 meetings during the year 2010-2011, making it a total of 26 meetings during this period.

**Table 4: Meetings of the Senate Standing Committee on Defence and Defence Production**

| Parliamentary Year | Number of Meetings held |
|--------------------|-------------------------|
| 2008-2009          | 0                       |
| 2009-2010          | 15                      |
| 2010-2011          | 11 <sup>16</sup>        |
| <b>Total</b>       | <b>26</b>               |

**Figure 2: Meetings held by the Senate Standing Committee on Defence and Defence Production**

During the last three years, the Senate Committee passed the following bills:

1. The Pakistan Naval Academy (Award of Degree) (Amendment) Bill, 2010
2. The Institute of Space Technology Bill, 2010
3. The National Command Authority Bill, 2010

The Senate Standing committee on Defence and Defence

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Production held most of its meeting on the Pakistan International Airlines (PIA) and monitored its progress from time to time, while also discussing the business plan and the future plan of the airline. The Committee discussed PIA in 8 of its total meetings in the two years, with special emphasis on its workings and progress and the allocation of quota and flights schedule to smaller provinces. The Committee discussed the performance of Pakistan Air Force in 02 of its meetings and was briefed by the officers at the PAF headquarters. Similarly, the committee was also briefed more than once on the working of Pakistan Army and Pakistan Navy. Briefings were also given to the committee by representatives from the Ministry of Defence, Ministry of Defence Production and the Civil Aviation Authority. The Inter Services Intelligence (ISI) Agency briefed the committee in an in-camera meeting while the Surveyor General of Pakistan also briefed the committee once. Appendix B carries details of the committee meetings.

It is noteworthy that the Senate Standing Committee on Defence and Defence Production had initiated a tradition of reviewing defence budget every year before it is presented in the House since 2006, a practice the committee maintained during this period of analysis as well.

The statistics show that both the Senate and the National Assembly Standing Committees have almost held similar number of meetings in the period, although analysis reveals that the Senate Committee on Defence and Defence Production has covered a wider range of relevant issues as compared to the National Assembly's Committee on Defence.

The Committee prepared no report during the period.

16. As per the data available on the Senate website <http://www.senate.gov.pk> as accessed on April 05, 2011

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### Parliamentary Committee on National Security

In October 2008, an in-camera joint session of the Pakistan Parliament (Senate and the National Assembly) was convened to discuss security situation in the country and devise by consensus a comprehensive strategy to counter terrorism and extremism. The session concluding on October 22, 2008, adopted a joint resolution calling for, among other clauses, “an urgent review of the national security strategy and revisiting the methodology of combating terrorism in order to restore peace and stability through an independent foreign policy.” The resolution also called for constituting a “Special Committee of Parliament ... to periodically review, provide guidelines and monitor the implementation of the principles framed and roadmap given in this resolution.”

It is in this backdrop that a Parliamentary Committee on National Security was formed in November 2008. Committee's terms of reference were “to periodically review, provide guidelines and monitor the implementation of the principles framed and roadmap given in the resolution.”

In the rules of procedure for the committee, its powers were defined so as to “summon or invite any Minister, Official or any other person to carry out the purposes of the Resolution and seek Government record including classified record, information and assistance from any Government or Agency in that regard.”

It was also decided in the rules that all sittings of the Committee will be held *in-camera* and proceedings of the committee to be treated as confidential unless otherwise decided by the Committee. While the committee rules make it mandatory for the Committee to present 'periodic' recommendations to the Government, the committee did not set a specific period for presentation of these recommendations, whereas the rules make a time-frame of one month binding on the Government to apprise the committee of the actions taken on its recommendations.

#### Committee Membership

**Senator Mian Raza Rabbani** serves as the Chairman of the Parliamentary Committee on National Security. The party wise distribution of the committee is contained in Table 5.

**Table 5: Membership of Parliamentary Committee on National Security**

|              |  |
|--------------|--|
| 1.           | <b>Senator Mian Raza Rabbani</b><br>Chairperson of the Committee<br>Sindh, PPPP          |
| 2.           | <b>Senator Zaheer-ud-Din Babar Awan</b><br>Punjab, PPPP                                  |
| 3.           | <b>Ms. Sherry Rehman, MNA</b><br>NA-308, Sindh, PPPP                                     |
| 4.           | <b>Sardar Mehtab Ahmad Khan, MNA</b><br>(NA-17 Abbottabad-I, Khyber Pakhtunkhwa)         |
| 5.           | <b>Senator Mohammad Ishaq Dar</b><br>Punjab, PML-N                                       |
| 6.           | <b>Senator Wasim Sajjad</b><br>Islamabad Capital Territory, PML                          |
| 7.           | <b>Syed Haider Abbas Rizvi, MNA</b><br>NA-253 Karachi-XV, Sindh, MQM                     |
| 8.           | <b>Mr. Asfandiyar Wali Khan, MNA</b><br>NA-7 Charsadda-I, Khyber Pakhtunkhwa, ANP        |
| 9.           | <b>Mr. Munir Khan Orakzai, MNA</b><br>NA-38 Tribal Area-III, FATA, Ind.                  |
| 10.          | <b>Maulana Fazlur Rehman, MNA</b><br>NA-26, Bannu, Khyber Pakhtunkhwa, JUI-F             |
| 11.          | <b>Senator Prof. Khurshid Ahmed</b><br>Khyber Pakhtunkhwa, JIP                           |
| 12.          | <b>Mr. Aftab Ahmed Khan Sherpao, MNA</b><br>NA-8 Charsadda-II, Khyber Pakhtunkhwa, PPP-S |
| 13.          | <b>Senator Abdur Rahim Mandokhel</b><br>Balochistan, PKMAP                               |
| 14.          | <b>Senator Mir Israrullah Zehri</b><br>Balochistan, BNP-A                                |
| 15.          | <b>Senator Senator Shahid Hassan Bugti</b><br>Balochistan, JWP                           |
| 16.          | Vacant (after the demise of Senator Justice (R) Abdul Razak A. Thahim of PML-F)          |
| <b>Total</b> | <b>16</b>  |

#### Monitoring and Analysis

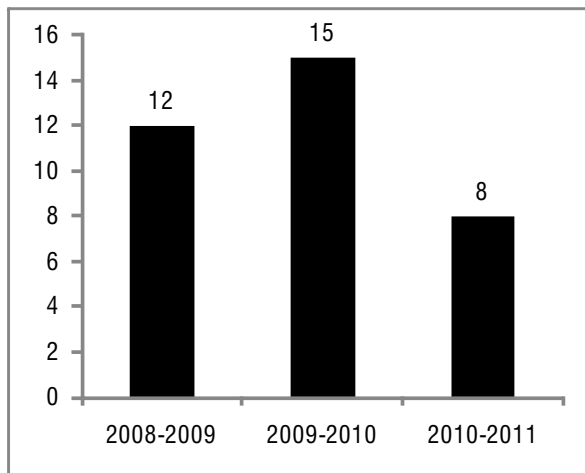
The Parliamentary Committee on National Security held 12 meetings during the parliamentary year 2008-09, 15 meetings in the year 2009-10 and 08 meetings during 2010-2011. Although the meetings were in-camera, the media was briefed about some of the meetings by the Chairman of the Committee.

The detailed analysis of the meetings and the

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**Table 6: Meetings of the Parliamentary Committee on National Security**

| Parliamentary Year | Number of Meetings held |
|--------------------|-------------------------|
| 2008-2009          | 12                      |
| 2009-2010          | 15                      |
| 2010-2011          | 8 <sup>17</sup>         |
| <b>Total</b>       | <b>35</b>               |

**Figure 3: Meetings held by the Parliamentary Committee on National Security**

recommendations given by the committee is as follows:

1. An in-Camera Sitting on December 02, 2008 took place in which the Committees was briefed by Mr. Shah Mehmood Qureshi, MNA, then-Foreign Minister of Pakistan, Mr. Ahmed Mukhtar, MNA, Minister of Defence, Mr. Rehman Malik, then advisor to the Prime Minister on Interior and Lt. Gen. Ahmed Shuja Pasha, Director General, ISI.
2. Another meeting followed on December 03, 2008 in which the committee was again briefed by the same persons as briefed a day earlier with the addition of Maj. Gen. (Retd.)Mehmood Ali Durrani, then-Advisor to the Prime Minister on National Security.
3. In its meeting held on December 17, 2008 the

committee was briefed by the Ministers for Defence and Foreign Affairs.

4. In a meeting held on December 23, 2008, the Committee was briefed by Mr. Owais Ahmed Ghani, Governor NWFP, Mr. Amir Haider Hoti, Chief Minister NWFP and once again by Ministers for Defence and Foreign Affairs.

On an average 5 hours time was consumed per meeting in a total of 35 meetings since its formation.

### Recommendations by the Committee

The Parliamentary Committee presented a set of recommendations in its Report of April 2009, which were based on the Consensus Resolution of the Joint Sitting of the Parliament, held on October 8-22, 2008. These are included as Appendix C.<sup>18</sup> The lack of implementation on these recommendations, however, has been raised as a matter of concern by the Committee. After the meeting on July 8, 2010, the Committee chair briefed the media that the Committee had sent a formal letter to Ministries of Interior, Defence and Foreign Affairs, seeking explanation for not implementing its previous recommendations.<sup>19</sup>

All meetings of the Parliamentary Committee on National Security were held in-camera.

17. Data available on the Senate website [www.senate.gov.pk](http://www.senate.gov.pk), as accessed on April 14, 2011.

18. Official Documents provided by the Parliamentary Committee on National Security

19. No Operation Under Foreign Pressure, by Muhammad Saleh Zaafer, The News, July 09, 2010.

<http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=29931&Cat=13&dt=7/9/2010> as accessed on April 5, 2011

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## Comparison of the Performance of Parliamentary Committees on Defence & National Security

**Table 7: Performance Comparison**

| Committees  | Number of Meetings held in 2008-2009 | Number of Meetings held in 2009-2010 | Number of Meetings held in 2010-2011 | Comparative Analysis  |
|---|--------------------------------------|--------------------------------------|--------------------------------------|---|
| National Assembly Standing Committee on Defence             | 01                                   | 14                                   | 12                                   | Indian Parliamentary Committee on Defence held a total of 23 meetings while the House of Commons UK Committee on Defence held a total of 16 meetings during the parliamentary year 2009-10. <sup>20</sup> |
| Senate Standing Committee on Defence and Defence Production | 00                                   | 15                                   | 11                                   |   |
| Parliamentary Committee on National Security                | 12                                   | 15                                   | 08                                   |   |

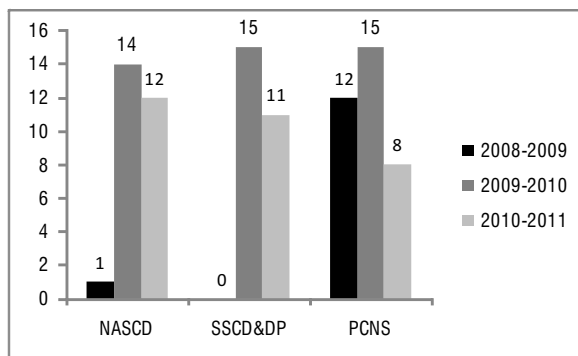
### Comparison with other Countries

Table 7 presents a comparison between the performance of the Parliamentary Committees dealing with defence and national security in Pakistan with that of the Indian Parliamentary Committee on Defence and House of Commons UK Committee on Defence. The statistics show that the number of meetings held by the Indian Committee in one year is roughly equal to the total number of meetings held by the National Assembly's Standing Committee on Defence or the Senate Standing Committee on Defence and Defence Production in 3 years.

Similarly, while the Standing Committee on Defence, India presented a total of 9 reports in the 15th Lok Sabha during one year, 2009-10, and the House of Commons UK

Defence Committee presented 9 Reports and 5 special reports for in one year (2010),<sup>21</sup> in comparison, the Senate Standing Committee on Defence and Defence Production failed to table a single report during the entire three years; the Parliamentary Committee on National Security presented just one report in 3 years while the National Assembly Standing Committee on Defence presented 6 reports in three years. In addition, the Parliamentary Committee on National Security which prepared a report and sent its recommendations to the Government 2009, still complains of lack of implementation of its reports.<sup>22</sup> In comparison, however, a report by the Lok Sabha Secretariat of India on the Workings of the Standing Committee on Defence for 2009-2010 revealed that 12 out of 19 recommendations or 63% recommendations made by the Committee were accepted by the Government of India.<sup>23</sup>

**Figure 4: Number of Meetings held by Committees**



Another key area of comparison is the defence budget. Standing Committee on Defence in India has a well-built mechanism of reviewing the defence budget. Although, legally and technically, the recommendations of the Committee are not binding, the government usually accepts most of them. The Committee extensively reviews the Demands for Grants before the budget every year and the details of the latter, alongwith the recommendations by the committee are published in the form of a report for public knowledge.<sup>24</sup> The Defence Budget in Pakistan has always been treated as a sacred cow, kept hidden from the

20. Defence Committee, Parliament of United Kingdom, <http://www.parliament.uk/defcom> as accessed on April 05, 2011

21. 10 Select Committees: Information and Statistics about the membership, work and staff of select committees: <http://www.publications.parliament.uk/pa/cm201011/csession/1/00112.htm#a48>, as accessed on May 04, 2011

22. "NA body calls for strict tone with US on drone hits", The News, April 30 2011.

23. Ministry of Defence, Standing Committee on Defence (2009-10) Fifteen Lok Sabha, <http://164.100.47.134/lssccommittee/Defence/4th%20report%20ATR%20Stress.pdf> as accessed on April 05, 2011

24. Gosh, Amiya Kumar, How to Review the Defence Budget, June 2009, PILDAT Islamabad.

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purview of the Parliament as well as public. It is noteworthy that India has more or less similar concerns related to national security as faced by Pakistan. However, the Indian Parliament has not let this act as an excuse to shield information from the public representatives. The difference among the two countries, perhaps, lies in the strength of the Parliamentary system and the role and influence of military over the course of history. Nonetheless, on all these fronts, the performance of the Parliamentary Committees in Pakistan is found to be lagging behind its neighbouring country as well as UK and demands drastic improvement.

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## Parliamentary Oversight of Defence: Where do we stand?

The preceding analysis of the 3 Parliamentary Committees that are charged with the task of overseeing the security sector and guiding Pakistan's security policies reveals that while there is some movement forward in which Parliament is gradually becoming aware of its responsibilities, the pace of exercising this responsibility remains slow.

While one of the reasons attributed to this lack of effective oversight is the absence of objective and independent research support to the committees, it can also be argued that if the Parliament is intent on engaging in an objective and non-partisan oversight, in any field, most importantly of defence sector, it can create linkages and seek assistance from independent national institutions and subject specialists devoted to this field.

While Parliament's overall performance of one of its 3 key functions, oversight of the executive (the other two being representation and legislation) leaves much to be desired generally and is attributable, in part, to lack of premium voters put on any other function of a legislator other than representation, in the specific case of oversight of defence sector, absence of an institutional culture of Parliamentary oversight of defence is also cited as one of the reasons.

Given the pre-eminence of the military in the society reinforced by 4 coups in 63 years, there is a general hesitation, reluctance and even fear in public representatives that an independent and objective posture vis-à-vis the military, that also requires being forceful at times, may not only jeopardise their political careers but may also upset the democratic apple cart once again and send the democratic system packing. As former Senator Mushahid Hussain Sayed notes that a "combination of a lack of political will, fear of the khaki, incompetence and resistance by the security sector resulted in limited [Parliamentary] oversight [of defence],... the constraints, if any, are political, professional and psychological, not legal or constitutional." He further analyses that post 2008 General Election, the country offers "conducive conditions" for Parliamentary oversight of defence. The space made available in the country through a largely-held national consensus on strengthening and maintaining democratic dispensation has not been optimally utilised by the Parliament so far.

Another dimension where the absence of Parliamentary leadership in influencing policy and overseeing its implementation is most stark is the present national security scenario. Grappling with its traditional security paradigm largely centred around India after fighting three conventional wars, border conflicts and dismemberment of the country, additionally the country is in a state of war that is not traditional and fighting a chameleon enemy that is both from within and foreign. One is hard pressed to find any contribution or any role played by Parliamentary committees in any major security decision taken by the country. Both Parliament and the Government do not seem prepared to be in the forefront of defining what constitutes a national security strategy of Pakistan in dealing with this war that has no end in sight. The elected leadership of the people continues to abdicate its responsibility of leading the essential dialogue that can help define a winning and lasting strategy.

PILDAT believes that it is the job of Parliamentary Committees on Defence and National Security to have raised the question about institutional strengthening of state institutions relating to national security. As Mr. Sartaj Aziz argues "The Army will accept the supremacy of elected civilian leaders in interpreting national interests and in laying down the broad parameters of defence and foreign policies only if there is an effective mechanism for developing a national security system. For this purpose the National Security setup by General Musharraf in 2004 must be replaced by a new Cabinet Committee on Defence and National Security chaired by the Prime Minister. General Musharraf's Council included the Prime Minister, Chairman of the Senate, Speaker of the National Assembly, Leader of the opposition, four Chief Ministers and four service chiefs, but not the Ministers of Defence, Foreign Affairs, Interior or Finance. The purpose of this Council was to institutionalize military control over the political system, rather than deal with actual security issues. This serious lacuna in the system must be addressed as early as possible to give the democratically elected leadership its legitimate role in formulating the main parameters of national security policies."<sup>25</sup> It is equally important that the Cabinet Committee on Defence and National Security is supported by a permanent secretariat and a think tank to support its work. Similarly, exercising even civilian control on defence and national security will not be possible without activating the civilian Defence Minister and the Defence Ministry.

25. Aziz, Sartaj, Parliamentary Oversight of Defence in Pakistan: The Way Forward, September 2010, PILDAT Islamabad.



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Circumstances that have led to the killing of Osama Bin Laden and others on our sovereign soil by the armed forces of the United States of America have raised many questions on the role of the security agencies and the requirement of civilian and Parliamentary oversight over them, especially the supreme role Parliament needs to play in the formulation and implementation of a comprehensive and integrated counter-terrorism and national security strategy. Parliament's role is crucial in investigating all aspects of this event which has caused world-wide adverse comments on our complicity or our incompetence in regard to the presence of Osama Bin Laden on our soil.

More importantly, Parliamentary committees need to seek details of a formal status of forces agreement, if one exists, that Pakistan has entered into with United States of America which establishes the framework under which Pakistan is cooperating with the United States in a comprehensive security arrangement. Such a mechanism is needed to be placed before the Parliament so it can investigate the legal framework within which US security and intelligence personnel operate in Pakistan and how the domestic laws of Pakistan are applied toward them. If Pakistan has not entered into a formal status of forces agreement with the United States, the Parliament and its defence and national security committees need to demand comprehensive details of any written or otherwise agreement that applies on Pak-US relations and arrangements for security and intelligence cooperation. Both the military establishment and the foreign office keep referring to red lines that the US should not cross on cooperation on counter terrorism<sup>26</sup> and the committees must demand details of all such cooperation that falls under green, amber or red lines.

It is essential that Parliament demands its right to be informed on security and defence related issues; one briefing on the issue 3 years ago ending in a resolution and formation of a committee that is still seeking response on lack of implementation of its recommendations, is unfortunately falling way short of the required response from elected representatives of Pakistan. An informed interaction needs to take place inside the Parliamentary Committees which should engage in seeking a periodic assessment of the security scenario and offer guidelines.

While we may not see eye to eye with the United States in

terms of its strategy in Afghanistan, it is important to note that various state entities and independent institutions, including Congress and Congressional Committees in the US, are engaged in a periodic review of US strategy in Afghanistan and thus leading the global discourse in which Pakistan, despite being in the front line of the war, chooses to remain confined to just respond instead of presenting its own national assessment of the regional security and its own legitimate concerns and issues. Parliament and Parliamentary committees can, and must, be in the forefront of creating such a periodic assessment both for the national audience and the one that creates a reasonable and legitimate space in the international narrative on the security concerns in the region.

Pakistan is engaged in an unconventional war. Our security is threatened, our troops and civilians are laying down their lives, our economy is wrecked by this on-going war and our sovereignty appears to be compromised. Our Parliamentary committees and especially the ones relating to national defence and security need to be more alert, active, vigilant and serious than ever before in discharging their responsibility of oversight. If human or infrastructural constraints are holding them back, they must get the necessary resources to do their duty.

Security and public order are for the people and have to be defined both legally and administratively by the public representatives. Parliament and Parliamentary committees on defence and national security need to regularly debate issues relating to security. Use of independent experts, public hearings, institutionalized support are all measures that need to be considered by these committees for playing an effective role.

It is recognized that committee meetings discussing national security may sometimes need to hold in-camera discussions, but this should not be a norm or overriding principle. Parliament is an accountable institution to the citizens and citizens views, opinions and voices need to be heard and incorporated into reviewing policies that define national security priorities for Pakistan.

26. "The US knows our position and red lines. We do not expect the US to complicate matters involving counter-terrorism...." Foreign Office spokesman Abdul Basit, published in FO reminds Washington of 'red lines': Dawn, December 24, 2010: <http://www.dawn.com/2010/12/24/fo-reminds-washington-of-%E2%80%98red-lines%E2%80%99.html>

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## Appendix A

### Details of Meetings of the National Assembly Standing Committee on Defence

#### Meeting 1: February 17, 2009

The elections of the Chairperson of the Committee took place and Dr. Azra Afzal Pechuho was elected as the chairperson.

#### Meeting 2: April 28, 2009

Lt. Gen. (Retd.) Syed Athar Ali, Secretary Ministry of Defence briefly apprised the Committee about the aims, mission, tasks and organizational structure of the Ministry and its attached departments. He informed the Committee that the Ministry had a transparent monitoring system regarding the budget utilization of the Ministry and Departments under its administrative control.

The Committee appreciated the overall briefing of the Ministry of Defence however, expressed its dissatisfaction over the security risks on almost all the Airports of the Country and recommended that highly professional trainings may be imparted for the capacity building of the ASF personnel to combat the challenging security hazard in the prevailing scenario. The Committee desired that a detailed briefing may be given to the Committee on the counter terrorism policy of the Government and the current status of Kashmir, Siachin and Sir Creek. It was agreed that the Committee would be updated on these issues in its next meeting to be held in mid of May, 2009.

#### Meeting 3: May 23, 2009

Dr. Azra Fazal Pechuho, Chairperson while acknowledging the importance of the Standing Committee on Defence observed that the Committee would work as a bridge between our Defence Forces and the Parliament. She made this observation while chairing the meeting of the Standing Committee on Defence held today in the Parliament House, Islamabad.

The Committee chalked-out tentative schedule of the meetings to be held in the forthcoming months. It was agreed to have briefing on the counter-terrorism policy of the Government in the Joint Staff Headquarter on the 2nd & 3rd June, 2009 focusing on its objectives, the progress made so far and its long term impacts on our country. The Committee would also have briefings from all the wings of our Armed Forces besides discussing the overall functioning of PIAC in July, 2009. The Committee decided to launch its Website containing to its the functioning of the Committee so that the public may also know about its activities.

#### Meeting 4: June 2, 2009

Dr. Azra Fazal Pechuho, Chairperson Standing Committee on Defence directed the M/o Interior to issue a white paper highlighting the facts and figures of the Swat operation and implication of the war on terror in order to assess the fallout of those policies. She said that it would help the government to review and intensify the future strategy for dealing with the menace of terrorism and extremism. She said this while chairing a meeting of the Standing Committee on Defence in Parliament House, this morning.

The Committee was given a comprehensive briefing on the Counter Terrorism Policy of the government. The Secretary M/o Interior while apprising the committee said that the present democratic government was fully cognizant of the destructive effects of terrorism and extremism and had adopted a comprehensive strategy taking on board all the stakeholders. The strategy includes dialogue with tribal elders, development of infrastructure and creating deterrence against anti-state elements. He further apprised that in order to effectively deal with the situation, amendments in the Anti-Terrorism Act had been proposed, militant outfits had been proscribed, new counter terrorism structure has been established besides introduction of stringent immigrations control measures to stop the illegal immigrants into the country. He further said that government has introduced madrasa reforms so as to bring the madrasas into the mainstream by revising its curricula.

The Committee appreciated the counter terrorism efforts of the government and asked to further intensify the security in other parts of the country as well. The committee asked to create employment opportunities for the unemployed youth in the FATA and other affected districts of the NWFP so that the militants may not engage unemployed youth on handsome wages to fight

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against the security agencies. The Committee asked the Ministry of Defence to make arrangements to airlift the stranded people in the Kurrum Agency and deploy armed personnel along with the Peshawar-Parachinar road so that the people could travel by road safely.

The Committee also expressed their solidarity with the families of the Shaheed Jawans and Officers of Armed Forces who have sacrificed their lives while discharging their duties during the War against Terrorism and expressed solidarity with the internally displaced persons (IDPs) hoping for early repatriation to their homes.

**Meeting 5: June 11, 2009**

The Secretary Defence and Director (Military Operations) briefed the committee about the ongoing "Rahe-e-Rast" Military Operation in Swat and Malakand and the counter terrorism measures. He informed the Committee that the anti-state activities of the militants, paralyzed the political and civil administration and challenged the writ of the government, necessitated the military action against the miscreants. However, before the initiation of military operation against the militants, the government had tried its utmost to resolve the issues through dialogue and accepted the popular demand of the people of the area by introducing Nizam-e-Adal regulations.

He further apprised that the ongoing military operation has been focused on eliminating militants from the area with minimum collateral damage to the public and infrastructure. He said that the military action has won the public support and has restored their confidence.

The committee extended its all out support to the armed forces for achieving the objectives of military operation. The Committee also recommended that Ministries of Religious Affairs, Information and Education, intellectuals and religious scholars may be involved to counter negative propaganda by Militants against the state and tarnishing the image of Islam.

**Meeting 6: July 4, 2009**

The Standing Committee on Defence stressed that DHA may ensure transparency in utilization of funds and also involve its residents while levying taxes or increasing the existing charges to avoid resentments amongst them. These recommendations came as the committee was discussing the imposition of refurbishment charges by the Defence Housing Authority (DHA).

The Committee after conceding the problems being faced by the residents of DHA, Karachi and levying of unjust taxes like Refurbishment Charges by the Administration of DHA, decided to constitute three members Sub-Committee headed by Sardar Mehtab Ahmad Khan, MNA. The Sub-Committee will submit its report to the main Committee suggesting amendments in the Act governing the Cantonment Boards and the By-Laws of DHA.

**Meeting 7: July 25, 2009**

Director General Defence Procurement (DGDP) and Managing Director, Karachi Shipyard & Engineering Works gave comprehensive briefings of their respective departments. The Committee was apprised about the complete procedure of procurement of Defence Products by the Director General Defence Procurement (DGDP) which is functioning in close harmony with the Services Headquarter to procure the required equipments for the three services in an efficient and cost effective manner and updated continuously to keep pace with the changing environment. The Committee appreciated the transparent procurement process of DGDP and emphasized to minimize losses and accrue maximum possible savings in every contract.

While acknowledging the scope of Ship Building Industry in the Country, the Committee assured its all possible support for uplifting of this industry so that it may compete internationally. The Committee also directed the MD, KSEW to furnish a report containing the problems being faced by them which would be brought into the notice of Prime Minister for its viable solution.

**Meeting 8: November 24, 2009**

The Committee discussed thoroughly the National Defence University Bill and passed it with certain amendments. Thereafter the committee began its deliberation on the Defence Housing Authority, Islamabad bill, 2007 and decided that the representatives from the Ministries of Law, Finance and Auditor General of Pakistan should be invited in the next meeting to be held on the 8th of December, 2009 so that their input is sought before giving approval to this important bill. High ranking officers

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from the Ministry of Defence, National Defence University including the Secretary Defence also attended the meeting.

#### **Meeting 9: November 25, 2009**

The Committee discussed and passed unanimously the Institute of Space Technology Bill, 2007 without any amendments therein. Thereafter the committee began its deliberation on the Pakistan Army (Amendment Bill, 2007) and decided that this bill is very important, therefore the input from the Ministry of Law & Justice should be sought before according it approval or otherwise. The committee therefore deferred further deliberation on this bill till next meeting to be held on the 8th of December, 2009.

#### **Meeting 10: December 18, 2009**

The Committee discussed, in detail, the Defence Housing Authority, Islamabad Ordinance, 2007 and passed it with majority vote. The Committee deferred further deliberation on the Pakistan Army (Amendment) Bill 2007. The Committee decided that as this Bill contains very important issue relating to fundamental rights therefore Mr. Aitzaz Ahsan and Mr. Latif Afridi were invited to brief the members about various aspects of the Bill so that they are better positioned to accord or refuse approval to this Bill.

The Secretary Defence submitted that he has no objection to regularize the services of the honorary lady teachers working in the schools of Ministry of Defence. He informed the Committee that more than 1200 such teachers have been working as honorary lady teachers and some of them have been serving for the last 22 years. Their services can be regularized if enough funding is provided by the Government. The Committee recommended that enough funding should be made available for the said purpose.

#### **Meeting 11: December 23, 2009**

Mr. Aitzaz Ahsan gave comprehensive briefing on the Pakistan Army (Amendment) Bill 2007. He cited various judgments of the Supreme Court wherein Military Courts were declared null and void. However he shared the concern of the Committee that the special circumstances demand special legislation. He opined that the Military Courts established by amending the Pakistan Army Act, will pass the test of judicial scrutiny if they meet the international standard of adjudication. He said the proposed amendment doesn't meet that standard. He stressed that the following six principles should be ensured if the Courts under Army Act, are to be setup.

1. The appointments of the presiding officers should be in consultation with the Chief Justice of the High Court.
2. Security of their tenure.
3. Their judgments should be in the shape of speaking orders, that is, they should give reasons for their orders.
4. Speaking orders shall be passed by the Tribunals.
5. Right of appeal before High Court.
6. Period of enforceability of such special legislation should be described.

After this briefing the Committee deferred the Bill for further deliberation in its next meeting.

#### **Meeting 12: January 14, 2010**

The Committee examined the Pakistan Army (Amendment) Bill 2007 and decided to invite Mrs. Asma Jahangir and Syed Iqbal Hyder so that they may give their expert opinion on this bill before the committee gives its recommendations for the same. Both the renowned Jurists and Human Rights activist have been invited for its next meeting to be held on 27th of January 2010.

#### **Meeting 13: January 19, 2010**

The Standing Committee on Defence visited various sites of the D.H.A Islamabad which included D.H.A Phase-I, Phase-II, Phase-II extension D.H.A valley and D.H.A homes. The Secretary Ministry of Defence received the delegation at D.H.A office where the committee members were given briefing by the Secretary Defence and Administrator D.H.A.

The Committee also visited the proposed health and education facilities to be provided by the D.H.A. to its inhabitants. The committee was impressed by the faculty development programme of National Institute of Health. This programme is being

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developed with the cooperation of Harvard University of the United States of the America.

All the concerns which were being raised in a section of press were addressed by the administration of the D.H.A. The committee was impressed by the scope and vision, quality and pace of work and the architectural standard of D.H.A. The Committee was impressed by the state of the art facilities to be provided in its Education and Health City.

**Meeting 14: February 8, 2010**

The Committee discussed the Pakistan Naval Academy (Award of Degrees) Amendment Bill, 2010 and unanimously passed it. The Committee was given comprehensive briefing about introduction, restructuring regulatory and operational performance of Civil Aviation Authority. The Committee recommended that the Civil Aviation should take immediate steps to improve the outlook of the Air ports of the Country, the plantation should be done around airports and public transport should be made available at all airports. The Committee directed that the service of honorary teachers working in the Cantt and Garrison Schools should not be terminated and further directed that their services should be regularized and the Ministry of Finance should arrange necessary funds for this purpose. The Secretary Ministry of Defence assured the committee that the necessary steps are being taken, in the light of the recommendations of this committee, for the regularization of their services and assured the committee that this issue will be resolved shortly.

**Meeting 15: February 19, 2010**

A Sub-Committee consisting of Nawab Abdul Ghani Talpur as Convener, Mrs. Shagufta Sadiq, Mir Amir Ali Khan Magsi and Begum Ishrat Ashraf, MNAs as members has been formed. The Sub-Committee will examine all the issues relating to DHA, Karachi and the complaints of the residents against DHA. The Committee informed that the issue of refurbishment charges is sub-judice, therefore the Committee deferred its deliberation on this issue.

The Addl. Secretary Defence informed the Committee that the summary for the regularization of the services of the female honorary teachers working in the schools of Cantt and Garrison has been forwarded to the Prime Minister Secretariat and Ministry of Finance.

**Meeting 16: March 20, 2010**

The Committee visited the PAF Base Kamra for a Briefing and live witnessing of the High Mark-2010 Exercises on March 20, 2010.

**Meeting 17: March 25, 2010**

A briefing was given to the Committee by the Ministry of Interior on the Counter Terrorism Policy of the country.

**Meeting 18: April 6, 2010**

The Committee visited the Thal Range for witnessing the Firepower Demonstration of the High Mark 2010 Exercises.

Meeting 19: April 18, 2010

The Committee visited Bahawalpur Range for witnessing Azam-e-Nau-III Exercises.

**Meeting 20: May 11, 2010**

The Committee visited the Naval Head Quarters and a briefing was given to them on the working and operation of Pakistan Navy.

**Meeting 21: October 15, 2010**

A briefing was given by the Pakistan Meteorological Department on unusual weather pattern and frequent earthquakes. A briefing was also given on the Air Blue Plane Crash by the Civil Aviation Authority, specially on the role of Air Traffic Control. A report was also presented by the Sub-Committee on DHA

**Meeting 22: November 10, 2010**

The Committee discussed the Carriage by Air Bill, 2010 in detail. The Committee was informed that International carriage of passengers and goods by air is regulated by International conventions which define the responsibilities, obligations and

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liabilities of air carriers, passengers, consignors, consignees and others. The international conventions are implemented by enactment of corresponding laws in Pakistan. Pakistan signed the Montreal Convention for Unification of Certain rules for international Carriage by Air, 1999 and the instrument of ratification of this Convention was deposited by the Government of Pakistan in UN in 2006. 97 countries including Pakistan have so far ratified the Montreal convention, 1999.

The main issue during the discussion related to the limit of liability for domestic carriage. The Committee required some clarification on the Bill and intended to propose certain suggestions.

**Meeting 23: November 24, 2010**

The Carriage by Air Bill, 2010 was once again discussed in the meeting.

**Meeting 24: December 08, 2010**

Once again, the agenda of the meeting was to discuss the Carriage by Air Bill, 2010.

**Meeting 25: January 12, 2011**

The Carriage Air Bill was discussed for the fourth time in January 14 meeting.

**Meeting 26: February 09, 2011**

The deal between the Pakistan International Airlines and the Turkish Airlines was discussed in detail.”

**Meeting 27: March 14, 2011**

The meeting discussed the security arrangements at Airports by ASF and a report by the sub committee on PIA was also presented in the meeting. The committee also discussed the accreditation of Army Public University, Lalkurti with Pakistan Engineering Council. A report was presented on regularization of services of honorary teachers of cantonment and garrison schools.



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**Appendix B****Details of Meetings of the Senate Standing Committee on Defence and Defence Production****Meeting 1: July 27, 2009**

Senator Lt. Gen (Retd) Javed Ashraf was elected as the Chairperson of the committee.

**Meeting 2: August 06, 2009**

Role and Function of Ministry of Defence was discussed alongwith the Organization of Ministry of Defence including subordinate departments. Workings and system of Ministry of Defence particularly on the process of Budget making was discussed along with the details of current Budget i.e. allocations and projects, if any. Financing counter insurgency operation and details of money being spent and re imbursement/additional allocation was also discussed in the meeting.

**Meeting 3: August 17, 2009**

A Briefing by Chairman PIA was given on the workings and performance of Pakistan International Airlines and non-increase in the pay of lower staff of PIA

**Meeting 4: August 29, 2009**

Role, Functions and Organization of Ministry of Defence Production was discussed along with the Annual Budget and its sub divisions. Procedure for procurement of Defence Equipment and major procurement in last 5 years were also brought under discussion. Role and functions of the subordinate organizations was also discussed.

**Meeting 5: September 14, 2009**

Presentation was given by the Managing Director of Pakistan International Airlines on a comprehensive business plan to bail out the National Airline. Several key questions regarding the non- increase in the pay of lower staff and the delay of the flight were answered.

**Meeting 6: September 28, 2009**

The Committee met with Senators of French Senate Standing Committee on Foreign Affairs, Defence and Armed Forces, and discussed matters of mutual interests.

**Meeting 7: November 06, 2009**

A briefing was given to the committee regarding the role, functions and organization of Joint Staff Headquarters. A short briefing was also given on other organizations working under Joint Staff Headquarter.

**Meeting 8: December 26, 2009**

A Briefing was given to the committee on the workings and performance of Heavy Industries Taxila (HIT).

**Meeting 9: January 18, 2010**

Chairman of the Committee, Senator Lt. Gen (Retd) Javed Ashraf along with other members of the Committee met and interacted with a delegation of UK House of Commons Defence Select Committee led by Rt. Hon. James Arbuthnot MP, which called on him at the Parliament House. The Senate Standing Committee on Defence and Defence Production underscored the need to step up and intensify efforts for promoting international cooperation specially with regard to providing greater financial resources for carrying the on-going war on terror to its logical end and to achieve the desired results.

**Meeting 10: February 02, 2010**

The Committee visited the Naval Headquarters Islamabad and a briefing was given by Pakistan Navy on its preparedness to defend the country.



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**Meeting 11: February 03, 2010**

A briefing was given by DG Military Lands and Cantonments on management of military lands and cantonments. A briefing was also given by DG RV & F on issues pertaining to Military Farms Okara. Allotment of military lands to officers was also discussed.

**Meeting 12: February 11, 2010**

The Committee visited the Air Headquarters in Islamabad and a briefing was given by Pakistan Air Force on its preparedness to defend the country. Performance of PAF in counter insurgency operation was also discussed.

**Meeting 13: February 23, 2010**

Briefing on the role, functions and organization of General Headquarters was given to the committee and Counter insurgency operation in NWFP and FATA was discussed.

**Meeting 14: March 03, 2010**

A briefing on the Working and Performance of Pakistan Ordnance Factories (POF) Wah was given to the Committee.

**Meeting 15: March 11, 2010**

A Briefing was given by Managing Director Pakistan International Airlines on share of Balochistan in employment in PIA and its present position and the system of appointments in PIA and details of appointment made in 2009. The briefing also discussed the flights to and from Balochistan Cities/Towns.

**Meeting 16: March 20, 2010**

The committee was given a briefing at Pakistan Air Force Base at Minhas. The committee also visited the Exercise Area to witness PAF Exercise HIGH MARK 2010.

**Meeting 17: April 28, 2010**

Briefing on the working and performance of Pakistan Aeronautical Complex, Kamra was given to the Committee.

**Meeting 18: May 31, 2010**

Briefing by Surveyor General on the working and Performance of Survey of Pakistan was given to the Committee.

**Meeting 19: August 23, 2010**

Briefing by Managing Director Pakistan International Airlines on the business plan of PIA was given to the Committee.

**Meeting 20: August 31, 2010**

Briefing by Pakistan Army, Pakistan Navy and Pakistan Air Force on their flood relief efforts was given to the Committee.

**Meeting 21: October 08, 2010**

Briefing was given on to the Committee on the matters pertaining to Pakistan International Airlines (PIA).

**Meeting 22: October 25, 2010**

Briefing on share of Balochistan in employment in PIA was given with details of employment on Forged Local Domicile certificates in PIA on share of Balochistan. The system of appointments in PIA was discussed and details of appointment made in 2010 on share of Balochistan with these local domiciles were given. Flights to and from Balochistan cities/towns with their schedule were also brought under discussion including the ratio and comparison of the fares of PIA for destination in Balochistan with other Provinces of Pakistan.

**Meeting 23: January 13, 2011**

A presentation on the Defence Budget including the breakdown and allocation to various institutes was given. Crucial shortages and difficulties being encountered in the Defence Budget were also discussed. A briefing was also given on the presence of the United States of America and its allies allowed in Quetta.

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**Meeting 24: January 19, 2011**

A briefing was given by the Civil Aviation Authority on the proposed Aviation Policy and on the progress on Benazir Bhutto International Airport Islamabad and Gawader Airport. A briefing was also given on the MOU reportedly reached between the PIA and the Turkish Airlines.

**Meeting 25: March 01, 2011**

Briefing was given on the share of employment of Khyber Pakhtunkhwa in the Pakistan International Airlines and the comparison of fares from cities in Khyber Pakhtunkhwa to other cities of the country.

**Meeting 26: Friday, March 11, 2011**

A briefing was given by Ministry of Defence Production on procurement of defence equipment. Progress of Defence Production projects of Pakistan Air Force and Pakistan Navy was also discussed in the meeting.



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**Appendix C****Recommendations by the  
Parliamentary Committee on National Security  
in its Report of April 2009****(Based on the Consensus Resolution of the Joint Sitting of the Parliament, October 8-22, 2008)**

- 1. We need an urgent review of our national security strategy and revisit the methodology of combating terrorism in order to restore peace and stability to Pakistan and the region through an independent foreign policy.**

**RECOMMENDATIONS**

- i) The Government needs to ensure that the principles of an independent foreign policy must be grounded in strict adherence to the Principles of Policy as stated in Article 40 of the Constitution, the UN Charter, observance of international law, respect for the free will and aspirations of sovereign states and their peoples.
- ii) The Government needs to review the present focus of foreign policy keeping in view the aspirations of the people of Pakistan. It needs to establish a balance by emphasizing our links with our traditional allies and building new relationships thus diversifying the sources of economic, military and political support.
- iii) The Government needs to emphasize a regional approach for resolving the current situation, which is; essentially regional in nature. A solution enjoying the support of regional countries will be sustainable.
- iv) The Government needs to provide a comprehensive framework to take forward the Pakistan-Afghanistan relationship to a higher level, in the political, economic, security and social sectors. The Government needs to task the Defence, Foreign and Interior Ministries, to initiate an intra-departmental intra-agency process ;for the review and formulation: of national security strategies by preparing comprehensive policy papers which review the methodology of combating terrorism and extremism, both within the country and the region as a whole.
- vi) The Government needs to effectively convey to all the stakeholders that:
  - a) Pakistan has suffered immensely in terms of loss of human lives, including women and children.
  - b) Pakistan has the largest human refugee population in contemporary times which is compounding the situation in terms of spread of terrorism.
  - c) Pakistan has a very large and growing population of Internally Displaced Persons.
  - d) Pakistan alone is not the sanctuary for extremists and terrorists, the malady plagues the region.
  - e) The perceptions of longstanding disputes involving the Muslim population, like the Kashmir, Palestine and Iraq are further compounding factors.
  - f) It must be made clear to the international community that unless the above disputes are resolved it will be impossible to attain sustainable peace. The international community as a whole must come together to find practical solutions to these disputes.
- vii) The Government needs to convene a conference of selected envoys to deliberate on foreign policy, keeping in view the above recommendations in the light of the international and regional trends.

- 2. The challenge of militancy and extremism must be met through developing a consensus and dialogue with all genuine stakeholders.**

**RECOMMENDATIONS**

- i. This complex issue requires a multi-faceted, comprehensive and balanced approach. Exclusive reliance on the military dimension has not been fruitful. For lasting success the people must assume ownership. In order to take this process forward. all political parties 'along with religious leaders need to be taken on board.
- ii. The Government needs to periodically invite the national leadership be it political, religious or of civil Society to take

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- them into confidence on the changing scenario.
- iii. The Government needs to prepare an effective media strategy for reinforcing the national consensus on combating extremism and terrorism.
- iv. The Government needs to emphasize that any lasting and sustainable solution must respect local customs, traditions, values and religious beliefs.

**3. The nation stands united to combat this growing menace, with a strong public message condemning all forms and manifestations of terrorism, including the spread of sectarian hatred and violence, with a firm resolve to combat it and to address its root causes.**

**RECOMMENDATIONS**

- i. In the battle for the hearts and minds the power of persuasion must be stronger than coercion. An inclusive process must emphasize primacy of dialogue and reconciliation.
- ii. All Provincial Assemblies may pass Resolutions reaffirming the resolve to combat terrorism as well as extremism.
- iii. The Government needs an extensive sensitization campaign with the support of local communities to neutralize the impact and influence of militant ideologies and to correct negative perceptions that feed extremism.

**4. That Pakistan's sovereignty and territorial integrity shall be safeguarded. The nation stands united against any incursions and invasions of the homeland; and calls upon the government to deal with it effectively.**

**RECOMMENDATIONS**

- i. The Government needs to adopt an uncompromising attitude to safeguard the sovereignty and territorial integrity of Pakistan. In order to counter the unilateral drone attacks on Pakistani soil the Government should take the following amongst other steps and measures:
  - a. It needs to intensify the diplomatic offensive, making the stakeholders and the world realize that such attacks are counter-productive, cause loss of valuable lives and property, radicalize the local Population and create support for terrorists and fuels anti American sentiments.
  - b. Engage the new US Administration, Senate, Congress and Pentagon for a strategic review of their policies aimed at cessation of drone attacks and other violations on Pakistan's soil.
  - c. Engage the foreign media through a massive publicity campaign.
  - d. The drone attacks are an infringement on Pakistan's sovereignty and cannot be tolerated, if such attacks continue, the Government should take effective steps to protect the sovereignty of the country.
- ii. The Government needs to mobilize public opinion on the issue and to send a message that the entire nation stands united
- iii. The Government needs to have better coordination with the international coalition and all disconnects and fragmentations within the international coalition must be addressed

**5. That Pakistan's territory shall not be used for any kind of attacks on other countries and all foreign fighters, if found, shall be expelled from our soil.**

**RECOMMENDATIONS**

- i. The Government needs, to achieve this objective to ensure that training centers, launching grounds and hideouts of terrorists are gradually and effectively eradicated Those tribes/sub-tribes which may be harboring such fighters need to be identified and the elders of these tribes need to be approached and engaged by Political Agents and/or elders of other tribes to persuade them to give up the foreign fighters. The elders of such tribes may in return be offered incentives such as development work being carried out in their areas.

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- ii. The Government's writ must be manifested by securing all major highways and link roads, proper check points need to be established at all entry and exit points of selected areas.
- iii. The Government needs to ensure that the security and law enforcement agencies do not allow Pakistan's territory to be used for the export of terrorist activities. In this regard, special focus should be kept on the non-state actors including individuals, entities and organisations indulging in terrorist activities. The due process of law should be followed in this regard.
- iv. The government needs to effectively control the inflow of illegal immigrants.

**6. That dialogue must now be the highest priority, as a principal instrument of conflict management and resolution. Dialogue will be encouraged with all those elements willing to abide by the Constitution of Pakistan and rule of law.**

**RECOMMENDATIONS**

- i. The Government's immediate measures must ensure the restoration of the writ of the state and the Government in all the areas where it has been eroded by terrorist groups, through due process of law.
- ii. The Government should pursue the process of joint jirga to stabilize the situation in FATA and also with Afghanistan in order to foster reconciliation.
- iii. The Government while initiating a dialogue must keep the following steps in mind:
  - a) The local traditions and customs.
  - b) There is a need to show consistency in the Government's approach to attaining peace in the region through dialogue. This is necessary as a confidence building measure to ensure a conducive atmosphere.
  - c) A proper mechanism for dialogue needs to be devised to move forward.
  - d) To initiate a bona fide process of dialogue, the Government will have to, as a first step, halt any operation in the concerned area and establish a ceasefire.
  - e) Any agreements arrived at, as a result of dialogue, need to be long lasting, practical and enforceable. To achieve this, we must learn from the mistakes of the past.
  - f) One of the main purposes of any agreement should be to ensure that Pakistan's soil is not used for any form of terrorism or cross-border movement.
  - g) If and when a peace agreement is reached and the writ of the Government is restored the Army will be withdrawn from the area replaced with Civilian Armed Forces.
- iv. The Government needs to ensure that the Jirgagai process emanating from the Kabul Peace Jirga is sustained and continued.
- v. The Government needs to pursue policies conducive to Pakistan strategic priorities pertaining to national, social and economic development. In this context measures for building a stable neighbourhood.

**7. That the development of troubled zones, particularly the tribal areas, and NWFP (Pukhtoonkhwa), must also be pursued through all possible ways and legitimate means to create genuine stakeholders in peace. New economic opportunities shall be created in order to bring the less privileged areas at par with the rest of Pakistan**

**RECOMMENDATIONS**

- i. The Government needs to give the highest priority to the development of Tribal Areas and NWFP (Pakhtoonkhwa). The support of international community for such development projects may be elicited
- ii. The Government needs to focus on reconstruction, development of social sectors with the participation of all stakeholders.
- iii. The rehabilitation of the Internally Displaced Persons must be made certain.
- iv. The Government may consider the waiver of outstanding federal loans against the province of NWFP (Pakhtoonkhwa).
- v. The development perspective including Trans-Regional Development Cooperation may be pursued with a view to

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- creating economic opportunities. In this context the possibility of establishing Trans Border Economic Zones with Afghanistan and China, initiation of joint development projects, public private partnership, in infrastructure, communication, minerals and energy may be explored and developed.
- vi. The development funds meant for FATA should be made available. Schemes like ROZs should be accelerated in FATA and settled areas of the country.
  - vii. The Government needs to realize that drug money is a major source of terror funding, farmers growing opium will have to be provided alternate opportunities.

**8. That a political dialogue with the people of Balochistan. The redressal of grievances and redistribution of resources shall be enhanced and accelerated.**

**RECOMMENDATIONS**

- i. Use of force should be stopped forewith.
- ii. Political negotiations should be initiated with all political forces to resolve all political & economic problems of the province.
- iii. Appropriate arrangements should be made for the rehabilitation of all people displaced during 2004-2007, and proper compensation be made to all affectees.
- iv. Release of all political prisoners and tracing out of missing persons.
- v. Mineral and energy resources of the province be so managed that the people of the province become primary beneficiaries and it is ensured that the pricing policies and royalty payments are made with equity fulfilling the rights and needs of the Province.
- vi. All unanimous Resolutions passed by the Provincial Assembly since 2002 be implemented, subject to the law and Constitution.

**9. That the state shall maintain the rule of law, and that when it has to intervene to protect the lives of its citizens, caution must be exercised to avoid casualties of non-combatants in conflict zones.**

**RECOMMENDATIONS**

- i. The Government must establish the writ of the state, maintain law and order, avoiding collateral damage. Further it has to ensure that kidnap pings for ransom, abduction, dacoity and other crimes effectively controlled.
- ii. The Government needs to ensure that the security personnel have appropriate rules of engagement to protect innocent peoples and non-combatants when military action in conflict zones becomes inevitable.
- iii. Suicide attacks are condemned and there training centers should be eliminated.
- iv. Laws relating to anti terrorism need to be strengthened and improved particularly to provide protection to witnesses and the court.
- v. The Government needs to seriously lay down a timetable for the return of the Afghan refugees and conducive conditions be created for their return.
- vi. The Government should ensure strict enforcement of Article 2)6 of the Constitution of the Islamic Republic of Pakistan.

**10. That the federation must be strengthened through the process of democratic pluralism, social justice, religious values and tolerance, and equitable resource sharing between the provinces as enshrined in the Constitution of 1973.**

**RECOMMENDATIONS**

- i. The Government needs to ensure the supremacy of Parliament, enforce the constitutional concept of tricotmy of power with the objective of strengthening institutions.
- ii. The Government needs to draw into a political dialogue all such elements that for the moment are in isolation.
- lii. The Government needs to engage in a dialogue leading to legislation to ensure maximum provincial autonomy in

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- order to reaffirm the concept of federalism.
- iv. The Government needs to ensure that the security personnel have appropriate rules of engagement to protect innocent peoples and non-combatants when military action in conflict zones becomes inevitable. All major and genuine grievances of the provinces need to be addressed by the Federal Government immediately.
  - v. The Federal Government needs to ensure that all provinces should be given their due share. For example; the NWFP should get its due share of Net Hydel Profits in line with the Arbitration Award in its favour. Further, all provinces should be allowed to use natural resources owned by, them without hindrance from the Federal Government.

**11. That the state shall establish its writ in the troubled zones, and confidence building mechanisms by using customary and local communities (jirga) and that the military will be replaced as early as possible by civilian law enforcement agencies with enhanced capacity and a sustainable political system achieved through a consultative process.**

**RECOMMENDATIONS**

- i. The Government needs to maintain a sustained effort by the security forces supplemented/ complimented by dialogue 10 establish its writ in the troubled zones.
- ii. The Government should ensure that the Provincial Government, the law enforcement agencies and all relevant political and economic institutions should develop programmes for empowerment of local communities.
- iii. The Government should ensure that customary administrative structure in the tribal areas are restored and revitalized. in particular:
  - a. in FATA, the. Federal Government needs to accept responsibility for maintaining law and order.
  - b. The Maliki system needs to be restored and strengthened. Similarly in the Frontier Region there is a need to strengthen the role of Khasadars.
  - c. All members of Parliament from FATA should be taken on board on all issues. This will constitute a core group for the Governor and political agents to take advice from.
  - d. All Agencies need to maintain a Levy Force. To ensure enforcement of state laws in these areas.
  - e. A permanent Jirga, as an overseeing body, should performed in every Agency 10 monitor local arrangements made between the tribes and the Government
  - f. The Political Parties Act should be extended to FATA
  - g. The Frontier Crimes Regulations needs to be amended and brought in accordance with the Constitution and the wishes of the people of the region.
- iv. The Government needs to act through the Provincial Government of NWFP (Pakhtoonkhwa) for achieving peace in Swat by taking the following amongst others measures:
  - a. The army must be replaced by the law enforcement agencies whose capacity building including provision of state of the art communications and other equipment needs have to be met .
  - b. The schools that have been destroyed need to be re-built immediately and schools that are closed should be opened forthwith. The security agencies should not use schools as their bases in these areas.
  - c. As per the recent peace agreement. the Federal Government/President should assent to and enforce, both in letter and spirit, the Nifaz-e-Adf Regulations in Malakand division immediately. Following this, the Government should initiate a proactive process of dialogue in Swat to attain long lasting peace.
  - d. The Government should focus all its efforts on empowering the civil administration of Swat to take control of the valley and start functioning as usual. .
  - e. An independent body should be formed to determine civilian casualties and the true extent of collateral damage to private property and the subsequent report should be made public.

**12. That Pakistan's strategic interests be protected by developing stakes in regional peace and trade, both on the western and eastern borders.**



March 15, 2008 - March 15, 2010

**RECOMMENDATIONS**

- i. The Government needs to pursue Pakistan's strategic interest inter-alia by developing trade relations with all neighboring countries and other Islamic countries.

**13. That mechanisms for internal security be institutionalized by paying compensation for victims of violence; and rehabilitate those displaced from their homes as soon as possible; that spill-over effects of terrorism be contained throughout the country and that public consensus be built against terrorism through media and religious participation.**

**RECOMMENDATIONS**

- i. The Government needs to provide an institutional structure to provide compensation for the victims of terrorism.
- ii. The Government needs to take specific steps to alleviate the condition of the Internally Displaced Pers.ons. A Refugee Commissioner may be designated as a focal point person to oversee this objective.
- iii. The Government needs to ensure that there is a collective effort along with civil society and the media, to de-legitimize violence and to emphasize the importance of Pakistan's success in combating extremism and terrorism.
- iv. The Government needs to co-opt the religious leadership in denouncing violence and suicide attacks and relaying a message of national unity, harmony and moderation.
- v. The Government needs to create a Prime Minister's Special Fund to ensure reconstruction and development of affected areas.
- vi. The Government needs to ensure that adequate compensation and rehabilitation of the internally displaced persons is their first priority,
- vii. The Government needs to ensure that compensation of private properties damaged should be calculated fairly at the current market rate.
- viii. The Government needs to ensure the payment of compensations to families of those who have been injured or killed due to suicide bombing and violence.
- ix. The Government needs to ensure that a comprehensive policy is evolved in which a sustainable programme with the help of international donors is developed for the rehabilitation of militants in case they renounce violence. It further needs, to enhance economic activity in the affected areas with construction of infra-structure and providing job opportunities.

**14. That a Special Committee of Parliament be constituted to periodically review, provide guidelines and monitor the implementation of the principles framed and roadmap given in this Resolution. This House authorizes the Speaker to constitute the said Committee in consultation with the parliamentary leaders of both Houses. The Committee will frame its own rules upon meeting.**



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