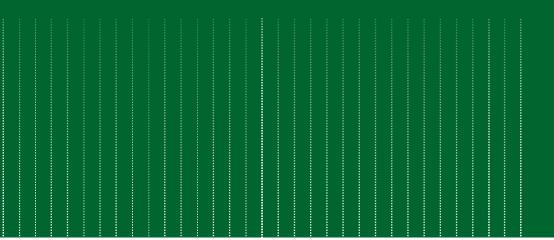
# **MONITOR**

# Civil-Military Relations in Pakistan February 2015





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# Optics of Civilian Deference: Prime Minister and COAS's Visit to Quetta



From Left to Right: Senior Provincial Minister Balochistan, Mr. Sanaullah Zehri, Chief Minister Balochistan, Dr. Abdul Malik Baloch, COAS Gen. Raheel Sharif, Prime Minister Nawaz Sharif and Governor Balochistan, Mr. Mohammad Khan Achakzai inspecting a Guard of Honour in Quetta<sup>1</sup>

If a picture is worth a thousand words, nothing depicts better the state of our civil-military relations and the ascendancy of military in national affairs than the picture with the COAS in the middle, flanked on the one side by the elected Prime Minister of Pakistan and on the other the elected Chief Minister of Balochistan. The photo was taken on the occasion of the meeting to review progress on the implementation of the National Action Plan (NAP) in Quetta on February 18, 2015.

As if a thousand words picture was not enough, the media quoted that the Prime Minister 'felicitated' Gen. Sharif for arranging a gathering that saw 'notables' of the province come together, and lauded their efforts for the prosperity of Balochistan.<sup>2</sup>

A meeting of Balochistan's Apex Committee was also held on the same day (the third since its formation) at the Governor House Quetta, <sup>3,4</sup> with the Press Release issued by the Prime Minister's office replete with statements such as '*It is good that the Army and the Government are on the same page and assisting each other*' and '*the whole nation must feel that both the civil and military leadership are on the same page*'. <sup>5</sup>

The over-emphasis on reporting the location of the 'Government' and the 'Army' on the same page conveys the incorrect impression as if the Army works independently of the

- Picture courtesy the Daily Times, February 19, 2015.
- For details, please see No one should take NAP credit alone: PM, The Nation, February 19, 2015, as accessed
  on March 09, 2015 at: <a href="http://nation.com.pk/national/19-Feb-2015/no-one-should-take-nap-credit-alone-nawaz">http://nation.com.pk/national/19-Feb-2015/no-one-should-take-nap-credit-alone-nawaz</a>
- 3. The meeting, chaired by the Prime Minister, saw participation from the Federal Minister for Defence, Khawaja Muhammad Asif, MNA; Chief of Army Staff, General Raheel Shareef; Federal Minister for Railways, Khawaja Saad Rafeeq, MNA; Minister of State for Petroleum and Natural Resources, Jam Mohammad Kamal, MNA; Chief Minister Balochistan, Dr. Abdul Malik Baloch; Governor Balochistan, Mr. Mohammad Khan Achakzai; Commander Southern Command, Lieutenatt General Nasser Khan Janjua, Senior Minister and PML-N President for Balochistan, Sardar Sanaullah Zehri, MPA; Balochistan Home Minister, Mir Sarfraz Bugti, MPA; Former Prime Minister Mir Zafarullah Khan Jamali; Chief Secretary Balochistan, Mr. Saifullah Chattha; Home Secretary Balochistan, Mr. Mohammad Akbar Durrani; Inspector General Police Balochitsan, Mr. Mohammad Amlish, Inspector General Frontier Corps Balochistan, Maj. Gen. Sher Afghan. For details, please see the Prime Minister's Office' Press Release on February 18, 2015 titled PM for accelerating pace on NAP, as accessed on March 08, 2015 at: <a href="http://pmo.gov.pk/press\_release\_detailes.php?pr\_id=800">http://pmo.gov.pk/press\_release\_detailes.php?pr\_id=800</a>
- 4. For details, please see No one should take NAP credit alone: PM, The Nation, February 19, 2015, as accessed on March 09, 2015 at: http://nation.com.pk/national/19-Feb-2015/no-one-should-take-nap-credit-alone-nawaz
- For details, please see the Prime Minister's Office' Press Release on February 18, 2015 titled PM for accelerating pace on NAP, as accessed on March 08, 2015 at: http://pmo.gov.pk/press\_release\_detailes.php?pr\_id=800



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Government. Sub-clause (1) of Article 243 of the Constitution states that the 'Federal Government shall have control and command of the Armed Forces'. However, statements by the Prime Minister's office such as 'the Army has endorsed the NAP' clearly undermine the Constitutional position of the elected Government.

Both the Prime Minister and the COAS also attended the passing-out parade of the first batch of the newly created Special Combat Unit, an anti-terrorist force, trained by the Pakistan Army on February 19, 2015 in Quetta. Balochistan is the second province that has formed such a force after Punjab.

# Security Policy Formulations by the COAS: Meeting of Sindh's Apex Committee

Signaling further overreach by the Army into security policy formulations, Gen. Raheel Sharif called for appointments in Sindh through the Provincial Apex Committee, the de-politicization of the Sindh police and 'apolitical responses' without the considerations of 'political expediency', in fighting crime in Karachi<sup>8</sup> on February 16, 2015. 10

PILDAT has already commented on the formation of the Provincial Apex Committees (CMR Monitor for January 2015), noting that no circular or notification was issued either by the four Provincial Governments, or the Federal Government, except for ISPR's Press Release notifying their formation.<sup>11</sup>

Initially, it was believed that the Committees would act as a consultative-cum-coordination forum, but the call for appointments in Sindh through the Committee signals more of a decision-making role. The Federal Government,



Prime Minister Nawaz Sharif flanked by former President Mr. Asif Ali Zardari, COAS, Gen. Raheel Sharif, Governor Sindh, Dr. Ishratul Ibad Khan, and Chief Minister Sindh, Syed Qaim Ali Shah, MPA, at a meeting at Governor House, Karachi<sup>9</sup>

<sup>7.</sup> For details, please see PM says victory against terrorists will require months of struggle, Dawn, February 20, 2015, as accessed on March 08, 2015 at: http://www.dawn.com/news/1164743

The DG ISPR on behalf of the COAS issued the statements at the occasion of the meeting of the Provincial Apex Committee of Sindh, also attended by the Prime Minister. For details, please see the tweet issued by DG ISPR Maj. Gen. Asim Saleem Bajwa on February 16, 2015, which can be accessed at: <a href="https://twitter.com/AsimBajwaISPR/status/567257506540290048">https://twitter.com/AsimBajwaISPR/status/567257506540290048</a>

<sup>9.</sup> Picture courtesy Dawn, February 17, 2015.

<sup>10.</sup> The exact text of the tweet issued by DG ISPR, Maj. Gen. Asim Saleem Bajwa on behalf of COAS Gen. Raheel Sharif on February 16, 2015 can be accessed at: <a href="https://twitter.com/AsimBajwaISPR/status/567258307874660352">https://twitter.com/AsimBajwaISPR/status/567258307874660352</a>

<sup>11.</sup> For details, please see PILDAT's monthly monitor on the Civil-Military relations of Pakistan for the month of January 2015, which can be accessed at: http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan Jan012015 Jan312015.pdf

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for the sake of institutional clarity, should formalize the Committees' Terms of Reference through an official notification.

Additionally, given that the Prime Minister was also present in Sindh's Apex Committee meeting, policy statements coming only from the COAS indicate the growing assertion of the military's political role.

Sadly, the police service of Sindh has been consistently deteriorating initially due to the policies of the Federal Government during the military dominance under Gen. Zia ul Haq and later Gen. Pervez Musharraf and due to political expediency and poor governance notably political recruitment, posting and transfers in police by various Sindh governments. Rangers have been on the law and order duty in the province for the last two decades and this has also contributed to now a well-established culture of dependence in police.

## Reported formation of Zonal Security Committees to be headed by Army Officials in Sindh

According to media reports,<sup>13</sup> a decision was taken at the Apex Committee of Sindh's meeting on February 16, 2015 to divide the province into three Zonal Security Committees to ensure the effective implementation of the National Action Plan. The Zonal Security Committees to be formed are:

- 1. **Karachi Zone**: Headed by DG Pakistan Rangers (Sindh), Maj. Gen. Bilal Akbar.
- Hyderabad Zone: Headed by General Officer Commanding, 18th Infantry Division, Hyderabad, Maj. Gen. Muhammad Abdul Aziz.





Chief Minister of Sindh, Syed Qaim Ali Shah, MPA chairing a security meeting at the Chief Minister House, Karachi  $^{\rm 12}$ 

Apart from the Army officials, the Zonal Committees would also comprise the civilian district management, including the relevant police officials.

However, no notification has been issued by Provincial Government of Sindh for formation of these Committees, with Chief Minister Syed Qaim Ali Shah, MPA, stating during a press conference on February 28, 2015 that 'no decision has been made in this regard' and that the 'provincial authorities were in contact with Rangers and intelligence agencies and the matter of Zonal Apex Committees would soon be settled'. 14

Importantly, if the formation of Zonal Security Committees is indeed agreed upon, this signifies the added duties of the Army in ensuring the internal peace and security of the province, a responsibility for which the Government has increasingly relied upon the Rangers Sindh, instead of the province's police force.

<sup>12.</sup> Picture courtesy the Pakistan Peoples Party's media cell as issued on March 14, 2014

<sup>13.</sup> For details, please see Failure in fight against militancy is not an option, Dawn, February 16, 2015, as accessed on March 08, 2015 at: http://www.dawn.com/news/1163964

<sup>14.</sup> For details, please see Sindh Government reluctant in implementing Apex Committee's decision, Pakistan Today, February 28, 2015, as accessed on March 08, 2015 at: <a href="http://www.pakistantoday.com.pk/2015/02/28/national/sindh-govt-reluctant-in-implementing-apex-committees-decisions">http://www.pakistantoday.com.pk/2015/02/28/national/sindh-govt-reluctant-in-implementing-apex-committees-decisions</a>

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# Promulgation of the Pakistan Army (Amendment) Ordinance, 2015

The President, on the advice of the Prime Minister, and a summary moved by the Ministry of Defence, signed the Pakistan Army (Amendment) Ordinance, 2015 on February 25, 2015.<sup>15</sup>

The law's promulgation shows the Government's lack of preparation in drafting the Pakistan Army (Amendment)



Act 2015 and the 21st Constitutional Amendment, 2015, albeit many consultations preceded it, only a month after their passage. Of particular importance was Article 2C of the Ordinance which states:

The convening authority or the court constituted under this Act may, make such orders or take such measures, like sitting in camera, not publishing the names of court officials etc., as it deems fit, within available resources, for the protection of witnesses, President, members, prosecutors, defending officers and other persons concerned in court proceedings for an offence under this Act, as may be prescribed.<sup>16</sup>

This means that Military Courts can choose to carry out closed proceedings at their discretion, raising concerns about transparency in the workings of an ad-hoc judicial mechanism.

The Ordinance grants greater powers to carry out closed proceedings to the Military Courts in comparison to those conferred upon the Special Courts established under Section 8 of the Protection of Pakistan Act, 2014. Under the latter, a Special Court can only carry out closed proceedings when 'an application is made by the prosecution on the ground that the publication of any evidence to be given or of any statement to be made in the course of the trial would be prejudicial to the public safety'. However, no such qualification is required for closed proceedings of the Military Courts.

Interestingly, under Section 44 of India's Unlawful Activities Prevention Act, 1967, which is one of India's primary anti-terrorism legislations, '*Notwithstanding anything contained in the Code, the proceedings under this Act may, for reasons to be recorded in writing, be held in camera if the Court so desires*'. <sup>18</sup> Then again, even if it is at the Court's discretion to carry out closed, or in-camera proceedings, it has to record its reasons in writing for doing so.

# Growing International Role of the COAS

Following high profile visits of the COAS to the United States in November 2014 and to the United Kingdom and China in January 2015, the international role of the COAS continued to grow as he undertook a visit to Afghanistan – his second since being appointed the COAS – and received the Turkish Prime Minister and the Foreign Minister of China at the GHQ during February 2015.

<sup>15.</sup> For details, please see Pakistan Army Act (Amendment) Ordinance, 2015, Daily Times, February 24, 2015, as accessed on March 08, 2015 at: <a href="http://www.dailytimes.com.pk/national/24-Feb-2015/president-signs-pakistan-army-act-amendment-ordinance-2015">http://www.dailytimes.com.pk/national/24-Feb-2015/president-signs-pakistan-army-act-amendment-ordinance-2015</a>

<sup>17.</sup> The full text of the Protection of Pakistan, Act 2014 is available for download at the website of the National Assembly of Pakistan at the following address: http://www.na.gov.pk/uploads/documents/1404714927 922.pdf

<sup>18.</sup> The complete text of the Unlawful Activities Prevent Act, 1967 of India can be downloaded at: http://www.nia.gov.in/acts/The%20Unlawful%20Activities%20(Prevention)%20Act,%201967%20(37%20of%201967).pdf

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Of particular significance was the COAS' Afghanistan visit on February 17, 2015 where he met not only President Dr. Ashraf Ghani but also the Afghan Chief Executive Officer, Mr. Abdullah Abdullah. According to DG ISPR's tweet, both President Ghani and Mr. Abdullah 'appreciated the improving relations [between Afghanistan and Pakistan and] pledged to continue ops [Operations] on respective side'. 20

According to a Press Release issued by the Prime Minister's Office on February 23, 2015, President Ghani also called Prime Minister Nawaz Sharif to 'reaffirm that bilateral relations between the two countries have been strengthening with each passing day' and 'also thanked the Prime Minister for sending Chief of the Army Staff to Afghanistan, which he said helped in further strengthening bilateral ties'.<sup>21</sup>

The month of February 2015 saw the media abuzz with reports that Pakistan military's leadership was making attempts to facilitate a dialogue process between the Afghan Government and the Afghan Taliban. Interestingly, the Army has not denied the reports, rather stating via a Press Release issued on February 19, 2015 that 'Pakistan has always



COAS Gen. Raheel Sharif meeting Afghan President Dr. Ashraf Ghani in Kabul on February 17, 2015 19

supported such process, and re-emphasized it to be absolutely transparent, Afghan owned and Afghan led. 22

These developments also coincided with the DG ISI, Lt. Gen. Rizwan Akhtar's official visit to the United States at the invitation of CIA Chief Mr. John Brennan. The visit lasted from February 23-26, 2015.

#### No Meeting of the National Security Committee (NSC)

The month of February 2015 again saw the continuation of the trend of not utilizing the forum of the NSC for discussion on crucial issues relating to the national security. It is worth repeating that the last meeting of the NSC was held more than 4 months ago, on October 10, 2014. The October 2014 meeting was also held after a gap of six months.

Keeping in view that February 2015 saw a flurry of activity by the civil and military leadership on the implementation of the National Action Plan (NAP), including three meetings of the Provincial Apex Committees (one each for Punjab, Sindh and Balochistan), it was as if the Government had forgotten about the NSC, instead choosing to carry out deliberations at various other forums including via the Apex Committees.

Unfortunately, the NSC has only held 4 meetings in almost 18 months since its formation. This not only curbs the best utilization of this institution, it stands in the way of the much-needed institutionalization of decision-making in national security affairs.

Picture courtesy tweet of DG ISPR, Maj. Gen. Asim Saleem Bajwa on February 17, 2015 which can be accessed at: https://twitter.com/AsimBajwaISPR/status/567714461490765825

For details, please see the DG ISPR, Maj. Gen. Asim Saleem Bajwa's tweet on February 17, 2015, which can be accessed at: https://twitter.com/AsimBajwaISPR/status/567709112540991488

<sup>21.</sup> For details, please see the Press Release issued by the Prime Minister's Office on February 23, 2015, titled Afghan President telephoned the Prime Minister, as accessed on March 08, 2015 at: <a href="http://pmo.gov.pk/press\_release\_detailes.php?pr\_id=810">http://pmo.gov.pk/press\_release\_detailes.php?pr\_id=810</a>

<sup>22.</sup> For details, please see the Press Release issued by the Pakistan Military February 19, 2015, as accessed on March 08, 2015 at: <a href="https://www.pakistanarmy.gov.pk/awpreview/pDetails.aspx?pType=PressRelease&pID=387">https://www.pakistanarmy.gov.pk/awpreview/pDetails.aspx?pType=PressRelease&pID=387</a>

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Prime Minister Nawaz Sharif and COAS Gen. Raheel Sharif meet on February 06, 2015 at the Prime Minister House to discuss implementation of the National Action Plan<sup>24</sup>

### **Premier-COAS Interactions**

For the month of February 2015, Prime Minister Nawaz Sharif and COAS, Gen. Raheel Sharif inter-acted face to face for a total of 5 times:

- i. The first meeting was held on February 06, 2015 when the COAS called on the Prime Minister at the Prime Minister's House to discuss 'matters relating to the implementation of National Action Plan for combating terrorism and extremism'. <sup>23</sup>
- ii. The two attended together meeting of the Apex Committee of Sindh on February 16, 2015 held in Governor House, Karachi.
- iii. Both of them also attended a meeting of the Apex Committee of Balochistan on February 18, 2015 at Governor House, Quetta.
- iv. Both the Prime Minister and the COAS attended the passing-out parade of the Special Combat Unit of Balochistan, held on February 19, 2015 at Quetta.
- v. The COAS also called on the Prime Minister at his official residence on February 24, 2015 to discuss the 'implementation of National Action Plan, Operation Zarb-e-Azb and return of temporarily displaced persons [TDPs]'. 25

The Federal Minister for Defence and Water and Power, Khawaja Muhammad Asif, MNA, was conspicuous by his absence in 4 out of 5 of these meetings.

<sup>23.</sup> Picture Courtesy The News, February 06, 2015

<sup>24.</sup> For details, please see the Press Release issued by the Prime Minister's Office on February 06, 2015, titled COAS meets the PM, as accessed on March 08, 2015 at: <a href="http://pmo.gov.pk/press\_release\_detailes.php?pr\_id=772">http://pmo.gov.pk/press\_release\_detailes.php?pr\_id=772</a>

<sup>25.</sup> For details, please see the Press Release issued by the Prime Minister's Office on February 24, 2015, titled PM, COAS discuss NAP implementation and Operation Zarb-e-Azb, as accessed on March 08, 2015 at: http://pmo.gov.pk/press\_release\_detailes.php?pr\_id=812