

# State of Civil-Military Relations in Pakistan

June 01, 2015-July 31, 2016

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

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**Islamabad Office:** P. O. Box 278, F-8, Postal Code: 44220, Islamabad, Pakistan  
**Lahore Office:** P. O. Box 11098, L.C.C.H.S, Postal Code: 54792, Lahore, Pakistan  
E-mail: [info@pildat.org](mailto:info@pildat.org) | Website: [www.pildat.org](http://www.pildat.org)

June 01,2015-July 31, 2016

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## Preface

PILDAT, following its belief that a constitutional equation in Pakistan's civil-military relations is fundamental to strengthening of the country's democracy and governance, has been monitoring civil-military relations in Pakistan since 2004.

The **State of Civil-Military Relations in Pakistan: June 01, 2015-July 31, 2016** presents major developments that have impacted the state of civil-military relations in Pakistan from June 2015-July 2016, including the third year of the current Federal Government that was elected into power in May 2013. The report also examines some of the relevant regional and international incidents in civil-military relations.

### Acknowledgments

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PILDAT would like to appreciate the guidance extended by its Dialogue Group on Civil-Military Relations to bring the Report to its final shape and form. The PILDAT Report, in its final shape and form, however, may not fully represent the views of the entire Dialogue Group.

### Disclaimer

PILDAT team has used publicly available data and published sources in putting together this report. Any omission or error, therefore, is not deliberate.

Islamabad  
October 2016



June 01, 2015-July 31, 2016

## Executive Summary

Broadly, civil-military relations in Pakistan from June 01, 2015-July 31, 2016 are primarily defined by two characteristics:

1. The Civilian Elected Government at present, and similar governments in the past, have failed to institutionalize national security management by institutionalising a consultative process on vital national strategic issues. This has strengthened the perception that elected governments are neither serious nor methodical in making well-considered decisions on vital national security issues.
2. The Military leadership continues to feel that the final onus of deciding 'national interest' is on them. As a result, at times, instead of giving their input and then leaving the matter to the elected leadership of the country, insist on their interpretation of the national interest relating to issues such as relations with India, Afghanistan, Iran and the US and the security policy.

It is difficult to assign these two aspects the title of 'cause' and 'effect' but both are closely inter-related.

PILDAT believes that the Military needs to recognize that the elected Government is the final arbiter on national interest matters. The people of Pakistan have mandated them to do so. Although the Military leadership may have its views on national security, and it should present its views as effectively as it can at all appropriate fora, the mandate for the final decision resides exclusively with the Elected Governments. Even if the Elected Government makes any mistakes in this regard, these should be recognised as the risks associated with any decision-making. This is a risk that both civil and military governments have faced and suffered from in the past.

Similarly, PILDAT believes that the Elected Government has not been elected as a monarchy and it should follow a consultative system of decision-making especially on the questions relating to the national security and supreme national interest. This decision-making should be done through various institutional frameworks; instead, it appears that institutional decision-making structures have been rendered almost dysfunctional.

This is reflected in the near dormancy of the National Security Committee, the country's '*principal decision making body on matters of national security*'. This dormancy also extends to civil institutions such as the Federal Cabinet and the Council of Common Interests.

It is noteworthy that no meaningful consultation seems to be taking place on matters of national security within the various political parties in general and within the Pakistan Muslim League-Nawaz – the ruling party at the federation – in particular. Therefore, the decision-making process is so arbitrary and whimsical that it inspires little confidence in the decisions arrived at. At times, serious reservations are expressed about some key decisions as they are prompted by personal interest of the political leadership or the political interest of the ruling party, at the expense of national interest.

Civil-Military Relations in Pakistan, from June 2015-July 2016, were preceded by initial periods of turbulence and subsequently an uneasy co-habitation. Regrettably, in Pakistan, civil-military relations can be defined by the adage that the more they change, the more they stay the same.

The period under consideration has been shaped by the events of 2014. The PTI and PAT sit-ins from August-December 2014, which led to a visible humbling of the democratically elected political leadership and an equally visible ascendancy of military influence in major policy formulation and even day-to-day decision making, set the stage for the relationship from June 2015-July 2016.

Thus for the period being considered, a new yet familiar arrangement has evolved after the elected political leadership was compelled to accept the limits to its power. The elected political leadership ceded critical foreign policy and internal security spaces to the Military and the Chief of Army Staff (COAS) that are now firmly in-charge of these areas.

Just consider the 17 international official trips of the COAS where he met with foreign political leadership and 40 in-country meetings with foreign delegates during this period. This depicts that the world too has caught on and as always, has found it pragmatic to do business with multiple centres of powers in Pakistan. This is not to say that some diffusion



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of authority is not desirable but the final decision making powers should lay with the elected political leadership. However, there seems to be a lack of clarity on this count in Pakistan, with regards to civil-military relations.

As a result, for the period under consideration, the Elected Government appears as a junior partner in strategic regional and domestic issues.

It is this relationship that led to the manner in which the National Action Plan (NAP) was shaped and developed after the heinous Peshawar attack of December 2014.

The Apex Committees, which have no constitutional or legal basis have been a peculiar by-product of the NAP in the centre and provinces, giving military commanders a commanding seat at the executive table. It also seems that important decisions regarding the provinces' internal security emanate from the Apex Committees, rather than the Provincial Cabinets.

The PML-N-led Federal Government did not help matters by ignoring institutional forums. While it created the crucial and much-needed National Security Committee with a permanent secretariat in 2013, it chose to keep it dormant, relying instead on one-on-one meetings between the Premier and the COAS. This direct access of the COAS to the Prime Minister may have also undermined the role of the Defence Minister and the National Security Advisor.

The bitter reality is evident in numbers. In a country facing more than its fair share of security and related foreign policy crises, the NSC has only met 6 times since its formation in August 2013.<sup>2</sup> During the period under consideration alone (June 01, 2015 to July 31, 2016) the Premier met the COAS 29 times while only two meetings of the NSC were held during the same period. It needs to be noted that 10 of these meetings (i.e. 34% of the total times they met) were one-on-one interactions between the Prime Minister and the COAS. The Federal Minister for Defence, Khawaja Muhammad Asif, MNA, was present in only 6 of these meetings (21% of the total times the Prime Minister and the COAS met during June 01, 2015-July 31, 2016). On the other hand, the National Security Advisor to the Prime Minister (before October 22, 2015, Mr. Sartaj Aziz, and then Lt. Gen. (Retd.) Nasser Khan Janjua) was present in 10 of these meetings (34% of the total meetings held between the Prime Minister and the COAS).

Perhaps one casualty of the dormancy of NSC has been the national security agenda. A key function of the Committee was to formulate a national security policy to guide the shaping of subsidiary policies of defence, foreign, internal and others. The official goal set for the National Security Division, the Secretariat of the NSC, in 2014, was the formulation of a comprehensive National Security Policy by the National Security Committee,<sup>3</sup> which it has failed to do in 3 years.

2. After more than three months of taking oath, the PML-N Government held a meeting of the Defence Committee of the Cabinet (DCC) and decided to reconstitute the DCC into the Cabinet Committee on National Security (CCNS) on August 22, 2013 (78 days after the Prime Minister took oath). The CCNS met 2 times after the reconstitution of the DCC (on August 22, 2013 and December 17, 2014).

The initial structure of the CCNS was announced to have Services Chiefs as full members alongside the Prime Minister in the Chair including Ministers of Foreign Affairs, Defence, Interior and Finance. This composition led one to comment that it may also be more appropriate if the body is renamed as the National Security Council or National Security Commission because a Cabinet Committee can only have its permanent membership from the Cabinet. PILDAT also commented in its analysis that another alternative can be that the three Services Chiefs and the Chairman Joint Chiefs of Staff Committee should continue to be invited to the CCNS on special invitation rather than making them regular members of the Cabinet Committee on National Security.

Perhaps in view of the above complexity, the CCNS was once again renamed as the National Security Committee in a notification issued by the National Security Division (the Secretariat of the National Security Committee), Cabinet Division on April 11, 2014. The notification declared the National Security Committee to be 'principal decision making body on national security'. The Committee met twice after its reconstitution as the NSC, that is, on April 17, 2014 and October 10, 2014.

Subsequently, the Committee remained dormant for a period of almost one year and six months, meeting again on April 06, 2016. However, the presser issued by the Prime Minister's Office stating that the Premier chaired the '5th meeting of the National Security Committee of the Cabinet', raised certain serious questions. Terming the forum a Committee of the Cabinet was misleading, given that Chairman Joint Chiefs of Staff Committee (CJCS) and the three Services Chiefs are members of the NSC but are not members of the Federal Cabinet.

The latest meeting of Committee was held on July 22, 2016. Therefore, the meeting has only been able to meet a dismal 6 times since its formation in August 2013, amounting to a meeting every six months.

3. Memorandum on Allocation of Functions to the National Security Division, April 09, 2014, Cabinet Secretariat, Government of Pakistan

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In short, some of the major trends, which have been observed with regards to civil-military relations in Pakistan during June 2015-July 2016, are as follows:

1. The extension of Gen. Raheel Sharif, a topic of much debate and discussion in the media recently, appears to be an increasingly important issue for civil-military relations even though in January 2016, a public statement by the ISPR refuted the rumours regarding the extension of the COAS' service. But this did not put an end to the matter. Given the banners that recently appeared in the 13 major cities of Pakistan (sponsored by a political party called Move On Pakistan) calling on the COAS in a thinly veiled manner to impose martial law, it seems the matter will gain further currency as November 2016 approaches.

Under any established system, a public official's term extension to a post would not even be conceivable, let alone become a public issue. It should not even be an issue in Pakistan where, other than those Generals usurping power, only the former COAS Gen. Ashfaq Pervez Kiyani, got an extension from the PPP Government in July 2010.

The scheduled retirement of both the CJCS and the COAS in November 2016 presents an ideal opportunity to debate/discuss reforms in Pakistan's Higher Defence Organisation. The time is ripe for discussing various proposals in this regard, including that of a unified command of the Armed Forces (that is the Chief of Defence Staff model). This has gained currency across the world and finds many proponents, including the former Chairman Joint Chiefs of Staff Committee, Gen. (Retd.) Ehsan-ul-Haq. 2016 also marks the 40-year anniversary of Pakistan's Higher Defence Organisation, which was last revamped in 1976. PILDAT does not necessarily advocate the adoption of the Chief of Defence Staff model but feels strongly that the leadership should seriously consider the options while an opportunity is at hand. It may decide to continue with the same system or bring in reforms after a careful and timely consideration. Although the current system provides for Defence Council headed by the Defence Minister, the council has been dysfunctional for the last many years.<sup>4</sup> Appointment of a full time Defence Minister and re-activation of the Defence Council should also be considered.

2. Friction between the Federal Government, Sindh Government and the Military leadership appears to continue with regards to the Karachi Operation. In fact, Karachi seems to have developed into a battleground for the competing interests of the PML-N Federal Government, the Military leadership, the PPP-led Provincial Government of Sindh and the MQM. The dynamics of the Karachi Operation, and the recurrent friction is due to two major factors: The Provincial Government of Sindh apparently believes that the Pakistan Rangers (Sindh) is acting as an entity independent of the Provincial Government, often in violation of the constitutional and legal dictates, although it has been requisitioned in aid of civil power under Article 147 of the Constitution.<sup>5</sup> The Pakistan Rangers (Sindh) on the other hand apparently believe that there is a strong nexus between the political, criminal and terrorist activities, particularly in Karachi, and generally in Sindh, which has led to the precarious law and order situation.

Undeniably, the Pakistan Rangers (Sindh), under the blessing of the Federal Government, has firmly established itself as the leading agency on the Karachi Operation. Therefore, even though the paramilitary force has been called in aid of civil power of the Provincial Government of Sindh, it appears to be acting independently. Even though strains may have appeared between the Federal Government and the Military leadership on other instances such as the implementation of the National Action Plan, the Karachi Operation remains one area where the latter has received the steadfast support of the former. Consequently, both the MQM and the PPP have distanced themselves from the Federal Government in this regard, amid allegations of the Karachi Operation exclusively targeting the PPP and the MQM. Major instances of civil-military friction in Karachi include:

- 
4. The Defence Council was responsible to translate the defence policy formulated by the Defence Committee of the Cabinet (DCC), the predecessor of the National Security Committee, into military policy. Its role was also to examine, review and recommend for approval to the DCC the role, size and structure of the three forces. It also formulated policies for indigenous production, research and development, and induction and procurement of defence materials and equipment. The Federal Minister of Defence chaired the forum, which had a mixture of civil and military experts.
  5. For more details, please see PILDAT's Discussion Paper titled Restructuring Higher Defence Organization of Pakistan, authored by Gen. (Retd.) Ehsan-ul-Haq, which may be accessed at: [http://www.pildat.org/Publications/publication/CMR/RestructuringHigherDefenceOrganisationofPakistan\\_DiscussionPaper.pdf](http://www.pildat.org/Publications/publication/CMR/RestructuringHigherDefenceOrganisationofPakistan_DiscussionPaper.pdf)  
Article 147 of the Constitution of Pakistan states that '*Notwithstanding anything contained in the Constitution, the Government of a Province may, with the consent of the Federal Government, entrust, either conditionally or unconditionally, to the Federal Government, or to its officers, functions in relation to any matter to which the executive authority of the Province extends*'.

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- a. Raid on the MQM Headquarters, Nine-Zero by the Pakistan Rangers (Sindh) in March 2016.
  - b. Fiery, and in our opinion unnecessary and imbalanced, tirade launched by Mr. Asif Ali Zardari on June 16, 2015 against the Military leadership for stepping out of its domain.<sup>6</sup>
  - c. Recurrent friction between the Provincial Government of Sindh and the Pakistan Rangers (Sindh) with regards to the latter's raid on Government institutions such as the Sindh Building Control Authority, Lines Area Development Project, without prior notice to the Sindh Government.<sup>7</sup>
  - d. Pakistan Rangers (Sindh)'s allegations of massive corruption across various tiers of the Provincial Government of Sindh, which, allegedly, feeds into the terror-related activities.<sup>8</sup>
  - e. Arrest of senior members of the PPP and the MQM by the Pakistan Rangers (Sindh).<sup>9</sup>
  - f. Repeated bickering between the Federal Government, the Provincial Government and the Pakistan Rangers (Sindh) over the extension of the special policing powers of the Rangers.<sup>10</sup> The Provincial Government of Sindh has made obvious its hesitation in this regard.
  - g. Allegations of political engineering by the Military leadership, with arrest of political workers of the PPP and the MQM, and the rise of the Pak Sarzameen Party (PSP). Several of the MQM leaders have defected to the PSP, egged on perhaps by the recurrent media trial and arrests that the MQM is facing.
3. Increased coordination seen between the Balochistan Government and the Military leadership with regards to the security in Balochistan, as evinced by the announcement of the general amnesty scheme for youth laying down their arms and talks, which have remained inconclusive till yet, with estranged Baloch leaders.<sup>11</sup> The need for this coordination was emphasized by the COAS himself when he stated on July 09, 2015 that the '*potential of Balochistan as a regional hub for energy and trade will only be realized with a collective civil -military approach for its security and development*'.<sup>12</sup>
  4. National security policy continues to be a thorny issue for civil-military relations. Apart from the absence of a policy document, public disagreements on the implementation of the National Action Plan provide a window into the fraught relations. By the end of the period under consideration, it appears that the Military leadership retains the final say on matters of security, with executive authority of the Elected Government, as espoused under a democratic ethos, often being compromised in an unfortunate violation of the rule of law. The series of Military-led operations ordered by the COAS in Punjab in the aftermath of the Lahore Attack of March 27, 2016, apparently without consultation with the elected leadership, are a case in point. The language of the statement announcing the operations left very little doubt that the operations were launched at the 'direction' of the COAS.

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6. While addressing a convention of party of workers on June 16, 2015, Mr. Asif Ali Zardari made a fiery speech in his characteristically evasive style, which was apparently critical of the Military leadership. The speech could possibly be a response to the increased momentum of the Karachi Operation, which both the PPP and the MQM have stated is exclusively directed against them. Mr. Asif Ali Zardari stated:

*Stop with our character assassination. If we start with yours, then no one knows the number of Generals that may be implicated, since the formation of Pakistan. I do not want to weaken our institutions because we know there are cases pending in court, along with others that might be introduced in which your colleagues are accused. The day we do a Press Conference on the basis of that list, you will be destroyed. We want to stand besides you as you are being weakened... This is our institution. You will stay for only three years, while we will be here forever. Therefore, do not vex us. If you try doing that, then we will destroy you... We do not want to weaken you at this time when on one frontier; you are facing challenges by India, on the other by some proscribed organizations supported by RAW [Research and Analysis Wing], along with the challenges it has posed for you in Balochistan in collusion with the children of a few Baloch sardars. Therefore, beware, beware, beware, and beware!*

For more details, please see the sub-section of the Report titled *Fiery Broadside by Mr. Asif Ali Zardari Against the Military Leadership* under the section titled **Civil-Military Friction in Sindh**.

7. For more details, please see the sub-section of the Report titled *Pakistan Rangers (Sindh) Acting Beyond 'Mandate and Authority'?* under the section titled **Civil-Military Friction in Sindh**.
8. Ibid.
9. For more details, please see the sub-section of the Report titled *Arrest of PPP's and MQM's Workers* under the section titled **Civil-Military Friction in Sindh**.
10. For more details, please see the sub-section of the Report titled *Granting of Special Policing Powers to the Pakistan Rangers (Sindh)* under the section titled **Civil-Military Friction in Sindh**.
11. For more details, please see the section of the Report titled **Civil-Military Coordination in Balochistan**.
12. For details, please see: <http://tribune.com.pk/story/918516/collective-civil-military-approach-needed-to-make-balochistan-prosperous-army-chief>

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5. The inability of the Parliament and its relevant Committees to develop the requisite oversight of the security sector. Both the National Assembly's and the Senate's Standing Committees on Defence not held even a single meeting to monitor the implementation of the National Action Plan, whereas for the two Parliament's two Standing Committees on Interior and Narcotics Control, only the Senate's Committee has once received a briefing from the Interior Ministry on the National Action Plan.<sup>13</sup>
6. The increasing international profile of the COAS as he continued to hold exclusive interactions with international political leadership. This increasing international profile of the COAS has been complimented by a rise of popularity domestically as well. Any COAS as well as a Military are appreciated in any country for their professional valour and Pakistan should not be any different. However, it is the creation of a messiah-like image of the COAS by the ISPR's efforts, which is deeply flawed.
7. The impact of the civil-military imbalance on Pakistan's foreign policy, especially vis-à-vis Afghanistan, India, the United States of America, China and the Gulf countries, during June 01, 2015-July 31, 2016. The Military leadership seems to be taking the lead on foreign policy management with regards to these countries, often to the exclusion of any oversight by the Parliament. This is true of Afghanistan. This is evident from 17 international official trips undertaken by the COAS where he met with foreign political leadership (in four instances with the Heads of States) and 40 in-country meetings of the COAS with foreign delegates representing the political leadership of those countries.
8. The induction of the Pakistan Army to carry out operations due to weak policing. The Pakistan Rangers (Sindh) have become a permanent feature of the law enforcement dynamics of Karachi for the past 25 years. In a similar vein, the weak policing along with highly centralised model of provincial administration in Punjab also necessitated the requisitioning of the Pakistan Army for action against the *Chottu* gang in the south of the province.
9. The dormancy of the National Security Committee, Pakistan's '*principal decision-making body on matters of national security*', which met only six times since its formation in August 2013, and only twice from June 2015-July 2016. Instead, ad-hoc forums such as the Apex Committees are utilized for civil-military interaction.

PILDAT believes that there is an urgent need to strengthen the forum of the NSC. A more regular and frequent periodicity of NSC meetings should be ensured. If the NSC has to take decisions and not make recommendations to the cabinet, an Act of Parliament should certify the working of the forum and give it a legal status. There should be a reconsideration of the anomalous full-time membership of the Services Chiefs and the decision-making powers of the forum, both of which are traits anomalous only to Pakistan's case. All such national security fora, across the world, are consultative in nature, rather than having decision-making powers, which essentially reside with the Cabinet.<sup>14</sup> Additionally, in no such forum across the world are the Services Chiefs or the CJSC or the equivalent to his post are granted permanent membership. In fact, this seems to be the case in other Cabinet Committees of Pakistan, such as the Economic Coordination Committee, as well, where the permanent membership is only accorded to members of the Cabinet, and other important officials are invited on the basis of a Special Invitation.

10. Continuing disagreements between the civil and military leadership. This is not unusual but the resolution of these differences needs to be made within closed doors and on official forums. However, the complete opposite seemed to be the case during June 2015-July 2016. The case in point was the ISPR's Press Release of November 10, 2015, which obliquely criticized the elected Government for slow progress on the implementation of the National Action Plan, and the resultant rejoinder issued by the Federal Government. The same posturing by the Military leadership

13. According to the meeting notices available on the website of the National Assembly and the Pakistan Senate, the Standing Committees of Interior and Defence have not convened even a single meeting on the implementation of the National Action Plan. For details, please see the Discussion Paper authored by Dr. Hasan-Askari Rizvi for PILDAT titled **National Security Council: A Debate on Institutions and Processes for Decision-making on Security Issues**. It may be accessed at: <http://www.pildat.org/publications/publication/CMR/NationalSecurityCouncil-debateonInstitutionsandprocessesfordecisionmakingonsecurityissues.pdf>

14. The COAS was recorded as saying that: '*on going war against terrorism and extremism being fought with the backing of entire nation cannot bring enduring peace and stability unless the menace of corruption is not uprooted. Therefore, across the board accountability is necessary for the solidarity, integrity and prosperity of Pakistan*'.

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was also observed in the aftermath of the Panama Leaks, when the COAS publically weighed in on the issue.<sup>15</sup>

This trend saw its perversity in the case of the Karachi Operation and the recurrent friction between the PPP-led Provincial Government of Sindh and the Pakistan Rangers (Sindh). Consider the case of the letter written by the Chief Minister of Sindh to the DG Rangers, warning the paramilitary force for '*acting beyond its authority*', being made public, the Press Release issued by the Pakistan Rangers (Sindh) highlighting corruption worth Rs. 230 billion taking place through various tiers of the Sindh Government, the confessional video of Dr. Asim Hussain being leaked to the media, etc.

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15. For details, please see the PILDAT Monitor on Civil-Military Relations in Pakistan for April 2016. It may be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitoronCivil-MilitaryRelationsinPakistan\\_Apr2016.pdf](http://www.pildat.org/Publications/publication/CMR/MonitoronCivil-MilitaryRelationsinPakistan_Apr2016.pdf)

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## Timeline of Major Developments Affecting Civil-Military Relations in Pakistan: June 01, 2015-July 31, 2016

**Table 1: Timeline of Major Developments Affecting Civil-Military Relations in Pakistan**  
(In chronological order beginning with latest developments in 2016 going to 2015)

July 26, 2016



The COAS calls upon the President of Egypt, Mr. Fateh al-Sissi

July 22, 2016



Prime Minister chairs a meeting of the National Security Committee, only two days after his return from Islamabad after his illness

July 21, 2016



According to a Press Release issued by the ISPR, the Pakistan Army handed over a newly constructed border crossing facility at Angoor Adda to the Afghan authorities. Apparently, this had been done without consultation with the Federal Ministry of Interior, with Chaudhry Nisar Ali Khan, MNA writing a letter to the Prime Minister, expressing his reservations over it.

May 10, 2016



One-on-one meeting held between the Prime Minister and the COAS. Media reports on the meeting alleged that the COAS had asked the Prime Minister to resolve the Panama Papers crisis 'as soon as possible'. In a rare first, a short video along with the audio of the meeting between the Prime Minister and the COAS was also leaked to the media.

April 21, 2016



Media reports emerge that the COAS has sent six high ranking officials of the Pakistan Army on forced retirement due to proof of corruption charges against them.

June 01, 2015-July 31, 2016

April 16, 2016



Operation against the *Chottu* gang by the Pakistan Army; for a long time the dacoits had entrenched themselves in the area and the Government in Punjab had failed to take any action against them. It signified not only the ineffectiveness of the Provincial Government to be aware of what had been happening in the peripheries of the province, but also the inability of the police to run such operations. On April 20, 2016, Chottu, along with 13 members of his gang surrendered to the Pakistan Army.

April 06, 2016



Meeting of the '*National Security Committee of the Cabinet*' held after a gap of 18 months; latest meeting was held on October 24, 2014.<sup>16</sup>

March 27, 2016



COAS directed concerned commander and intelligence agencies to commence operations against perpetrators of the Lahore Attack in Punjab on March 27, 2016; approval of the Operation given apparently without consulting the elected Provincial Government of the Punjab or the Federal Government.

January 25, 2016



Tweet by the ISPR stating that the claims of the COAS' extension is service are '*baseless*' and that '*he will retire on the due date*'.<sup>17</sup>  
This was followed by the PPP submitting a resolution in the Provincial Assembly of the Punjab on February 24, 2016 demanding that the Federal Government should give extension to the COAS Gen. Raheel Sharif.<sup>18</sup>

January 18-19, 2016



The Prime Minister and the COAS undertake what was termed in the media as a '*mediatory trip*' to the Kingdom of Saudi Arabia and Iran.<sup>19</sup>

16. According to the Press Release issued by the Prime Minister Office, '*the meeting was briefed on the steps being taken for national security in the country and expressed satisfaction over counter-terrorism efforts of security institutions*'. For details, please see: <http://www.dawn.com/news/1250504>
17. For details, please see the tweets issued by the DG ISPR, Lt. Gen. Asim Bajwa on January 25, 2016, which may be accessed at: <https://twitter.com/AsimBajwaISPR/status/691535869258383360>
18. For details, please see: <http://www.dawn.com/news/1241750>
19. For details, please see: <http://www.dawn.com/news/1233549>

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December 16, 2015



The Provincial Assembly of Sindh passes a controversial resolution placing qualifications on the special policing powers on the Pakistan Rangers (Sindh). This had been a developing source of friction issue between the Federal Government, the Provincial Government of Sindh and the Military leadership for the month of November and December 2015.

November 21, 2015



COAS meets with the Vice President of the United States of America, Mr. Joe Biden at the White House.

The exact composition of the delegation that called upon the Vice President, Mr. Joe Biden however remains far from clear. Neither the Embassy of Pakistan in the United States of America, nor the Federal Ministry of Foreign Affairs issue any press release regarding the call-on. Readout of the call on was however issued by the White House, which stated that *'the Vice President reaffirmed the United States' interest in building a strong partnership with Pakistan that addresses our shared counterterrorism, economic, and regional security concerns. The Vice President thanked General Sharif for his steadfast support to counterterrorism cooperation with the United States and underscored the importance of expanding efforts to help further strengthen regional security'*.<sup>20</sup>

November 10, 2015



Press Release issued by the ISPR apparently criticizing the Government for its governance, especially in the context of the implementation of the National Action Plan stating that *'while appreciating progress of ongoing operation and Intelligence Based Operations (IBOs), their achievements and effects, COAS underlined the need for matching/complimentary governance initiatives for long-term gains of operation and enduring peace across the country'*; rejoinder issued by the Government the next day<sup>21</sup>

20. The Read Out issued by the White House on Gen. Raheel Sharif's visit and meeting with Mr. Joe Biden may be accessed at: <https://www.whitehouse.gov/the-press-office/2015/11/19/readout-vice-president-bidens-meeting-pakistans-chief-army-staff-general>
21. The ISPR statement read as follows: *"While appreciating progress of ongoing operation and Intelligence Based Operations (IBOs), their achievements and effects, COAS underlined the need for matching/complimentary governance initiatives for long-term gains of operation and enduring peace across the country. Progress of National Action Plan's implementation, finalization of FATA Reforms, and concluding all ongoing JITs at priority were highlighted as issues which could undermine the effects of operations."* Complete statement can be accessed at: [https://www.ispr.gov.pk/front/main.asp?o=t-press\\_release&date=2015/11/10](https://www.ispr.gov.pk/front/main.asp?o=t-press_release&date=2015/11/10)



June 01,2015-July 31, 2016

October 22, 2015



Lt. Gen. (Retd.) Nasser Khan Janjua, formerly Commander Southern Command, Balochistan, appointed as the National Security Advisor (NSA) to the Prime Minister. Although PILDAT believes that there is no reason to doubt the fact that the final decision in this regard was of the Prime Minister alone, various media commentaries chose to approach the development as yet another instance of the growing overreach of the Military leadership.

For example, the news of Lt. Gen. (Retd.) Nasser Khan Janjua's appointment as the NSA by daily *Dawn* added an interesting tailpiece stating '*the appointment of a retired general as the NSA is being seen as a sign of shrinking control of the civilian administration over national security which has traditionally been the military's domain*'.<sup>22</sup>

International media's commentary on the development seemed to take a similar approach as well. Consider the coverage of *The Indian Express*, which stated that '*It can be safely assumed that Lt General Janjua will not take his orders from the PM but from the GHQ at Rawalpindi*'.<sup>23</sup>

The *Wall Street Journal* also stated that '*Mr. Janjua's appointment underscores what has been evident for more than a year: Mr. Sharif has surrendered control over foreign policy and national security to the army*'.<sup>24</sup>

October 16, 2015



Grievance Redressal Committee formed by the Federal Government for the Karachi Operation after the MQM had resigned from the National Assembly, Provincial Assembly of Sindh and the Pakistan Senate stating that the Karachi Operation was exclusively targeting the party and it had no mechanism to bring to light its complaints officially in this regard. Members of the MQM took back their resignations after the formation of the Grievance Redressal Committee.

October 13, 2015



COAS met with the President of Turkey, Mr. Recep Tayyip Erdogan. The only Press Release in this regard was issued by the ISRP, which did not make clear the membership of the delegation that called upon the Turkish President along with the COAS.

September 14, 2015



Chairman of the Pakistan Tehreek-e-Insaf, Mr. Imran Khan calls on the Rangers to lead the alleged drive against corruption in Punjab and Khyber Pakhtunkhwa

22. For details, please see: <http://www.dawn.com/news/1215014>

23. For details, please see: <http://indianexpress.com/article/explained/lt-general-naseer-janjua-as-pakistans-nsa-further-diminishes-pm-nawaz-sharif>

24. For details, please see: <http://www.wsj.com/articles/pakistans-precious-democracy-1445443762>

June 01,2015-July 31, 2016

August 05, 2015



ISPR issues a Press Release stating that two officers of the Pakistan Army have been 'dismissed from service' in the NLC scam.<sup>25</sup>

July 12, 2015



Meeting held between the then Co-Chairman of the PPP, Mr. Bilawal Bhutto Zardari and Commander, V Corps, Lt. Gen. Naveed Mukhtar, at the Chief Minister House with regards to the Karachi Operation.

July 09, 2015



The Provincial Government of Sindh issues the notification extending special policing powers of the Pakistan Rangers (Sindh) in the province for a month almost two weeks after the previous notification in this regard had lapsed.

July 08, 2015



COAS meets the President of Sri Lanka, Mr. Maithripala Sirisena. Yet again, the membership of the delegation that called upon the Sri Lankan President is not clear as the only communiqué in this regard was issued by ISRP, which made no mention of it.

25. The Press Release issued by the ISPR on August 05, 2015 may be accessed at: [https://www.ispr.gov.pk/front/main.asp?o=t-press\\_release&date=2015/8/5](https://www.ispr.gov.pk/front/main.asp?o=t-press_release&date=2015/8/5)

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June 17, 2015



Chief Minister of Sindh, Syed Qaim Ali Shah, MPA, takes exception to the raid on the offices of the Sindh Building Control Authority (SBCA) and Lines Area Development Project (LADP), stating that the '*Rangers are acting beyond their authorities and means*'

June 16, 2015



The then Co-Chairman of the PPP, Mr. Asif Ali Zardari delivers his fiery speech in which he criticizes the Military leadership for '*stepping out of its domain*'.<sup>26</sup>

26. While addressing a convention of party of workers on June 16, 2015, Mr. Asif Ali Zardari made a fiery speech in his characteristically evasive style, which was apparently critical of the Military leadership. The speech could possibly be a response to the increased momentum of the Karachi Operation, which both the PPP and the MQM have stated is exclusively directed against them. Mr. Asif Ali Zardari stated:

' *Stop with our character assassination. If we start with yours, then no one knows the number of Generals that may be implicated, since the formation of Pakistan. I do not want to weaken our institutions because we know there are cases pending in court, along with others that might be introduced in which your colleagues are accused. The day we do a Press Conference on the basis of that list, you will be destroyed. We want to stand besides you as you are being weakened... This is our institution. You will stay for only three years, while we will be here forever. Therefore, do not vex us. If you try doing that, then we will destroy you... We do not want to weaken you at this time when on one frontier, you are facing challenges by India, on the other by some proscribed organizations supported by RAW [Research and Analysis Wing], along with the challenges it has posed for you in Balochistan in collusion with the children of a few Baloch sardars. Therefore, beware, beware, beware, and beware!*

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## Major Developments Affecting Civil-Military Relations in Pakistan: June 2016-July 2016

### Civil-Military Friction in Sindh

A recurrent theme for civil-military relations for June 2015-July 2016 was the constant friction observed between the civil-military leadership in Sindh. Some of the major developments to be considered in this regard are as follows (*in chronological order from June 2015 – July 2016*):

#### Mr. Asif Ali Zardari's Fiery Broadside



*The former President of Pakistan, Mr. Asif Ali Zardari delivering his fiery speech on June 16, 2015. Mr. Zardari left Pakistan shortly after the speech on June 24, 2015 and has been abroad since*

Perhaps one of the key defining moments for the relations between the Pakistan Peoples Party (PPP) and the Military leadership for the period under consideration was the broadside fired by the former President, Mr. Asif Ali Zardari, in our opinion absolutely unnecessary and imbalanced, on June 16, 2016 openly criticizing the Military for '*stepping out of its domain*'.<sup>27</sup>

Mr. Asif Ali Zardari, in his evasive style, did not directly refer to any person or institution in the speech. However, with allusions to security challenges that the country is facing, and the resultant 'weakening' of the institution, alluded his reference was the Military leadership.

On the occasion, Mr. Asif Ali Zardari stated that:

*'Stop with our character assassination! If we start with yours, then no one knows the number of Generals that may be implicated, since the formation of Pakistan. I do not want to weaken our institutions because we know there are cases pending in court, along with others that might be introduced in which your colleagues are accused. The day we do a Press Conference on the basis of that list, you will be destroyed. We want to stand besides you as you are being weakened... This is our institution. You will stay for only three years, while we will be here forever. Therefore, do not vex us. If you try doing that, then we will destroy you... We do not want to weaken you at this time when on one frontier, you are facing challenges by India, on the other by some proscribed organizations supported by RAW [Research and Analysis Wing], along with the challenges it has posed for you in Balochistan in collusion with the children of a few Baloch sardars. Therefore, beware, beware, beware, and beware!'*

PILDAT believes that such criticism of the Armed Forces by a person who had been President/Commander-in-Chief of the Armed Forces and whose party rules a Province at a time when we are in a state of war was irresponsible, to say the least. If the leadership of the PPP had any grievances regarding the Military leadership, it should have been raised at the appropriate fora such as the Apex Committee, behind closed doors.

Additionally, PILDAT also believes that Mr. Zardari should have given out facts and constitutional references if he chose to go public on an issue as serious as this rather than going for an emotionally charged tirade. Mr. Zardari's party, instead of endorsing his tirade, should have held him accountable for the irresponsible utterances. The tirade only further widened the cleavages and brought the differences out in open of the PPP-leadership in Sindh and the Military leadership.

That the Prime Minister cancelled his pre-scheduled meeting with Mr. Zardari, which was to take place on June 17, 2016, after the latter's outburst appeared to be a signal of him distancing himself from Mr. Zardari's views. However, in a very curious fashion, Mr. Sharif, the elected Prime Minister of Pakistan, especially called the Chief of Army Staff, who was on a visit to

27. For details and the complete text of Mr. Asif Ali Zardari's speech on June 16, 2016, please see PILDAT's Monitor on Civil-Military Relations in Pakistan for June 2015, which may be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Jun012015\\_Jun302015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Jun012015_Jun302015.pdf)

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Russia at the time, to reportedly convey personally to the Army Chief his distancing from Mr. Zardari's 'criticism of the armed forces'.

The statement issued from the PM House, quoting the Prime Minister, went on to even credit the 'coordination between the civilian and military leadership' to have 'strengthened democracy' in Pakistan. It stated that:

*"Coordination between the civilian and military leadership has strengthened democracy. This harmony is evident in the decisions taken by the All Parties Conferences (APC) during which the civilian and military leadership set joint national targets."*<sup>28</sup>

Mr. Zardari flew to Dubai on June 24, 2015 and has been abroad since, reportedly due to medical reasons. Mr. Bilawal Bhutto Zardari, the party Chairman, is now seen to be running the party affairs in the country, while Mr. Asif Ali Zardari has continued to maintain a low profile since.

Mr. Asif Ali Zardari's diatribe against the Military leadership counts as a watershed for civil-military relations in Pakistan for the period under consideration. Not only were the differences between the PPP-led Sindh Government and the Military leadership made public on the occasion, but the incident also saw the PML-N led Federal Government align itself with the Military's stance on the issue. Perhaps this was the very reason that the PPP, which stood steadfast with the PML-N led Federal Government in the face of the PTI and PAT's *dharna* in 2014, has aligned itself with the Opposition Parties such as the PTI on the incident of the Panama Leaks and is leading the charge on the accountability of the Prime Minister, an issue on which the Military has also publically weighed in.

### **Karachi Operation**

It is unclear as to who really is in-charge of the operation in Karachi with a roadmap, objectives and timelines, whether any attention, at all, is paid by the Parliament and Provincial Assembly of Sindh, the two forums constitutionally responsible for overseeing the Government in this domain and whether a periodic progress report is indeed sought or presented.

The PML-N led Federal Government had initiated on June 05, 2013 the Karachi Operation, with the Pakistan Rangers (Sindh) empowered by the Federal Cabinet to

***Achieving and maintaining law and order across Pakistan, especially in Karachi is of crucial importance. It is hoped that the Karachi Operation is brought to its logical conclusion swiftly, with the policing of the city restored to the Sindh Police***

lead what was then termed a 'targeted action or exercise' with the support of police against criminals for their alleged involvement in targeted killings, kidnappings for ransom, extortion and terrorism in Karachi.

It remains undeniable that achieving and maintaining law and order across Pakistan, especially in Karachi is of crucial importance to Pakistan, and the decision to launch the Karachi Operation, and its renewed vigour after the raid on the MQM Headquarter, Nine-Zero, on March 11, 2015, is laudable. It is only hoped that the Karachi Operation is brought to its logical conclusion swiftly, with the policing of the city restored to the Sindh Police.

It has long been an open secret that police appointments in Sindh have been heavily politicized affairs. The province has been bedevilled by the twin problem of an under-resourced police force and a politicized one. However, this empowerment of the Pakistan Rangers (Sindh) to lead the Operation did not just take root from the apparently weak policing on part of the Police Service of Sindh. The Federal Minister for Interior, Chaudhary Nisar Ali Khan, MNA, had also cited a reason that Rangers had complained that people arrested for alleged involvement in crimes were freed after some time.<sup>29</sup> Perhaps it was also for the very same reason that the Pakistan Rangers were given the powers of prosecution and investigation under the Protection of Pakistan Act, 2013.

28. For details, please see the PILDAT Monitor on Civil-Military Relations in Pakistan for June 2015, which may be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Jun012015\\_Jun302015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Jun012015_Jun302015.pdf)

29. For details, please see: <http://www.dawn.com/news/1040496>

The Federal Government in coordination with the Provincial Government of Sindh had announced some mechanisms to monitor the Karachi Operation. These included:

1. A committee led by the Chief Minister of Sindh, Syed Qaim Ali Shah, MPA, and comprising senior civil and military law enforcement officials to 'manage, administer and control' the operation. The Prime Minister, on the occasion, also dubbed the Chief Minister of Sindh as the 'Captain of the Operation'.
2. A second committee was also established comprising the Federal Minister for Law, Mr. Zahid Hamid, MNA, Senator Farogh Naeem and the Prosecutor General to look into the legal aspects of the Operation. The committee was to propose legal recommendations for the law of evidence and other provisions to grant investigation and prosecution powers to the paramilitary force in Karachi
3. An Operations Committee headed by the then Director General of the Pakistan Rangers (Sindh) Maj. Gen. Rizwan Akhtar and comprising the Inspector General of Sindh Police and representatives of intelligence agencies, that was to meet almost daily to monitor the operational activities.
4. An 'Outer Monitoring Committee' comprising members of the civil society and the media to monitor various aspects of the Operation including



Picture showing the Pakistan Rangers (Sindh) conducting a raid on the MQM Headquarter, Nine-Zero on March 11, 2016; the incident was a watershed for the Karachi Operation and was to set the theme of friction observed between the paramilitary force and the MQM subsequently

any violations of human rights.

Regretfully, all the above-mentioned Committees have been largely dysfunctional with regards to the Karachi Operation, as the decision-making forum in this regard apparently remains the Apex Committee of Sindh.

The Operation attained a renewed vigour with the Rangers' raid on the MQM Headquarters, Nine-Zero, on March 11, 2015. It signalled the civil-military leadership's resolve to effectively tackle the persistence of criminal and terrorist violence pulverizing Karachi for at least the past two decades. Therefore, when the Prime Minister stated on March 25, 2015 that 'Karachi would be made a crime-free city and the operation would continue to achieve the objective' and the COAS on February 16, 2015 that 'Peace in Kci [Karachi] means prosperity for Pak [Pakistan]',<sup>30</sup> it seemed that the 'meaningful effort' the COAS called for had finally arrived.

However, as subsequent developments have shown, the Karachi Operation has become a deeply politicized affair, leading to recurrent friction between the Federal Government, the PPP-led Provincial Government of Sindh, the MQM, the Military leadership and the Pakistan Rangers (Sindh). The instances of friction between the above have primarily revolved around the following areas of consideration:

#### **Pakistan Rangers (Sindh) Acting Beyond 'Mandate and Authority'?**

While Pakistan Rangers (Sindh) is taking the lead of the



Civil-Military leadership attending a briefing on the Karachi Operation at the Corp V Headquarter on June 26, 2016

30. For more details, please see the PILDAT Monitor on Civil-Military Relations in Pakistan for the month of March 2015. It may be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Mar012015\\_Mar312015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Mar012015_Mar312015.pdf)

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Karachi Operation, frictions have appeared and have been compounded by various instances where the Provincial Government of Sindh believed that the Pakistan Rangers (Sindh) was acting beyond its mandate and authority, without taking the Provincial Government on board.

Consider the Pakistan Rangers' 'raid' on the office of the Sindh Building Control Authority (SBCA) and Lines Area Development Project (LADP) on June 15, 2015. The Director General of Pakistan Rangers (Sindh), Maj. Gen. Bilal Akbar had already highlighted, in a presentation to the Apex Committee on June 04, 2015, land grabbing and 'China-cutting' as two sources for funding of the terror nexus prevalent in Karachi. With the dubious flight from the country of the SBCA's previous Director General, Mr. Manzur Qadir, the SBCA and LADP appeared to be in the front and centre of the alleged land-grabbing in Karachi.

However, the letter written by the Chief Minister of Sindh, Syed Qaim Ali Shah, MPA, to the Director General of Pakistan Rangers (Sindh), Maj. Gen. Bilal Akbar, on June 17, 2015 showed that the Sindh Government had decided to take exception to the raids conducted by the Rangers. It stated, *"It has been reported that the offices of SBCA and LARP were raided on June 15 and the officers were harassed, waylaid and also mishandled. This reflects that the Rangers are acting beyond their authorities and mandate. It is therefore advised to restrict your movement as per the authority given to you"*.<sup>31</sup>

The development was the first of its kind in the Karachi Operation, indicating that perhaps the Pakistan Rangers (Sindh) were acting as an independent entity, without keeping the Provincial Government of Sindh in loop. It also raised questions on powers available to Pakistan Rangers (Sindh) in the law enforcement dynamics of the province and begged clarity on where exactly did the Pakistan Rangers (Sindh) break the protocol, prompting the Chief Minister to write the letter.

The legal mandate given to the Pakistan Rangers (Sindh) primarily revolves around Article 142 (Subject Matter of Federal and Provincial Laws), Article 147 (Powers of Provinces to Entrust Functions on the Federation), and Article 148 (Obligations of Provinces and Federation) of the Constitution, along with Section 4 of the Anti-Terrorism Act of 1997 (Calling in of

***The legal standing of the Apex Committees, specifically as decision-making fora, remains in question. Neither the Federal or the Provincial Governments have issued any notification regarding formation of the Apex Committees, with only the ISPR releasing a Press Release on the matter***

armed forces and civil armed forces to prevent terrorism of civil powers), and article 11EEEE (Special Powers of Detainment and Formation of JIT) of the Anti-Terrorism (Amendment) Act, 2014. However, nowhere under any of these provisions is it stated that the Pakistan Rangers (Sindh) need to inform the Provincial Government of Sindh before conducting a raid on a Government office.

The response given by Maj. Gen. Bilal Akbar to the letter was also worthy of consideration. During a media talk, he stated that the raid had been based *'on intelligence that a suspect named Yasir is running a network of terrorism in there [the SBCA Office]'*.<sup>32</sup> During the same interview, he stated that the Pakistan Rangers (Sindh) were authorized to undertake targeted operations like on Sindh Building Control Authority (SBCA) under powers vested by the Apex Committee, headed by the Chief Minister of Sindh, Syed Qaim Ali Shah, MPA, who issued the letter in the first place. However, as PILDAT has already noted, the legal standing of the Apex Committees, specifically as decision-making fora, remains in question. Neither the Federal or the Provincial Governments have issued any notification regarding formation of the Apex Committees, with only the ISPR releasing a Press Release on the matter on January 03, 2015 as the citizens remain in the dark about their terms of reference, composition, etc.

In a similar incident a Press Release was issued by the

31. For details, please see the PILDAT Monitor on Civil-Military Relations in Pakistan for June 2015. It may be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Jun012015\\_Jun302015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Jun012015_Jun302015.pdf)

32. Ibid.

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Pakistan Rangers (Sindh) on June 11, 2015 alleging that annually a total of Rs. 230 billion was collected through illegal means in Karachi. The statements declared '*the District Government, District Administration, construction companies, estate agents and police officials*' to be complicit in the racket.

The development signified yet another public statement, critical of the Sindh Government, issued by the Military leadership with regards to the Karachi Operation. It came on the heels of the speech made by Corp V Commander, Lt. Gen. Naveed Mukhtar, on May 16, 2015, capturing the Military leadership's concerns about performance of the Sindh Government vis-à-vis law and order situation in the province. The weeklong lapse between the presentation at the Apex Committee meeting, and the Press Release issued on its basis, was a cause of perplexity for many observers. However, some clue for the delay may be furnished by a Report published in *The News*<sup>33</sup> that stated:

*"In the last apex committee meeting [i.e. on June 04, 2015], the Chief Minister had agreed to constitute a Committee to look into the allegations regarding involvement of ministers, politicians, bureaucrats in serious financial crimes, which directly or indirectly contribute to terrorism and other grave crimes. However, after the Chief Minister had consulted his party leadership, it was decided not to proceed against Ministers, politicians and senior members of the bureaucracy on the basis of Rangers' complaint".*

Given that this was indeed the case, it unfortunately signified that the existing forums for civil-military

interaction in Sindh, and their effectiveness had significantly been exhausted. The Sindh Government, upon orders of the Chief Minister, finally formed a Committee on June 12, 2015. However, for many observers, it was nothing more than an eyewash as the Committee's independence was questionable on account of its very composition which consisted of two hand-picked former (not serving) members of the Judiciary, and the Home Secretary of Sindh (who reports to the Home Minister and the Chief Minister and hence could be expected to be a part a quest which may embarrass the Chief Minister or his Cabinet colleagues and party comrades).

The controversy surrounding the arrest of Mr. Muhammad Ali (more popularly known as Asad Kharal), a senior PPP-worker from Larkana perfectly underscores the latent friction persisting between the two, almost erupting to open confrontation in this case.<sup>34</sup> Amidst allegations of the suspect being the '*front-man*' of the Provincial Home Minister, Mr. Suhail Anwar Sial, MPA, along with being a '*ghost employee*' in the municipal administration of Larkana,<sup>35</sup> the arrest clearly sent the PPP leadership in Sindh in a frenzy, with the then Chief Minister of Sindh, Syed Qaim Ali Shah, MPA meeting the Corp V Commander, Lt. Gen. Naveed Mukhtar on July 23, 2016 to resolve the issue. The latter apparently assured the Chief Minister that the Rangers will not take action against any Government official, department or conduct targeted operations in rural Sindh without the Chief Minister's permission.<sup>36</sup> This has been a recurrent demand of the PPP leadership in Sindh, also reflected in the resolution passed by the Provincial Assembly of Sindh on December 16, 2015.<sup>37</sup>

33. Ibid

34. On July 13, 2016, officials of the National Accountability Bureau (NAB) and the Rangers, dressed in plainclothes, detained Mr. Kharal for questioning, apparently with regards to allegations of misappropriation of Government funds. However, in a peculiar development, his guards and supporters overpowered the NAB and Rangers officials, not only freeing Mr. Kharal, but also took the officials in plainclothes to the local police station. Given that the Rangers confirmed that the officials belonged to the paramilitary force, the Sindh Government chalked up the incident to a 'misunderstanding', with Maula Bux Chandio pointed to the fact that the officials were dressed in plain clothes, which caused the misunderstanding that Kharal was being kidnapped.

For details, please see: <http://tribune.com.pk/story/1141416/mistaken-kidnappers-police-arrest-nab-rangers-men-rescue-larkana-clerk>

Although Mr. Kharal fled from the Rangers custody on the occasion, a massive search operation was launched against him in Larkana, when he was finally taken in custody by the paramilitary force from Hyderabad on July 23, 2016. However, there are conflicting reports in this regard which state that the suspect was originally in police's custody, who handed him over to the Rangers after consultation with the then Provincial Home Minister, Mr. Sohail Anwar Sial.

Please also see: <http://dailytimes.com.pk/sindh/23-Jul-16/police-hands-asad-kharal-to-rangers-after-meeting-with-home-minister>

35. For details, please see: <https://www.geo.tv/latest/109939-Asad-Kharal-the-journey-from-a-Kebab-vendor-to-Sindh-Governments-frontman>

36. For details, please see: <http://tribune.com.pk/story/1147436/rangers-not-act-without-cms-consent>

37. The resolution stated that:

- i. That Pakistan Rangers (Sindh) will have powers in respect of the following only:
  - a. Target Killing
  - b. Extortion/Bhatta
  - c. Kidnapping for Ransom
  - d. Sectarian Killing
- ii. That any person, who is not directly involved in terrorism and is only suspected of aiding and abetting terrorists or by way of terror financing or facilitating terrorists shall not be placed under preventive detention under any law without prior written approval of the Government of Sindh, i.e., Chief Minister.
- iii. That Pakistan Rangers (Sindh) shall not raid any Office of Government of Sindh or any other Government Authority without prior written approval of the Chief Secretary, Government of Sindh.
- iv. That Pakistan Rangers (Sindh) shall not assist any other Institution / Organization apart from Sindh Police in carrying out its actions as stated in Clause 1 above.
- v. That it is further resolved that the Government of Sindh whilst granting any powers to Pakistan Rangers (Sindh) and Sindh Police shall take into account all of the above conditions



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However, the underlying issue seems to be that the Pakistan Rangers (Sindh) have apparently extended their operations to other parts of Sindh too, whereas their special policing powers are only for Karachi.<sup>38</sup> In fact, this also emanated as an official demand on part of the Director General of the Pakistan Rangers (Sindh) Maj. Gen. Bilal Akbar, who stated that '*peace is not possible without an action in other cities of Sindh... we are considering it as per the law*'.<sup>39</sup> However, the PPP leadership has desisted from accepting this demand, as reflected in the notification issued on August 03, 2016, maintaining that there is no need to extend the special policing powers to the rest of the province, since the Rangers are free to carry out raids, however in accompaniment of the police.

#### **Granting of Special Policing Powers to the Pakistan Rangers (Sindh)**

Granting of special policing powers to the Pakistan Rangers (Sindh) remained another thorny issue over the course of the period under consideration.

Although the Sindh Government granted an extension to the special policing powers of the Pakistan Rangers (Sindh) 5 times from June 2015-July 2016, with the latest one issued through a notification on August 03, 2016 for a period of 90 days, the issue has appeared to be a bone of contention between the Federal Government, the Provincial Government of Sindh, the Military leadership and the Pakistan Rangers (Sindh), with signs that there will be further discord over it.

In a snapshot, the issue saw numerous political vicissitudes during November-December 2015, the period during which matters came to a head in this regard. It attained urgent importance when the deadline for special policing powers granted to Rangers expired on December 06, 2015. The Sindh Government chose to approach the issue in a different manner, unlike in the past, by referring the matter to the Provincial Assembly of Sindh. Previously, the Sindh Government had issued the notification in this regard without consulting the Provincial Assembly. This was the first time the Sindh Government took this stance since the start of the Karachi Operation in October 2013. Interestingly, Article 147 states that the concerned matter should be brought to the Provincial Assembly for ratification within 60 days. However, the Chief Minister gave approval for requisitioning of the Rangers in the Karachi Division on July 16, 2015, whereas the matter

### ***Granting of special policing powers to the Pakistan Rangers (Sindh) has appeared to be a bone of contention between the Federal Government, the Provincial Government of Sindh, the Military leadership and the Pakistan Rangers (Sindh), with signs that there will be further discord over it***

was brought in front of the Assembly with a delay on December 09, 2015.

The reason for ratification by the Assembly may be that the Sindh Government has been embarrassed frequently due to the Rangers' raids on various Government departments in the province. For some observers, the matter was also referred to the Assembly to throw a spanner in the Operation and embarrass the Federal Government in the process, which has stood steadfast behind the various trajectories of the Karachi Operation. With allegations of the Rangers '*acting beyond their authority*', the Provincial Assembly of Sindh ratified the decision of the Sindh Government taken on July 16, 2015 to deploy Pakistan Rangers (Sindh). The Resolution, however, introduced a caveat, presented as '*conditions*', with regards to the operational modalities of the Rangers. These conditions included:

- i. That Pakistan Rangers (Sindh) will have powers in respect of the following only:
  - a. Target Killing
  - b. Extortion/*Bhatta*
  - c. Kidnapping for Ransom
  - d. Sectarian Killing
- ii. That any person, who is not directly involved in terrorism and is only suspected of aiding and abetting terrorists or by way of terror financing or facilitating terrorists shall not be placed under

38. A few weeks back Rangers conducted a targeted operation in Hyderabad where they arrested three workers of the Muttahida Qaumi Movement's zonal committee. Suhail Mashadi, Rafiq Ajmeri and Raheel Faheem were released after interrogation. At Dhabeji, Thatta, Rangers carried out a raid where they arrested 10 people including workers of a political party from Water Board colony. A shootout between Rangers and robbers occurred at Shikarpur. Two Rangers officials lost their lives in the attack.

For details, please see: <https://www.geo.tv/latest/109477-Rangers-extend-Karachi-Operation-to-other-parts-of-Sindh>

39. For details, please see: <http://www.samaa.tv/pakistan/2016/07/dg-rangers-vows-to-extend-operation-to-sindh-interior>

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preventive detention under any law without prior written approval of the Government of Sindh, i.e., Chief Minister.

- iii. That Pakistan Rangers (Sindh) shall not raid any Office of Government of Sindh or any other Government Authority without prior written approval of the Chief Secretary, Government of Sindh.
- iv. That Pakistan Rangers (Sindh) shall not assist any other Institution / Organization apart from Sindh Police in carrying out its actions as stated in Clause 1 above.
- v. That it is further resolved that the Government of Sindh whilst granting any powers to Pakistan Rangers (Sindh) and Sindh Police shall take into account all of the above conditions

A summary was moved by the Sindh Government, extending Rangers' powers in the province for another 60 days though with curtailed powers and the requirement of the Chief Minister's nod in particular domains. The Federal Government, however, rejected the summary, and restored complete policing powers to the Rangers stating that a Resolution of the Provincial Assembly could not amend a Federal law.

The PPP in return termed the disregard for the Resolution adopted by the Provincial Assembly of

Sindh by the Federal Government an invasion of the province's autonomy, as enshrined under the Constitution. The Chairman of the PPP, Mr. Bilawal Bhutto-Zardari, especially criticised the Federal Government, saying that although PPP had supported the counter-terrorism efforts, the '*N-League Action Plan*' had now turned it into a tool for political victimization.<sup>40</sup>

The Provincial Government of Sindh seems to have developed a penchant for remaining consistently inconsistent with regards to the powers and deposition of Pakistan Rangers (Sindh) in the province. Whereas the months of December 2015 and January 2016 saw it at daggers drawn with the Federal Government, with the Provincial Assembly of Sindh placing conditions on the exercise of special policing powers, the Sindh Government granted an 'unconditional' extension for these powers on February 17, 2016 for 90 days, without any raising any issues.

In the latest episode of granting special policing powers The Rangers' Special Policing Powers<sup>41</sup> for the Karachi Division were notified by the Federal Ministry of Interior on May 09, 2016 for 77 days, a period which ended on July 19, 2016.<sup>42</sup> On the other hand, the Rangers' deployment in Sindh was last notified by the Federal Ministry for Interior,<sup>43</sup> on July 30, 2015 for a period of one year, which expired on June 31, 2016.

However, the Provincial Government of Sindh delayed requesting the Federal Government for an extension in the deployment and special policing powers of the Rangers yet again. Given that the final notification was issued by the Federal Ministry of Interior extending the special policing powers of the Rangers for a period of 90 days in Karachi, and with regards to their deployment in Sindh for one whole year on August 03, 2016, with effect from July 20, 2016, the Rangers were operating without a legal cover for approximately two weeks.

#### **Arrest of PPP and MQM's Workers**

Another theme of the Karachi Operation related to civil-military relations has been recurrent claims by the leadership of the MQM and the PPP that the operation is exclusively directed towards these two parties, and has, over the months attained a political hue.

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40. For details, please see the PILDAT Monitor for Civil-Military Relations in Pakistan for November-December 2015. This may be accessed at: <http://www.pildat.org/eventsdel.asp?detid=836>

41. Notified under clause (i) of sub-section-3 of section-4 of Anti-Terrorism Act, 1997

42. For details, please see: <http://nation.com.pk/national/09-May-2016/interior-ministry-notifies-extension-in-rangers-powers-for-another-77-days>

43. Under Article 147 of the Constitution

The first in these series of arrests was that of Dr. Asim Hussain, a senior member of the PPP, then serving as the Chairperson of the Higher Education Commission of Sindh, on August 25, 2015. Although Dr. Asim Hussain was initially arrested on charges of facilitating terrorism, and was kept in Rangers' custody under the Protection of Pakistan Act, 2014, his case was later referred to the National Accountability Bureau for charges of corruption against him.<sup>44</sup> The matter has come to be associated with the intransigence of the Pakistan Rangers (Sindh) as it has shifted the allegations of facilitating terror against Dr. Asim Hussain to those of corruption, with an aim to keep him under lock and key under one pretext or the other. A general perception that has come to surround his arrest is that the Military leadership either wants Dr. Asim Hussain to spill the beans on the top PPP leadership or wants to use his incarceration as a tool vis-à-vis the Provincial Government of Sindh.

Some veracity may be found in these claims, given the dubious development of a confession video of Dr. Asim Hussain emerging on June 15, 2016, in which he accused the senior PPP leader, Mr. Owais Muzaffar Tappi of being involved in '*all kinds of corruption*'.<sup>45</sup> As the video did rounds of the social media, with television programmes being conducted on it as well, its origins could not be ascertained. Furthermore, on June 16, 2016, Dr. Asim Hussain's lawyer claimed that his client was either forced or drugged to make the claims, going on to state that '*Dr. Asim Hussain does not recall any details regarding this confession video*'.<sup>46</sup> The incident was eerily reminiscent of the confession video of Mr. Saulat Mirza emerging from his death cell, just hours before his execution. In that case too, the origins of the video could not be ascertained, and no punishments were therefore handed out.

The polarization between the Pakistan Rangers (Sindh) and the MQM predates that between the PPP and Pakistan Rangers (Sindh) since the raid on the Nine-Zero in May 2015, which saw the arrest of MQM leaders including Mr. Kaiful Warah and Mr. Qamar Masood. Subsequently, the MQM has submitted to the Supreme Court a list showing that 171 of its members had gone missing since the Operation was launched, with '*90% of them picked up by the Rangers from their residence*'. These developments are accompanied by the blanket ban placed on any media coverage of Mr. Altaf Hussain by the Lahore High Court and the

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Rangers frequently raiding the houses of senior MQM leaders, including Dr. Farooq Sattar as on June 23, 2016.

Matters came to a head in this regard when an MQM worker, Mr. Aftab Ahmad, serving as the personal assistant of Dr. Farooq Sattar, died in Rangers' custody on May 03, 2016. Mr. Ahmad was arrested from his residence and produced in front of an Anti-Terrorism Court by the Rangers on May 02, 2016, for a 90-day remand.<sup>47</sup>

Although it was initially denied by the Pakistan Rangers (Sindh), the Director General of the Rangers, Maj. Gen. Bilal Akbar later admitted that the MQM worker had died due to torture under Rangers' custody and the Standard Operating Procedures were not followed in the course of the investigation. The post-mortem report also confirmed that 35%-40% of Mr. Aftab Ahmad's body bore bruises and abrasions. In the meanwhile, the COAS directed the concerned authority to carry out an inquiry into the incident, following which four personnel of the Rangers were arrested. It is hoped that the enquiry ordered by the COAS will lead to administration of justice and recommendations for precluding any such recurrence.

Given that the MQM had a litany of grievances with regards to the Karachi Operation, especially after its

44. For details, please see: <http://www.dawn.com/news/1256861>

45. For details, please see: <http://tribune.com.pk/story/1123701/owais-tappi-involved-every-kind-corruption-alleges-dr-asim>

46. For details, please see: <http://tribune.com.pk/story/1124035/dr-asim-drugged-forced-confess-owais-muzaffar-lawyer>

47. For details, please see the PILDAT Monitor on Civil-Military Relations in Pakistan for May 2016. It may be accessed at: <http://www.pildat.org/eventsdel.asp?detid=890>

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renewed vigour since March 2015, and the party's resignation from the Provincial Assembly of Sindh, Pakistan Senate, and the National Assembly of Pakistan, the Government notified the formation of the Grievance Redressal Committee on October 16, 2015 for the Karachi Operation. The Committee was originally to comprise Justice (Retd.) Nasir Aslam Zahid, Justice (Retd.) Khalil-ur-Rehman Khan, Justice (Retd.) Ajmal Mian, Barrister Farogh Nasim and the Interior Secretary (Convener), although Barrister Farogh Nasim tendered his resignation from it on October 30, 2015. However, it seems that the Committee was merely an eye-wash as all the major decisions related to the Karachi Operation seem to emanate from the Apex Committee of Sindh instead, where apparently the MQM has no representation.

#### **Weak Policing in Sindh**

While extending its full support to the Rangers-led action against criminals in Karachi, PILDAT believes that the anatomy of the Karachi Operation tells a telling tale about civil-military relations at play in the city; more specifically, about the prominence and primacy of the Pakistan Rangers (Sindh), and the apparent inability of the Sindh Police to deal with the crisis on its own. This denotes a clear imbalance between the civil and military Law Enforcement Agencies (LEAs) operating in Karachi, sadly resulting from the passive approach that successive Provincial Governments have adopted in increasing the effectiveness of the Police force by making its operations independent of political considerations. PILDAT believes that this ostensible incompetence, and the resultant reliance on Pakistan Rangers (Sindh) does not augur well for civilian capacity to maintain law and order, once achieved, and

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***There is a clear imbalance between the civil and military Law Enforcement Agencies (LEAs) operating in Karachi, sadly resulting from the passive approach that successive Provincial Governments have adopted in increasing the effectiveness of the Police force by making its operations independent of political considerations***

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an undue burden on military and paramilitary forces of Pakistan.

Although Article 7(b) of The Pakistan Rangers Ordinance, 1959 states that '*the Force [i.e. the Pakistan Rangers] shall reinforce the Police for the maintenance of law and order whenever it is necessary*', the paramilitary force (whose personnel are contributed by the Pakistan Army and was originally created for border security), since its deployment in Sindh during the late 1980s, has become the face of crackdown against violence in Karachi, with the Police Service of Sindh ironically acting as an auxiliary outfit.

It has been seen on numerous occasions that whenever a wave of violence hits the city, successive Provincial Governments have made decisions to further empower the Pakistan Rangers (Sindh), rather than affecting any systematic reform in the Police. Nothing could be more illustrative of this than the Operation Clean-up in 1992, Operation Blue Fox from 1994-1996, the spate of violence in July 2011, the operation launched by the PML-N Government in September 2013, etc., which saw Rangers spearheading the crackdown, with the Police assisting. Here, the Supreme Court's judgment on the law and order situation in Karachi (Suo Moto case no. 16 of 2011) is a damning indictment on the state of the Police force. While referring to the statement recorded by the then IGP Sindh, the judgment notes that:

More than anything, the precarious law and order situation in Karachi is deeply symptomatic of the required reforms in the policing structure of the province. Experts believe that politically motivated postings and transfers by the Provincial Government have decapitated the Police force. The result has been years of neglect of the law and order situation in Karachi, with the Pakistan Rangers (Sindh) being called in to clean the mess, and becoming a permanent feature of the law enforcement dynamics of the province for the past 25 years.

Perhaps it was because of the very same reason that the Honourable Chief Justice of the Supreme Court, Mr. Anwar Zaheer Jamali, took *suo moto* notice of a news report regarding alleged political interference in the Sindh Police by the provincial authorities on June 29, 2016. Similarly, the Federal Minister for Interior, Chaudhary Nisar Ali Khan, MNA, also announced on June 27, 2016 that 2,000 retired army officials will be appointed in the Sindh police to improve the institution's capacity. He stated that the Pakistan Army will only facilitate Sindh police in its training, not recruitment.

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The bulk of the rule of law reforms required across the country relate to building the capacities and depoliticisation of the Police, which is arguably at its worst in Sindh. However, with little more than lip service to this area in Sindh, perhaps the law and order responsibilities have *de jure* become that of Rangers.

In what was deeply symptomatic of the lack of trust in the capabilities of the Sindh Police, the Director General of the Pakistan Rangers (Sindh) urged the Supreme Court on March 07, 2016 during a hearing on the law and order situation in Karachi to allow the paramilitary force to set up its own 'police stations' in Karachi. During the hearing in front of the Apex Court, Maj. Gen. Akbar blamed the Sindh Government's frequent transfer policy as one of the causes for the police's lackluster performances.

### Civil-Military Coordination in Balochistan

Although civil-military friction was seen in Sindh, the case was somewhat opposite in Balochistan. Given that the maintenance of peace, stability and order is one of the dominant governance-related efforts in Balochistan, there were welcome instances of increasing coordination between the civilian elected coalition Government and the Military leadership. These included:

1. The Prime Minister's announcement of '*the Peaceful Balochistan Plan to bring estranged Balochs back into the mainstream*' during a meeting of the Provincial Apex Committee of Balochistan held on August 06, 2015 in Quetta. This was to facilitate the Provincial Government's outreach efforts for separatists in the province and



Militants who laid down their weapons under the Amnesty Package, announced by the Government of Balochistan waving Pakistan's flag during a ceremony held on August 14, 2015. The Chief Guest at the ceremony was the Commander Southern Command of the Pakistan 6 Army, Lt. Gen. Nasir Janjua



The Khan of Kalat met with the then- Senior Minister of the Provincial Government of Balochistan, Mr. Sanaullah Zehri, MPA, in London on August 14, 2015. This was reportedly the first official meeting between the estranged Baloch leader and representatives of the Government of Balochistan since the coalition Government formed after General Election 2013

2. The Government of Balochistan's announcement on June 25, 2015 for general amnesty for youth laying down their weapons and abandoning violence in the province.
3. Increased apparently yet inconclusive efforts at talks with estranged Baloch leaders, including the Khan of Kalat and Mr. Brahmadagh Bugti.

As far as both the optics and numbers are concerned, the nationalist insurgency does not seem as active as it once was in Balochistan. Official numbers released by the Home Department of the Government of Balochistan on August 31, 2015 clearly indicate a positive trend in this regard. The data compiled by the Government showed that the number of bullet-ridden bodies found in the province were 76 for January-July 2015, whereas for January-July 2014 this number was at 166 (a decrease by 54% in comparison to 2014). Similarly, for January-July 2015, 143 people had been killed in attacks on minorities, settlers and personnel of the LEAs, whereas for January-July 2014 this number was at 276 (a decrease by 48% in comparison to 2014). The number of these incidents for this particular window has gone down significantly, although sporadic incidents of terrorism still haunt and daunt the province. Similarly, in the case of the negligent behaviour of the Law Enforcement Agencies (LEAs) in the province, this has been the biggest case in point of the negligence of their duties, at a scale of massive proportions. It is perhaps for the very same reason that the Military leadership has weighed in so heavily to take note of the law and order situation in the province.

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## Crackdown Against Corruption by the Pakistan Armed Forces within its ranks

Traditionally, Military's criticism of perceived corruption in the civilian domain appears to stem from a holier-than-thou approach while understanding of the system of accountability within the Armed Forces on corruption remains somewhat opaque and unclear in general public domain. Two developments took place within the period under consideration that provide an insight into the military's system of accountability. These are as follows:

### Convictions in the NLC Scam

On August 05, 2015, a Press Release was issued by the ISPR, stating that two accused retired General Officers involved in the National Logistics Cell (NLC) scam had been punished under the Pakistan Army Act, 1952 and had been '*dismissed from service*'.

The NLC scam came to the fore when in February 2009, the Public Accounts Committee (PAC) discovered that the National Logistics Cell (NLC) management had invested in stocks by purchasing shares of different enlisted companies/institutions violating the Board of Directors' instructions. According to media reports, '*they not only borrowed money from commercial banks on high interest rates, but also used pensioners' money to invest in the stock exchange. In the process, the audit discovered that they invested over Rs. 4 billion in the stock exchange and caused a loss of nearly Rs1.8 billion*'.<sup>48</sup>

Subsequently, the Secretary, Planning and Development formed a Committee to probe into the irregularities and the recommendations of the P&D Division were referred to the GHQ via the Ministry of Defence (MoD). In September 2010, on receipt of the letter by the MoD, the then COAS, Gen. Ashfaq Pervaiz Kayani decided to proceed against the accused under the Pakistan Army Act rather than through a Civil Court or the National Accountability Bureau (NAB). In November 2010, a high-level Army Court of Inquiry was convened, presided over by an officer of the Lieutenant General rank, for the purpose of finding out the initial facts and the inquiry report was submitted to the COAS. The COAS then considered whether to opt for an administrative action or a formal investigation. According to the Press Release issued by the ISPR on September 14, 2012, '*Opting for an administrative action would have entailed the use of discretionary powers by the COAS, whereas 16 opting for a formal*

***Military's criticism of perceived corruption in the civilian domain appears to stem from a holier-than-thou approach while understanding of the system of accountability within the Armed Forces on corruption remains somewhat opaque and unclear in general public domain***

*investigation ... is obviously much more fair and transparent.*' The COAS therefore opted for a formal investigation. A Summary of Evidence was ordered in the light of the formal investigation. According to the Press Release issued by the ISPR on September 14, 2012, '*for recording the Summaries of Evidence, it was essential to bring the accused officers under the Pakistan Army Act (PAA). Therefore, the accused officers were taken on the strength of the Army*'. The matter was subsequently shelved, finally reaching a conclusion in August 2015.

Although PILDAT lauds the accountability established by the Military leadership in the case, and the public statement issued by the ISPR in this regard, it believes that certain queries with regards to the judgment persist.

Firstly, was it appropriate for the then COAS to proceed against the accused under the Pakistan Army Act rather than through the Civil Courts or the NAB? As noted in the Press Release issued by the ISPR on September 14, 2012 the retired Army officers were taken on the strength of the Army in accordance with Section 92 of the Pakistan Army Act. The Press Release also states that '*it is important to note that the cases involving financial loss to the Government are not time barred and allow application of 18 PAA Section 92 and 90*'. Section 92 of the Pakistan Army Act states that '*When an offence has been committed by any person while subject to this Act, and he has ceased to be so subject, he may be taken into and kept in military custody and*

48. For details, please see: <http://www.dawn.com/news/1050538>

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*tried and punished for such 19 offence as if he had continued to be so subject'.*

It is important to note that there is apparently no evidence to suggest that these officers who were being investigated/tried under Pakistan Army Act were taken and kept in Military custody as the Section 92 of the Pakistan Army Act entails. This also raises the important question that whether the members of the Military who were accused in the NLC scam were actually part of the Military for the period 2004-2008 (when the offences were committed) or not? If the former, the law grants the leeway of taking them back into the Army, even if they have retired, to be tried under the Pakistan Army Act. According to the media reports,<sup>49</sup> Lt. Gen. Khalid Munir Khan and Lt. Gen. Mohammad Afzal Muzzafar had retired from the Army during their service in the NLC. It is therefore a point to ponder that whether it was appropriate to try them under the Pakistan Army Act rather than through the Civil Courts or the NAB. On the other hand, Maj. Gen. Khalid Zaheer Akhtar, who served as the Director General of the NLC from 2002 till 2008 was part of the Military, and had not retired from service.

Secondly, had the case been referred to the National Accountability Bureau, would the accused have received the same level of punishment as they did through trial under the Pakistan Army Act? Here, it is

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***The debatable question still remains that whether greater transparency is needed in the manner Armed Forces deal with corruption within their own ranks. Probably greater transparency will further enhance the image of the Armed Forces and not the other way round***

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important to restrict the analysis to the case of Maj. Gen. Khalid Zaheer Akhtar who, as implied in the Press Release issued by the ISPR on August 05, 2015, had made some personal gains through the NLC scam, which may be equated with corruption under Section 9 of the National Accountability Ordinance of 1999.

It is important to note that this is a non-bailable offence liable to sentencing of 14 years if proven. However, according to the Press Release issued by the ISPR 'Maj. Gen (retired) Khalid Zahir Akhtar has been "Dismissed from Service", which implies; forfeiture of rank, decorations, medals, honours, awards, seizure of pension, recovery of personal gains, cancellation of service benefits and all other allied facilities including medical, etc.'

#### **Convictions for Corruption Within the Armed Forces' Leadership in Balochistan**

News stories emerged on April 21, 2016 that the COAS had sent six high-ranking officials of the Pakistan Army on forced retirement due to proof of corruption charges against them. Although the news was initially leaked to the media, with the ISPR not commenting on it, the development was confirmed by the DG ISPR on a TV talk show a few days later.

After the Panama Leaks, corruption, and across the board accountability, have once again dominated media discourse. The Military, with the COAS' statement on April 19, 2016, has made public its stance along with offering services in the fight against the scourge.

The debatable question still remains that whether greater transparency is needed in the manner Armed Forces deal with corruption within their own ranks. Probably greater transparency will further enhance the image of the Armed Forces and not the other way round.

#### **Differences on Implementation of the National Action Plan**

November 2015 saw a spate of competing public statements emanating from both the civil and military leadership regarding implementation of the National Action Plan.

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49. For details, please see PILDAT's Monitor on Civil-Military Relations in Pakistan for August 2015. It may be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitoronCivil-MilitaryRelationsinPakistan\\_Aug2015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitoronCivil-MilitaryRelationsinPakistan_Aug2015.pdf)

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The statement issued by the ISPR on November 10, 2015,<sup>50</sup> commenting on the governance by the elected government was not the most desirable way of communication of its reservations. It created the impression that perhaps the official channels of communication in our national security management are not functional, and as if the institutions lack coordination and unanimity.

PILDAT also believes that rejoinder issued by the Federal Government on November 11, 2015 was slightly ill advised.<sup>51</sup> The statement emphasized that implementation of the National Action Plan was a 'shared responsibility,' creating the impression that Government was perhaps shying away from taking the lead in the fight against terrorism.

With regards to civil-military relations, the incident was nothing short of a rude awakening from the narrative of the civil-military leadership being 'on the same page' that the Government had adopted routinely. More than anything, it signified the lack of leadership and a cloak of opacity on the implementation of the NAP, as there is no defined institutional mechanism to monitor its progress. The Parliament especially has shied away from taking stock of the implementation of the National Action Plan, amidst fears that this may also become yet another policy document with no follow-up on it, like the National Internal Security Policy formulated by the Government in 2014.

According to a Press Release issued on December 26, 2014, the Prime Minister had ordered the formation of a Committee, 'to ensure expeditious and effective implementation of the National Action Plan'. The Committee was to comprise Federal Minister for Interior, Federal Minister of Defence, Federal Minister for Information and Broadcasting, Federal Minister for Planning and Development, Federal Minister for States and Frontier Regions, and your Advisor on Foreign Affairs and National Security.

As far as the record maintained by the website of the Prime Minister's Office shows, 17 meetings have been held so far under the Prime Minister's Chairmanship with regards to implementation of the NAP, with varying memberships. However, the progress achieved by the Committee formed on December 26, 2014 by the

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Prime Minister is not immediately clear.

PILDAT believes that this opacity has come to surround the overall implementation of the National Action Plan, leading to very little fact-based discourse on the issue. Although the Prime Minister Office has released progress reports related to the NAP numbers detailing crackdown against hate speech, combing operations carried across Pakistan, number of executions, etc., the progress achieved on NAP's implementation, especially by the Committee he had formed remains unclear.

### **The Lahore Attack and the Subsequent Punjab Operation**

The response to the Lahore Attack of March 27, 2016, under which a series of Military-led operations were conducted across Punjab, raised confusion and perhaps compromised the Constitutional requirements of rule of law and supremacy of the elected Government.

The impression of a disjointed response by the elected Government and the Military leadership to the Lahore Attack not only contributed to the confusion in the aftermath of such tragedies, but also undermined the cause of eradicating terrorism. It created the dangerous

50. The ISPR statement read as follows: "While appreciating progress of ongoing operation and Intelligence Based Operations (IBOs), their achievements and effects, COAS underlined the need for matching/complimentary governance initiatives for long-term gains of operation and enduring peace across the country. Progress of National Action Plan's implementation, finalization of FATA Reforms, and concluding all ongoing JITs at priority were highlighted as issues which could undermine the effects of operations." Complete statement can be accessed at: [https://www.ispr.gov.pk/front/main.asp?o=t-press\\_release&date=2015/11/10](https://www.ispr.gov.pk/front/main.asp?o=t-press_release&date=2015/11/10)

51. The rejoinder issued by the Federal Government on November 11, 2015 stated that 'implementation of the National Action Plan (NAP) was a shared responsibility, and all institutions have to play their role, while remaining within the ambit of the Constitution'. For details, please see: <http://tribune.com.pk/story/989493/government-to-continue-pursuing-national-action-plan-spokesperson>



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impression at a critical time that the elected Government that holds executive power is not really in-charge and that the operations against the terrorists are not under a unified system led by the elected leadership. The following key points may be considered in this regard:

1. In the aftermath of the attack, it seemed as if there are two parallel national security regimes that are operational in the country. Through March 27-28, 2016, the Honourable Prime Minister of Pakistan, Mr. Muhammad Nawaz Sharif, and the Chief of Army Staff, Gen. Raheel Sharif, held two separate meetings each. The ones led by the Prime Minister saw the absence of any representation of the Military leadership, and vice-versa.
2. Based on the facts leading up to the operation and since the launch of the operation, there has been a persistent and widespread impression that the Military-led operations in Punjab have not been undertaken after consultation with the elected leadership, and were unilaterally ordered by the Army. Further credence is given to this impression by the tweets issued by the DG ISPR, Lt. Gen. Asim Saleem Bajwa, on March 27, 2016, stating that the '*COAS directed concerned comds [commanders] & Int [Intelligence] agencies to commence ops [operations] asap [as soon as possible] to find linkages and perpetrators of the Lhr [Lahore] suicide attack*'.<sup>52</sup>
3. Further signs of a disjointed approach, and perhaps the Military leadership unilaterally undertaking the operations, reside in the inability of the representatives of the Federal Government and the Provincial Government of the Punjab to effectively negate the reports of a Military-led action. Even the Honourable Prime Minister of Pakistan, Mr. Muhammad Nawaz Sharif, only referred to platitudes such as continuing the war against terrorism till its logical conclusion during his address to the nation of March 28, 2016, without referring to the operations undertaken in Punjab. The DG ISPR on the other hand, chose not to mince any words by saying that '*operations are being carried out in Punjab; operations have already begun...Intelligence agencies, along with army troops are carrying out the operation*'.<sup>53</sup> The one thing that remains common across the responses given by civil-military leadership is that the oblique justification of the operations is given in the National Action Plan.
4. Although NAP was referred to while justifying the Military-led operation, an overview of the NAP shows that it only states that '*there will be zero tolerance for militancy in Punjab*', which in no way automatically sanctifies the Military-led operations in Punjab.<sup>54</sup>

The month of April 2016, however, saw several initiatives being undertaken to overcome the apparent cleavage with regards to the Punjab operation with official consultations taking place between the Chief Minister of the Punjab, the Federal Minister for Interior, the Prime Minister and the COAS. Subsequently, as of April 09, 2016, a Joint Operations Coordination Committee for Punjab has been formed to oversee the operation. Although the terms of reference, periodicity of meetings, and membership of the forum remain unclear, it apparently comprises '*senior civil and military officials of Punjab*'.<sup>55</sup>



Meeting of the Joint Operation Coordination Committee, Punjab was held in Lahore on April 09, 2016

52. For details, please see PILDAT's Monitor on Civil-Military Relations in Pakistan for March 2016. It may be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitoronCivil-MilitaryRelationsinPakistan\\_SpecialIssue\\_Mar2016.pdf](http://www.pildat.org/Publications/publication/CMR/MonitoronCivil-MilitaryRelationsinPakistan_SpecialIssue_Mar2016.pdf)
53. Ibid.
54. Ibid.
55. For details, please PILDAT's Monitor on Civil-Military Relations in Pakistan for April 2016.

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## Question of Extension in the Service of the COAS

Undoubtedly, Gen. Raheel Sharif's tenure as the COAS of the Pakistan Army has been marked by a myriad of achievements, which include not only the Operation Zarb-e-Azb but also initiation a series of counter-terrorism efforts under the National Action Plan. His proactive approach is not only reflected in his active engagement with various contours of Pakistan's internal security policy but also through his diplomatic initiatives. As a combination of these feats and active media engagement by the ISPR, he has attained a certain level of popularity amongst the people of Pakistan. This can adequately be gauged by the fact Mr. Imran Khan, the Chairman of the PTI, declared Gen. Raheel Sharif to be the '*most popular man in Pakistan*' on August 18, 2015 during a press conference in Islamabad.<sup>56</sup>

This popularity came at the heel of not only various media commentators but also political parties calling for an extension in his tenure as the Chief of Army Staff of the Pakistan Army, a stint, which is set to end by November 2016. The proposition has been supported not only by the former President of Pakistan, Gen. (Retd.) Pervez Musharraf but also by the PTI. Similarly, the Pakistan Peoples Party also submitted a resolution in the Provincial Assembly of the Punjab on February 24, 2016, calling on the Federal Government to extend the tenure of the COAS.

However, in an unusual turn of events, the Director General of Inter-Services Public Relations, Lt. Gen. Asim Bajwa announced through his twitter account on January 25, 2016, a whole ten months before the COAS is set to retire that '*speculations about extension in service of COAS are baseless*'. The tweet, while quoting the COAS, stated that '*I don't believe in extensions and will retire on due date*'. The announcement at the time brought to head months of speculation regarding extension in service of Gen. Raheel Sharif.

Possible extension in the service of the COAS has always been a subject of intense interest and speculation in Pakistan. According to the Constitution, the President of Pakistan, upon the Prime Minister's advice, appoints the COAS. The term of the COAS is three years, regardless of the age of superannuation. Given that Gen. Raheel Sharif took charge of the post on November 29, 2013, he is set to retire on November

28, 2016. It must be noted that there is no provision in the Pakistan Army Act, 1952 with regards to an extension in service. However, extensions have been granted to the army chiefs in the past. The most recent example is that of General Ashfaq Pervaiz Kayani who initially served as the COAS from November 29, 2007 to November 28, 2010 and was granted an extension of three years up to November 28, 2013 by the Government led by Prime Minister Syed Yusuf Raza Gilani.

In fact, apart from Generals like Field Marshall Ayub Khan and Gen. Zia-ul-Haq (both of whom received three extensions each), Gen. Yahya Khan (one extension) and Gen. (Retd.) Pervez Musharraf (two extensions), all of who became Presidents after overthrowing elected Governments, and subsequently granted themselves extensions, the only COAS to receive an extension under a civilian elected setup was Gen. (Retd.) Ashfaq Pervez Kayani.

Immediately following the COAS' public pronouncement, banners appeared across Islamabad, sponsored by the political party Move On Pakistan stating that '*Khuda kay liay.... Janay ki batain janay do!*' (Translation: For God's sake-Don't talk about going).



Following the COAS' statement, banners like the above crept up in Islamabad

56. For details, please see PILDAT's Monitor on Civil-Military Relations in Pakistan for August 2015, which may be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitoronCivil-MilitaryRelationsinPakistan\\_Aug2015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitoronCivil-MilitaryRelationsinPakistan_Aug2015.pdf)

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Although many thought that the issue had been laid to rest with the COAS publically denying rumours of extension, however, the matter came to the fore again when Move On Pakistan put up banners across 13 major cities of Pakistan, this time with a more ominous pronouncement stating '*Janay ki batain hui purani.... Khuda kay liay, ab ajao!*' (Translation: The chatter regarding going is old now-For God's sake, please come now!).

The party has maintained that the goal of their campaign was to suggest to the Army Chief that '*after imposing martial law a government of technocrats should be made in Pakistan and Gen. Raheel Sharif should himself supervise it*'.<sup>57</sup>

The development, which set off a media storm across Pakistan, did not fail to catch the eye of the political parties as well. For example, Mr. Aitzaz Ahsan of the PPP maintained that the PML-N Federal Government itself had orchestrated the move in order to possibly convey to the masses that there was some threat to Pakistan's democracy, in light of planned protests by the opposition parties regarding Panama Leaks. The Federal Minister for Information, Senator Pervez Rashid, on the other hand maintained that any talk about an extension in tenure of the Army Chief General Raheel Sharif '*amounted to undermining operation Zarb-e-Azb.... There is still time for the Army Chief to complete his tenure, and it is not appropriate to talk on this issue*'.<sup>58</sup> The DG ISPR, Lt. Gen. Asim Saleem Bajwa has already issued a tweet on July 12, 2016 stating that '*Reference Posters with #COAS pic being displayed across various cities; Army or any affiliated organization have nothing to do with it*'.<sup>59</sup>

Under any established system, a public official's term



***Term extensions are essentially a bad trend. These do not just run contrary to an established system, but also convey to the outside world that the institution and its systems are unable to continue to perform effectively without certain individuals, thus demoralizing the very institution***

extension to a post would not even be conceived as a plausible option, let alone become a public issue. It should not even be an issue in Pakistan where, other than those Generals usurping power, only the former COAS Gen. Ashfaq Pervez Kiyani, got a term extension by the PPP Government in July 2010, extending his term from 2007-2009. The matter, as bizarre as it appears as to why it had come up in the first place, should have even rested when the COAS was quoted as saying that he did not believe in extension and 'will retire on the due date'.

The scheduled retirement of both the CJCJC and the COAS on November 29, 2016 presents an ideal opportunity to debate/discuss reforms in Pakistan's Higher Defence Organisation. The time is ripe for discussing various proposals in this regard, including that of a unified command of the Armed Forces (that is the Chief of Defence Staff model). This has gained currency across the world and finds many proponents, including the former Chairman Joint Chiefs of Staff Committee, Gen. (Retd.) Ehsan-ul-Haq. 2016 not only marks the 4-year anniversary of the reforms proposed by Gen. (Retd.) Ehsan-ul-Haq but also the 40-year anniversary since Pakistan's Higher Defence Organisation was last revamped in 1976.

PILDAT does not necessarily advocate the adoption of the proposed Chief of Defence Staff model but it does feel strongly that the leadership seriously considers the options while an opportunity is at hand. It may decide to

57. For details, please see: <http://www.dawn.com/news/1270214/mysterious-banners-urging-coas-to-take-over-put-up-across-country>

58. For details, please see: <https://www.geo.tv/latest/109329-Talk-about-extension-in-tenure-of-COAS-akin-to-weakening-Zarb-e-Azb-Rashid>

59. The tweet may be accessed at: <https://twitter.com/AsimBajwaISPR/status/752907991104516096>

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continue with the same system or bring in reforms after a careful and timely consideration. Although the current system does provide for a Defence Council headed by the Defence Minister, the council has been dysfunctional for the last many years. Appointment of a full time Defence Minister and reactivation of the Defence Council should also be considered on priority.

### **Institutionalization in Matters of National Security and Dormancy of the National Security Committee**

The period under consideration further confirmed that institutionalization in matters of national security, even though put in place as an excellent reform initiative, remains elusive due to lack of operationalization.

The National Security Committee was notified by the PML-N Government in August 2013 with a permanent secretariat, which is undeniably the most-crucial and much-needed forum. However, the forum's near dormancy reflects lack of priority by the Government on institutionalization in national security management in Pakistan. June 2015 to July 2016 saw only two meetings of the National Security Committee, '*the principal decision-making body on matters of national security.*' The Committee's dormancy is exemplified by the fact that since its formation in August 2013, the Committee has only met for a total of 5 times till now.

Lack of focus on using the NSC reflects the unfortunate reality of lack of seriousness by the Government in taking charge of institutionalization of national security strategies and actions. Not only the dormancy of the NSC, but also of the Federal Cabinet, the Council of Common Interests, and other forums also reflects Government's lack of priority to these forums. While the PML-N Government is displaying a particular penchant for making these institutions dormant, apparently the trend is more or less shared across the political spectrum where political parties represented inside the Parliament do not question, raise or debate the issue of institutionalization of security and other policies, do not offer policy options and often do not engage effectively in the Parliament and its Committees to effectively oversee the trend and advise the elected Governments prudently.

These ad-hoc consultations on national security are also reflected in the fora of the Provincial Apex

Committees, formed after the Peshawar Tragedy on January 03, 2015. In a typical case of the aversion exhibited to institutionalizing national security consultations, the formation of the Apex Committees announced by the ISPR, information, defence or interior ministries of the Federal or the Provincial Governments.<sup>60</sup>

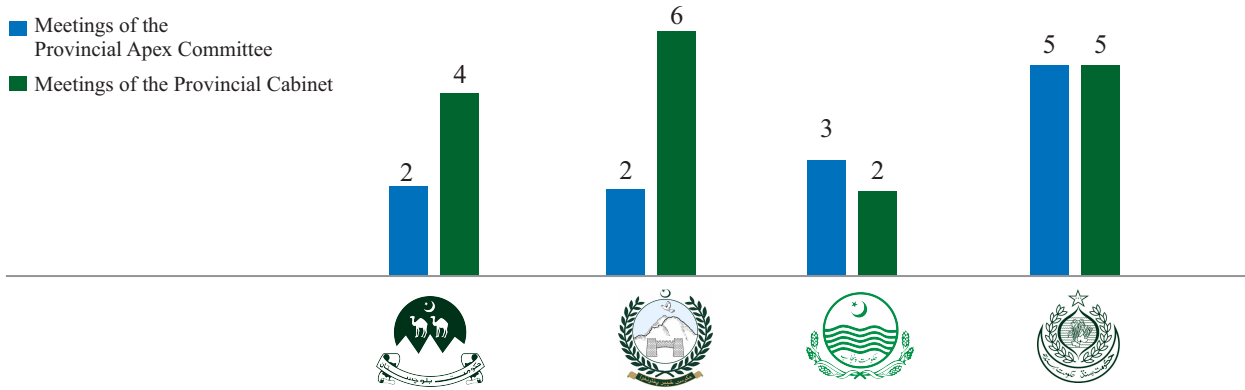
Ever since their formation, the Apex Committees have emerged as important fora for not only civil-military consultation but apparently, also decision-making. For example, the decision to pursue more stringent border management along the Pakistan-Afghanistan was taken at the meeting of the Apex Committee of the Khyber Pakhtunkhwa, held on April 02, 2016. Similarly, decisions related to various law and order concerns of Sindh, such as recruitment of police have been taken at the meetings of Apex Committee of Sindh.

Given that Apex Committees have attained this importance in Pakistan's national security management, it is particularly perplexing that the Federal or the Provincial Governments have not issued any notification formalizing the forum's nature, terms of reference, membership, periodicity of meetings, etc.

A comparison of the meetings of the Provincial Cabinets and the Provincial Apex Committees is given in Figure 1.

60. The Press Release issued by the ISPR on January 03, 2015 may be accessed at: [https://www.ispr.gov.pk/front/main.asp?o=t-press\\_release&date=2015/1/3](https://www.ispr.gov.pk/front/main.asp?o=t-press_release&date=2015/1/3)

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**Figure 1: Comparison of the Meetings of the Provincial Apex Committees and the Provincial Cabinets June 01, 2015-July 31, 2016**

While no simplistic statement can convey the complexity of civil-military relations in Pakistan, it is true that most, if not all, gaps in perceptions and actions of the civil and the military leading to 4 coup d'états and numerous instances of ascendancy of military in political domain could and should have been avoided in the past, and in the future, with effective institutionalization of consultation on national security issues in Pakistan that of course have a bearing on foreign policy domains as well. While no civilized society could or should ever tolerate any military overseeing the 'capability' of any elected Government, it is the job of the citizens, the electorate; but it is also intrinsically crucial that elected Governments remain effectively in-charge deliver effective leadership and ably steer and utilize institutionalized forums of consultation and decision making for developing and implementing sound policies.

Conversely, almost all modern states with functional democracies and significant security challenges have evolved institutions where civil and military leadership can engage in informed discussion on security matters. These institutions are headed by the elected political leadership and supported by an administrative and research infrastructure. In the US National Security Council, the president chairs the meetings and a national security adviser heads the council staff which numbers around 100. Hardly a week goes by when the NSC does not meet. The UK NSC meets every week with the Prime Minister in the chair right before the meeting of Cabinet.

For the two meetings of the NSC for the period under consideration, the Government changed the nomenclature of the forum to National Security

Committee of the Cabinet, raising certain questions.

It is worth noting here that the Federal Government has already changed the nomenclature of the Committee twice already. The forum, which was initially launched and named as Cabinet Committee on National Security (CCNS) in August 2013, was renamed as the National Security Committee on April 11, 2014. It was understood that the name of the forum was changed due to the very reason that membership of the Committee was not based only on Federal Cabinet Members. If this is a case of an oversight by the leadership, it only communicates the lack of seriousness that is associated particularly with regards to this forum, and generally with regards to institutionalization in matters of national security. If it reflects a change in thinking, it is indeed equally problematic and technically flawed to name the forum as a Cabinet Committee.

Terming the forum a Committee of the Cabinet is confusing, given that Chairman Joint Chiefs of Staff Committee (CJCSC) and the three Services Chiefs are members of the NSC but are not members of the Federal Cabinet. Perhaps the name attributed in the press release reflected a careless approach by the Government, or a changed thinking.

PILDAT believes that:

1. There is a need to urgently reconsider the permanent membership of the Services Chiefs in the NSC, along with the forum's decision-making powers, instead of consultative ones. Both these features are exclusively peculiar to Pakistan's NSC, and are anomalous with regards to national security consultative forums across the world.
2. Additionally, given that the NSC *of the Cabinet* (as

Figure 2: Premier-COAS meetings June 31, 2015-July 31, 2016



Total  
**29**  
meetings

**34%**  
of the these meetings  
**One-on-one Interactions**



**Federal Minister of Defence**  
present in  
**21%**  
of these meetings



**National Security Advisor**  
present in  
**34%**  
of these meeting

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it was termed in the presser issued by the Prime Minister Office after the meeting of the April 06, 2016) is the '*principal decision-making body on matters of national security*', its current status may encroach upon the powers of the Federal Cabinet. If Pakistan indeed wishes to give the NSC decision-making powers, whether or not it is recommended, its existence should be backed by legislation, and not just an executive order, as is the case at the moment. Regardless of whether the NSC is a consultative or a decision-making forum, an Act of Parliament is needed to sanctify its workings.

3. The abysmal number of meetings of the NSC only reflects the lack of importance it gets. There is a critical need to introduce regular periodicity of the meeting of the NSC.

### The Curious Case of [wrong] Optics

In a curious case of complete disregard even for the right optics, for the 29 times the Premier met the COAS for the period under consideration, only two meetings of the NSC were held. It needs to be noted that 10 of these meetings (i.e. 34% of the total times they met) were one-on-one interactions between the Prime Minister and the COAS. The Federal Minister for Defence, Khawaja Muhammad Asif, MNA was present in only 6 of these meetings (21% of the total times the Prime Minister and the COAS met during June 01, 2015-July 31, 2016. On the other hand, the National Security Advisor to the Prime Minister (before October 22, 2015, Mr. Sartaj Aziz, and after that Lt. Gen. (Retd.) Nasser Khan Janjua) was present in 10 of these



*The Prime Minister being driven around by the COAS as they inspect the road developed in 13 Hoshab, Balochistan under the Pakistan-China Economic Corridor*

meetings (34% of the total meetings held between the Prime Minister and the COAS).

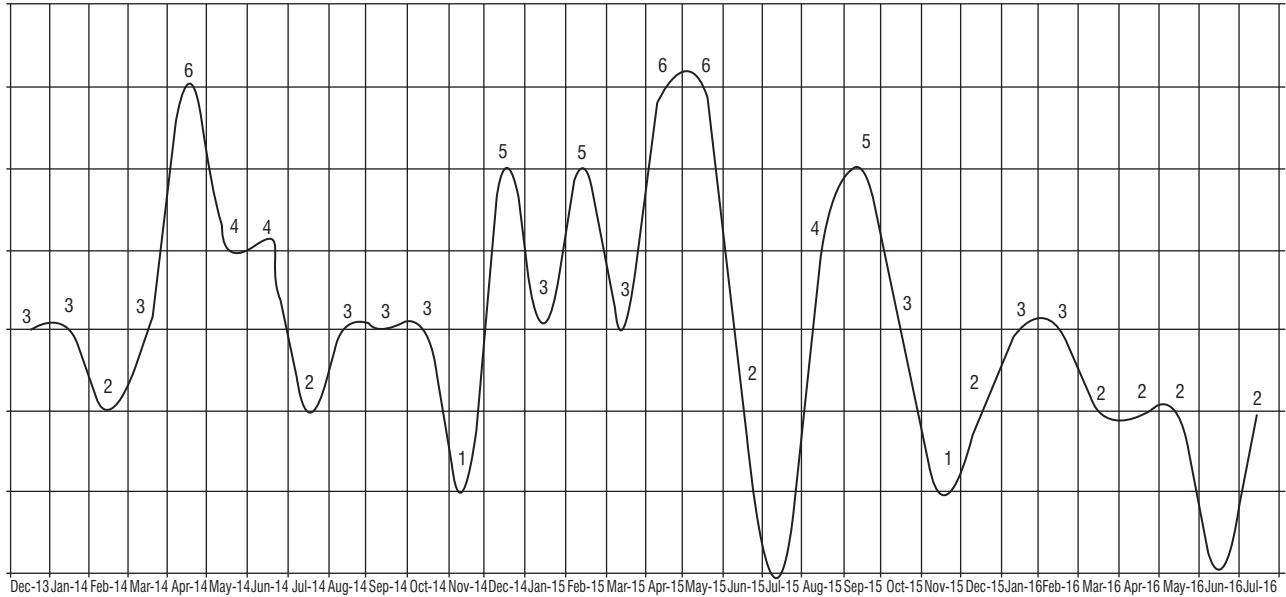
It is also worth noting that in comparison to his meetings with the COAS, the Prime Minister met with the Chief of Naval Staff for a total of 7 times from June 2015-July 2016, and with the Chief of Air Staff for a total of 9 times.

A comparison of the Prime Minister's and the COAS' meetings since the latter's appointment on November 27, 2013 is given in Figure 3.



*The Prime Minister and the COAS holding consultations on board Pakistan Air Force-1 before visiting Saudi Arabia on September 18, 2016. The Prime Minister was also accompanied by Special Assistant to the Prime Minister on Foreign Affairs, Mr. Tariq Fatemi, Principle Secretary to the Prime Minister, Mr. Fawad Hassan Fawad, and DG ISPR, Lt. Gen. Asim Bajwa*

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**Figure 3: Meetings between the Premier and the COAS: November 2013-July 2016****Premier-COAS Meetings  
November 2013-July 2016**

Some basic facts regarding the Prime Minister and COAS' meetings since the latter was appointed on November 27, 2013 till July 31, 2016 are as below:

- For the aforementioned period, the Prime Minister and the COAS have met at least 94 times.
- Of these, at least 29 meetings, that is, 31% of the total meetings between the Prime Minister and the COAS, have been one-on-one interactions.
- Of these, the Federal Minister for Defence, Khawaja Muhammad Asif, MNA was present in at least 29 meetings, that is, 31% of the total meetings held between the Prime Minister and the COAS.
- Of this, the National Security Advisor (including the tenure of both Mr. Sartaj Aziz and Lt. Gen. (Retd.) Nasser Khan Janjua) was present in 21 meetings, that is, 22% of the total meetings between the Prime Minister and the COAS.

**'Extraordinary Huddle' at the GHQ**

In what was aptly described by the daily *Dawn* as an 'extraordinary' huddle,<sup>61</sup> selected Ministers of the elected Government met with Military leadership at the GHQ on June 07, 2016. This was attended by the Federal Minister for Defence, Khawaja Muhammad Asif, MNA; Federal Minister for Finance, Senator Ishaq Dar; Advisor to the Prime Minister on Foreign

Affairs, Mr. Sartaj Aziz; Special Assistant to the Prime Minister on Foreign Affairs, Mr. Tariq Fatemi; Foreign Secretary, Mr. Aizaz Ahmad Chaudhry; COAS, Gen. Raheel Sharif; Director General, Inter-Services Intelligence, Lt. Gen. Rizwan Akhtar and Director General Inter-Services Public Relations, Lt. Gen. Asim Bajwa amongst other officials. If the meeting, as the ISPR press release said was to discuss "issues related to national security" the Federal Minister for Interior, Chaudhary Nisar Ali Khan, MNA and National Security Advisor to the Prime Minister, Lt. Gen. (Retd.) Nasser Khan Janjua, seemed conspicuous by their absence.

The unusual choice of the venue for the meeting highlighted the consistently ad-hoc approach to institutionalization in national security consultation exhibited by both the civil and the military leadership. The meeting to discuss "issues related to national security" should have been held under the rubric of the National Security Committee (NSC) at the NSC Secretariat rather than at the GHQ. Similarly, the Federal Ministry of Defence or the Federal Ministry of Information rather than the ISPR should have issued the Press Release for the meeting.

This was the first high-level interaction between the

61. For details, please see: <http://www.dawn.com/news/1263511>



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civil-military leadership since the Prime Minister left for London on April 13, 2016 for his medical treatment. Apparently, the meeting was called by the Army to discuss *various issues related to external and internal security situation of the country including CPEC*, which is another sad indication on the state of affairs. With the initiative by the military, this seemed to lead credence to the somewhat firmly-held perception in the military that civilian elected governments/politicians generally create a vacuum/abdicate responsibilities on national issues where military has to fill the gap.

As a consequence of the inappropriate choice of place and forum, the optics generated almost made it seem as if the civilian leadership had been shepherded to the GHQ, or was calling upon the Military leadership.

Additionally, the seating arrangement also presented an interesting window into the civil-military and civil-civil relations at play. Amongst the representatives of the elected Government, the Federal Minister for Finance, Senator Ishaq Dar was seated centrally, perhaps denoting the apparent role of the de-facto Premier he had attained in the absence of the Prime Minister Nawaz Sharif. The Federal Minister for Defence, Khawaja Muhammad Asif MNA, the civilian boss of the Army Chief was seen seated at the end of the table.<sup>62</sup>

Details of the foreign trips undertaken from June 2015-July 2016 during which he interacted with foreign political leadership are given in Table 4.



Representatives of the PML-N led Federal Government at the civil-military huddle held in the GHQ on June 07, 2016



Representatives of the Military leadership at the civil-military huddle at the GHQ on June 07, 2016

62. For details, please see the Press Release issued by the ISPR on June 07, 2016, which may be accessed at: [https://www.ispr.gov.pk/front/main.asp?o=t-press\\_release&date=2016/6/7](https://www.ispr.gov.pk/front/main.asp?o=t-press_release&date=2016/6/7)

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**Table 2: Chronology of Foreign Dignitaries received by the COAS at the GHQ: June 2015-July 2016**

No.	Date	Visiting Foreign Dignitary
1.	June 01, 2015	Dr. Peter Lavoy <i>Senior Director for South Asia Affairs, National Security Council of the United States of America</i>
2.	July 14, 2015	Mr. Rodolfo J. Martin Saravia <i>Ambassador of Argentina and Dean of Diplomatic Corp at Islamabad</i>
3.	August 01, 2015	Mr. Daniel F. Feldman <i>Special Representative of the United States of America for Afghanistan and Pakistan</i>
4.	August 05, 2015	Mr. Michael Fallon <i>Secretary of State for Defence, United Kingdom</i>
5.	August 10, 2015	Ms. Sabine Sparwesser <i>Special Representative of Germany for Afghanistan and Pakistan</i>
6.	August 21, 2015	Ambassador Franz-Michael Mellibin <i>European Union Special Representative and Head of the European Union Delegation for Afghanistan</i>
7.	August 30, 2015	Ambassador Susan Rice <i>National Security Advisor of the United States of America</i>
8.	August 31, 2015	Mr. Frank-Walter Steinmeier <i>Federal Foreign Minister of Germany</i>
9.	August 31, 2015	Dr. Peter Lavoy <i>Senior Director for South Asia Affairs, National Security Council of the United States of America</i>
10.	October 06, 2015	Mr. Tomas Kuchta <i>Deputy Defence Minister of the Czech Republic</i>
11.	December 04, 2015	Mr. David Hale <i>Then Incoming Ambassador of the United States of America to Pakistan</i>
12.	December 07, 2015	Mr. Richard G. Olson <i>Special Representative of the United States for Afghanistan and Pakistan</i>
13.	December 08, 2015	Mr. Owen Jenkins <i>Special Representative of the Prime Minister of the United Kingdom for Afghanistan and Pakistan</i>

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No.	Date	Visiting Foreign Dignitary
14.	December 09, 2015	Mr. Wang Yi <i>Foreign Minister of the Peoples Republic of China</i>
15.	December 09, 2015	Mrs. Ursula Von der Leyen <i>Federal Minister of Defence of Germany</i>
16.	December 10, 2015	Mr. Antony J. Blinken <i>Deputy Secretary of State of the United States of America</i>
17.	December 31, 2015	Mr. Muhammad bin Abdullah Al-Ayish <i>Assistant Defence Minister for Military Affairs, Kingdom of Saudi Arabia</i>
18.	January 07, 2016	Mr. Adel bin Ahmed Al-Jubeir <i>Foreign Minister of the Kingdom of Saudi Arabia</i>
19.	January 10, 2016	Mr. Mohammad bin Salman al-Saud <i>Deputy Crown Prince and Defence Minister of the Kingdom of Saudi Arabia</i>
20.	January 11, 2016	Mr. Richard G. Olson <i>Special Representative of the United States of America for Afghanistan and Pakistan</i>
21.	March 08, 2016	Mr. Philip Hammond <i>Foreign Secretary of the United Kingdom</i>
22.	March 17, 2016	Mr. Franz-Michael Mellibin <i>Special Representative of the European Union and Head of the European Union Delegation for Afghanistan</i>
23.	March 21, 2016	Mr. Rodolfo J. Martin Saravia <i>Ambassador of Argentina to Pakistan</i>
24.	March 24, 2016	Ms. Ina Lepal <i>Ambassador of Germany to Pakistan</i>
25.	March 25, 2016	Mr. Louis Gautier <i>Secretary General for Defence and National Security of France</i>
26.	April 05, 2016	Mr. Zhang Chunxian <i>Member of the Political Bureau of the Communist Party, Peoples Republic of China</i>
27.	April 11, 2016	Mr. Richard G. Olson <i>Special Representative of the United States of America for Afghanistan and Pakistan</i>
28.	April 21, 2016	Mr. Paolo Gentiloni <i>Foreign Minister of Italy</i>

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No.	Date	Visiting Foreign Dignitary
29.	May 13, 2016	Mr. Omar Zakhiwal <i>Ambassador of Afghanistan to Pakistan</i>
30.	May 19, 2016	Mr. Richard G. Olson <i>Special Representative of the United States of America for Afghanistan and Pakistan</i>
31.	May 25, 2016	Mr. David Hale <i>Ambassador of the United States of America to Pakistan</i>
32.	June 03, 2016	Mr. Fikri Isik
33.	June 07, 2016	Mr. Sun Weidong <i>Ambassador of Peoples Republic of China to Pakistan</i>
34.	June 10, 2016	Mr. Richard G. Olson <i>Special Representative of the United States of America for</i>
35.	June 24, 2016	Mr. Thomas Drew
36.	July 02, 2016	Met with a Congressional delegation from the United States of America, which included: i. Senator John McCain, Chairman of the United States
37.	July 02, 2016	Mr. Richard G. Olson <i>Special Representative of the United States of America or</i>

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**Table 3: Foreign trips undertaken by the COAS: June 2015-July 2016**

No.	Dates	Details of the Trip Undertaken
1.	June 08-10, 2015	Three day visit of the COAS to Sri Lanka where he met the following: i. President of Sri Lanka, Mr. Maithripala Sirisena ii. Prime Minister of Sri Lanka, Mr. Ranil Wickremesinghe iii. State Minister of Defence of Sri Lanka, Mr. Dinendra Ruwan Wijewardene iv. Secretary of Defence of Sri Lanka, Mr. B. M. U. D. Basnayake v. Chief of Defence Forces, Sri Lankan Armed Forces, General J. Jayasuriya vi. Commander, Air Force of Sri Lanka, Air Marshall K. A. Gunatilleke
2.	July 27-29, 2016	Three day visit of the COAS to Italy where he met the Foreign Minister of Italy, Mr. Paolo Gentiloni
3.	September 30-October 02, 2015	Three day visit of the COAS to the United Kingdom where he met with the following: i. Chief of Defence Staff of the British Armed Forces, Sir Nicholas Reynolds Haughton ii. Then United Kingdom's Home Secretary, and now the Prime Minister, Ms. Theresa May
4.	October 12-14, 2015	Three day visit of the COAS to Turkey, where he met with the following: i. Commander of the Turkish Land Forces, Gen. Salih Zeki Çolak ii. Mayor of Keçiören Municipality of Ankara, Mr. Mustafa Ak iii. Turkey's Minister of Defence, Mr. Vecdi Gönül iv. Turkey's Minister for Foreign Affairs, Mr. Feridun Sinirliođlu v. Prime Minister of Turkey, Mr. Ahmet Davutoglu vi. President of Turkey, Mr. Recep Erdogan
5.	November 04-05, 2015	Two day visit of the COAS to the Kingdom of Saudi Arabia, where he met the following: i. Custodian of the Two Holy Places, the King of Saudi Arabia, His Excellency Salman bin Abdul Aziz al-Saud ii. The Crown Prince, His Excellency Mr. Muhammad bin Naif Abdul Aziz al-Saud
6.	November 16-21, 2015	Five day visit to the United States of America, where he met the following: i. The Secretary of State of the United States of America, Mr. John Kerry ii. The Vice President of the United States of America, Mr. Joe Biden
7.	December 27, 2015	COAS Visited Afghanistan and met the President of Afghanistan, Mr. Ashraf Ghani and the Chief Executive Officer, Dr. Abdullah Abdullah in Kabul
8.	January 19, 2016	During his one day visit to Iran, the COAS met the Defence Minister of Iran, Mr. Hossein Dehghan and the Secretary of the Supreme National Security Council, Mr. Ali Shamkhani
9.	February 22, 2016	On a one day visit to Qatar he met the Emir of the State of Qatar, His Highness Sheikh Tamim bin Hamad al-Thani
10.	March 01, 2016	On a one day visit to Tajikistan, he met the President of Tajikistan Mr. Emomali Rahmon
11.	April 26, 2016	On a one day visit to Jordan, he met the King of Jordan, His Excellency King Abdullah II

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No.	Dates	Details of the Trip Undertaken
12.	June 20-21, 2016	On a two-day visit to Germany where he met the following: i. The Foreign Minister of Germany, Mr. Frank-Walter Steinmeier ii. The Defence Minister of Germany, Ms. Ursula von der Leyen
13.	July 25-26, 2016	On a two-day visit to Egypt where he met the following: i. President of Egypt, Mr. Fateh al-Sissi ii. The Defence Minister of Egypt, Mr. Sedki Sobhi

Increasingly, it has also come to bear that it is the COAS, with the exclusion of any civilian member of the Government, who is taking the lead on dealing with Afghanistan. Consider that during a sitting of the Senate after the COAS' trip to Afghanistan on December 27, 2015, the Federal Minister for Defence, Khawaja Muhammad Asif, MNA, stated that he could not inform the House immediately about the visit and would want to consult his Ministry on the matter. The Government has still not clarified its position over the visit.

Consider also the recent efforts for border management at the Pakistan-Afghanistan border. It was the ISPR, which took the lead on announcing the handing over a newly constructed border crossing facility at Angoor Adda on May 21, 2016. As tensions developed over the closure of the Torkham border crossing, it was the COAS who held a meeting with the Afghan Ambassador to Pakistan, Mr. Omer Zakhiwal at the GHQ to resolve the matter.

As a natural consequence, complications started to surround the Angoor Adda development when it emerged that the Federal Minister for Interior, Chaudhry Nisar Ali Khan, MNA had written a letter to the Prime Minister '*expressing reservations*' over his Ministry not being consulted on the handover. A news report carried by the daily *Express Tribune* cited the letter, which apparently stated that '*There are very clear rules which should be followed before taking such important decisions ... The Government is the custodian of each and every inch of the motherland. We must follow the legal procedures if we have to take such decisions*'.<sup>64</sup>

As welcome and important it is to put in place a stringent and effective border management system that puts to rest any mention of the Pak-Afghan border as a "porous" or "soft" border, the developments leading to the positive actions on border management appear to indicate that effective civil-civil and civil-Military consultations had apparently not taken place over the

important issue of handing over the border crossing facility at Angoor Adda to the Afghan authorities. While a consensus seems to be there within Pakistan for securing the border with Afghanistan, the issue of transfer of Angoor Adda border crossing point should have received the importance and the deliberation-based policy it requires. Certainly the subject warranted a discussion among all stake holders within the Government including the Ministry of Interior and the decision should have been executed after explicit approval of the country's Chief Executive. The issue warrants a deeper analysis and a Parliamentary probe by the Parliament's Interior and Defence Standing Committees.

The COAS' popularity as a national leader was acknowledged not only by the national media for the period under consideration, but also ironically by the political leadership. Undeniably Gen. Raheel Sharif's stint as the Army Chief has won him numerous accolades, the most important of which is a wide recognition of his proactive approach and efforts. The reasons for this may reside in the clarity the current Military leadership in cracking down on terrorism in the country, the conduct of Operation Zarb-e-Azb, and since February 2015, the renewed vigour in the Karachi Operation.

Around the globe, Militaries and Military Commanders are recognized and respected universally by populace of each country. Same should, and does hold true, of Pakistan's Armed Forces. However, the demand that Gen. Raheel Sharif, occupying a critical post as that of the Chief of Army Staff, should be asked to devote his time and efforts other than his professional roles and responsibilities is unfair both to the Army and the system of the country as envisioned by the Constitution of Pakistan. Our Armed Forces must enjoy complete public trust and support to carry out their professional responsibilities. To offer a comparison of the military commanders to elected political leaders, or to expect the Armed Forces to shirk from their professional responsibilities, however, is unfair.

64. For details, please see the PILDAT Monitor on Civil-Military Relations in Pakistan for May 2016. It may be accessed at: <http://www.pildat.org/eventsdel.asp?detid=890>

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The banner, courtesy of the Traders of Circular Road, Lahore, is displayed at the Charing Cross, outside of the Provincial Assembly of the Punjab building (seen in the background)

### Treason Trial of Gen. (Retd.) Pervez Musharraf

There seems to be no end in sight for the treason trial of Gen. (Retd.) Pervez Musharraf, which was marred by further complications during June 2015-July 2016.

The decision taken by the Federal Government to pursue a Treason Trial against Gen. (Retd.) Pervez Musharraf for his imposition of Emergency violating the constitution in November 2007, and the latter's indictment on May 31, 2014, can be termed as watershed developments for civil-military relations in Pakistan. As subsequent developments showed, the trial became a significant irritant for civil-military relations in Pakistan. The former President's dash to the Armed Forces Institute of Cardiology (AFIC) on January 02, 2014 (ostensibly due to critical health concerns) and his long sojourn there, gave the impression as if the Military leadership was sheltering him from facing legal proceedings.

On November 21, 2014 the Special Court issued an order to include Mr. Zahid Hamid, Mr. Shaukat Aziz and Justice (Retd.) Abdul Hameed Dogar in the treason trial. The three concerned gentlemen however appealed against the order in the Islamabad High Court, which placed a restraining order on the proceedings of the Special Court till the matter had been decided.

Although the Government was initially resistant to re-investigate the case, it later expressed its willingness to expand investigation into the treason case to the extent of three alleged abettors. In a detailed judgment issued by the Islamabad High Court on November 10, 2015, the bench directed the Federal Government to re-investigate the case to ascertain the role of Gen. (Retd.) Pervez Musharraf's aiders and abettors in the imposition of emergency on November 03, 2007.

Yet another stumbling block presented itself when Justice Faisal Arab, heading the Special Court and the Chief Justice of Sindh High Court, was elevated to become a Supreme Court judge. The Government subsequently appointed Peshawar High Court Chief Justice Mazhar Alam Miankhel as the head of the Special Court, after receiving the Supreme Court's nomination. The Special Court on March 08, 2016 directed Gen. (Retd.) Pervez Musharraf to record his statement in front of the Special Court, but his counsel informed the Court that he could not attend the proceedings due to medial reasons.

In the meanwhile, Gen. (Retd.) Pervez Musharraf requested the Supreme Court to grant him one time permission to travel abroad to seek medial treatment. The Supreme Court lifted the ban on his travel on March 17, 2016 upholding a June 12, 2014, Sindh High Court (SHC) order that called for removing his name

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from the Exit Control List (ECL). However, the Supreme Court added the caveat that it was incumbent upon the Government to retain the former President's name on the Exit Control List, if it deemed fit. Subsequently, the Federal Government also allowed the former President to travel abroad, provided he returns to face the court proceedings against him

However, this does not seem to be the case as he has missed at least twice appearances before the Special Court, which has also declared him a proclaimed offender.

### **No Positive Movement on Reforming Pakistan's Judicial System: Military Courts in Pakistan**

Considered to be the creation of a parallel system of justice, the establishment of Military Courts signified a negative development not only for Pakistan's civilian judicial system, but also its nascent democracy.

Formed on January 09, 2015, after passage of the 21<sup>st</sup> Constitutional Amendment, Military Courts have convicted 101 people, 97 of whom were sentenced to death, till the end of July 2016. There have been no acquittals in this regard. At least 37 convicts have filed appeals with civilian courts, alleging coercion of confessions and denial of access to lawyers and to evidence used against them.<sup>65</sup> Of the 12 cases that have come before the Supreme Court which has reserved its verdict on the cases.

PILDAT believes that although extraordinary times call for extraordinary measures, principally, the formation of Military Courts was not a positive development for Pakistan's nascent democracy. It blurred the line between the Judiciary and the Executive under the trichotomy of powers enshrined in the Constitution. Their formation raised fundamental questions and concerns about the civil and military leadership's approach to combating terrorism. Given that the 21<sup>st</sup> Constitutional Amendment has a sunset clause of two years, no major initiative has been recorded by the Government to reform Pakistan's judicial system till now. It is hoped that military courts remain a temporary measure in response to extra-ordinary circumstances and these are not resorted to for a longer period of time.

### **Recommendations to Improve Civil-Military Relations in Pakistan**

Followings are some key recommendations for a constitutional equation of civil-military relations in Pakistan:

1. Passage of an Act of Parliament to regulate the workings of the National Security Committee. This may include the following:
  - i. Monthly or more frequent meetings of the NSC, as is the case in developed democracies. For example, UK National Security Council meets every week, before the meeting of the Cabinet, under the chairpersonship of the Prime Minister. Given that Pakistan has its fair share of security related challenges, regular meetings of the NSC remain a necessity.
  - ii. Reconsideration of the decision-making powers of the NSC, lest it might impinge upon the powers of the Federal Cabinet, the ultimate decision-making forum as envisaged under the Constitution.
  - iii. Reconsideration of the permanent membership of the CJCS and the Services Chiefs in the NSC. If their permanent membership is to be retained, the Committee should not be termed the National Security Committee of the *Cabinet* as it was done so in the presser issued by the Prime Minister Office after the meeting of April 05, 2016
2. The official goal set for the National Security Division, the Secretariat of the NSC, in 2014, was the formulation of a comprehensive National Security Policy by the National Security Committee.<sup>66</sup> There is no indication of the progress made so far during the past 3 years. Urgent formulation and announcement of a comprehensive National Security Policy by the NSC should be made.
3. Relevant Standing Committees of the Senate and National Assembly and the Plenary sessions should undertake periodic review of the progress on the implementation of the National Security Policy after it is announced.
4. Re-activation of the Defence Council under the chairmanship of the Defence Minister. The Defence Council should meet once a month or as often as required.

65. For details, please see: <http://dailytimes.com.pk/islamabad/26-Jun-16/pak-military-courts-conclude-trials-of-105-militants>

66. Memorandum on Allocation of Functions to the National Security Division, April 09, 2014, Cabinet Secretariat, Government of Pakistan



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5. Issuance of notifications defining the membership, role and functions of the Provincial Apex Committees. Each Province has its own law and order problems and consequently the role, functions, etc., could differ from one Province to the other.
6. Recently, various views have been expressed demanding reactivation of the Parliamentary Committee on National Security, as it existed from 2008-2013. In PILDAT's view this will be a duplication of the effort given the fact that Standing Committees on Interior and Defence are already in place in the National Assembly and the Senate. The creation of another Committee will not only be redundant, but also an unnecessary drain on the public kitty. Rather, efforts should be made by the Standing Committees of Defence and Interior themselves to develop a more proactive approach to develop oversight of various national security measures such as the National Action Plan, etc. Both these Committees may convene there joint meeting two when and if required.
7. A full time defence minister should head the Ministry of Defence (MoD) who is not bypassed by direct meetings and links between the Head of the State and the Head of the Government, on the one hand, and the Services Chiefs on the other. Similarly the vacant position a of the Foreign Minister should also be filled.
8. Given that the 21st Constitutional Amendment is set to expire by January 06, 2017, the Federal Government should present a comprehensive plan to reform the rule of law structure of Pakistan in light of our security needs. Rather than developing legislations on a stop-gap basis, as observed in the case of the Protection of Pakistan Act, the Anti-Terrorism Act and the 21st Constitutional Amendment, with in-built sunset clause, a comprehensive legislative package should be enacted which not only addresses the shortfalls in our judicial system, but also further strengthens the investigation and prosecution services an introduced necessary police reforms two.
9. Effective independent role for the Provincial Police Forces at least to the extent envisaged in the Police Order 2002 should be provided for by each Provincial Government and the Federal Government should take a lead in this respect and undertake effective Provincial coordination.
10. Increasingly, it has been observed in the case of civil-military friction that it often spills out into the public domain through a series of public comments, rather than being discussed in official fora. This apparent lack of coherent position only hurts the cause of effective anti-terrorism campaigns.
11. The scheduled retirement of both the CJCS and the COAS in November 2016 presents an ideal opportunity to debate/discuss and, if required, reforms in Pakistan's Higher Defence Organisation. The time is ripe for discussing various proposals in this regard, including that of a unified command of the Armed Forces (that is the Chief of Defence Staff model). This has gained currency across the world and finds many proponents, including the former Chairman Joint Chiefs of Staff Committee, Gen. (Retd.) Ehsan-ul-Haq. 2016 marks the 40-year anniversary since Pakistan's Higher Defence Organisation was last revamped in 1976. PILDAT does not necessarily advocate the adoption of the proposed Chief of Defence Staff model but we feel strongly that the elected leadership should seriously consider the options while an opportunity is at hand. It may decide to continue with the same system or bring in reforms after a careful and timely consideration.



**Islamabad Office:** P. O. Box 278, F-8, Postal Code: 44220, Islamabad, Pakistan  
**Lahore Office:** P. O. Box 11098, L.C.C.H.S, Postal Code: 54792, Lahore, Pakistan  
E-mail: [info@pildat.org](mailto:info@pildat.org) | Website: [www.pildat.org](http://www.pildat.org)