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This Monitor of Civil-Military Relations covers the period of April 15, 2013 to July 31, 2013 analysing the key issues affecting civil-military relations in Pakistan during this period.

Abbottabad Commission Report

As has been a long-standing recommendation of PILDAT, the Abbottabad Commission has also called for strengthening democratic control of State institutions and civilian oversight over the security and intelligence agencies – and it is not just because we wish to avoid embarrassment like US raid on Abbottabad on May 02, 2011.

The manner in which a hitherto unreleased by the Government of Pakistan Abbottabad Commission Report was leaked through a foreign news network, Al Jazeera News Network,¹ is both embarrassing and a cause of consternation. The report, which was submitted to the then-Prime Minister in January 2013, has, to-date, not been made public officially. It is difficult to say that the leaked report is really the final version of the report submitted by the commission but the substantive part of the leaked report has not been contradicted.

Contrary to the prevailing media analysis on the report, the Abbottabad Commission has indeed very clearly identified the organisations that were responsible for this huge security failure, as per the leaked report. It is categorically mentioned in the report that:

“It was result of inadequate threat assessments, narrow scenario planning and insufficient consideration of available policy options. If the institutions and the whole system of governance were “dysfunctional,” they were so because of irresponsible governance over a sustained period, including incorrect priorities and acts of commission and omission by individuals who had de jure or de facto policy making powers.”²

The Commission has called the May 2 incident a collective failure at all levels of the Government:

“Pakistan Government's response before, during and after appears in large part to be a story of complacency, ignorance, negligence, incompetence, irresponsibility and possibly worse at various levels inside and outside Government. Institutions either failed to discharge responsibilities that legally were theirs or they assumed responsibility for tasks that legally were not part of their duties and for which they were not trained. This reflected the course of civil military relations and power balance between them.”³

It further cautioned that without civilian control and democratic rule of law, May 2-like incidents could happen again. The report has gone on to say that due to its undue involvement in political power, the ISI's professional responsibilities have suffered:

“With all the resources the ISI also failed mainly because it was even more involved with the political, power and ideological structure of the country. It had become more political and less professional.”⁴

Another area of concern for the Government is leak of such a high level document by a foreign news network. It

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PILDAT and its staff have made their best efforts in ensuring the accuracy of the facts and events presented in this document. PILDAT, however, is not responsible for any error or omission as it is not deliberate.

1. On July 08, 2013, the Aljazeera network leaked 337 page Abbottabad Commission Report: Leaked reports shows Bin Laden's Hidden Life, Al Jazeera, July 08, 2013: <http://www.aljazeera.com/news/asia/2013/07/20137813412615531.html>
2. (Leaked unofficial version of the) Abbottabad Commission report; Conclusion Page 334, <http://www.aljazeera.com/news/asia/2013/07/20137813412615531.html>
3. (Leaked unofficial version of the) Abbottabad Commission Report ;Conclusion Page 334, <http://www.aljazeera.com/news/asia/2013/07/20137813412615531.html>
4. Abbottabad Commission Report ; Page 177, <http://www.aljazeera.com/news/asia/2013/07/20137813412615531.html>

raised many questions on the security of Pakistan's high level secret documents. However, a leaked report cannot be made the basis for any accountability or action that the report of this nature necessitates. In order for us to learn from the fiasco and ensure we are not condemned to repeat our mistakes, it is essential that the new Federal Government officially release the report, critically analyse the observations made in the report and take required actions.

Those who shared the responsibility either directly or by being heads of the institutions found responsible for the fiasco should be held accountable even if they are retired from the service of the State. This accountability, even symbolic, is important for the future of the State and its institutions.

“Consultation” on National Security Policy

Whereas one of the key priorities of the new Government should have been putting in place an effective national security policy and strategy to address the ever-growing challenges facing Pakistan, little or slow progress has emerged on the issue in the first 60 days of the Nawaz Sharif Government.

It is unclear why, in the presence of a multi-party representative Parliament elected only 2 months ago, the Government needed to first announce and then postpone an All Parties Conference (APC) on National security. Apparently, the APC was announced to be held on July 12, 2013 for the purposes of “consulting” the political parties on a draft National security Policy but it was postponed later. According to media reports while the APC could be held any time after Eid, it is unclear whether after the announcement of PTI Chairman, Mr. Imran Khan, that he will not participate in the APC, it will at all be held.

Parliament is the most appropriate forum where political consultation of any kind can and should be held. All parties that people placed their trust in have returned to the 14th National Assembly of Pakistan to represent the people of Pakistan. If constructive political consultation and review of a critical national policy can not be held inside the Parliament, no other forum can meet this criterion.

If a smaller forum was needed for in-depth review of the policy and input, there are Standing Committees both in the Senate and the National Assembly which may be entrusted the task. During the term of the previous 13th National Assembly of Pakistan, a special Parliamentary Committee on the National Security (PCNS) was constituted with representation from both the houses. The committee which elected Senator Raza Rabbani as its Chair, had senior parliamentarians as its members from all the parties represented in the Parliament. The 14th National assembly may constitute such a committee afresh if it considered that the task of national security is too wide to be assigned to one of the regular standing committees such as the Standing Committee on Defence or Standing Committee on Interior, etc.

For its part, Mr. Imran Khan's position that he will only be briefed by the Prime Minister – and the Army Chief – is extremely bizarre. Consider. Firstly, while asking for a briefing from the Chief Executive is a legitimate demand, his insistence upon the inclusion of the COAS appears as if Mr. Imran Khan is equating the two positions. It is up to the Prime Minister to include the Chief of Army Staff, just like any other senior officials of the Pakistani Government, or that of a relevant Minister from the Prime Minister's cabinet, in the briefing. Secondly, that he insists on only a briefing for himself, without the presence of any other representative political party, is neither an inclusive nor a legitimate demand. Why, for instance, should the Prime Minister not include in such a briefing representatives of other political parties, including the party that is the official opposition of the Government and has greater strength than that of Mr. Imran Khan's party in the Parliament, also lends Mr. Imran Khan's demand beyond comprehension.

Although the draft of National Security policy has not yet been made public, according to reports, the draft has been prepared by the National Counter Terrorism Authority (NACTA). The Government has, reportedly, also shared the draft with some State institutions for feedback but it has not been shared with political parties.⁵ It is also reported that top Military commanders discussed the draft National Security Policy in detail in its Corps Commanders Conference.⁶

Reportedly, the draft National Security Policy has five elements to dismantle, contain, prevent, educate and reintegrate.⁷ The draft document puts the National Counter Terrorism Authority (NACTA) at the centre of the strategy as the 'national coordinator' tasked with execution and monitoring of the new policy.

Urging the new Prime Minister to urgently put in place a holistic and cohesive national security policy as his top priority after assuming office, PILDAT's Dialogue Group on Civil-Military Relations recently advised the Prime Minister in a communiqué that the National Security Policy has to integrate the Defence, Foreign and Economic policies together and have to set clear articulated goals and priorities. Ad-hoc and disconnected decision-making on national security issues must stop. A national security policy is the foundation for the formulation and implementation of policies of the essential components for State stability and effective Governmental performance.

It is commendable that the new Government has initiated the process by circulating the draft National Security Policy but the progress is too slow and the circle of consultation is not wide enough. If the government wants that the National Security Policy should have a broad ownership by the people of Pakistan, it should arrange its widespread dissemination and encourage a wide-ranging debate in the media, civil society, political parties and eventually the Parliament. Final contours of the policy should be decided by the Federal Government in the light of this debate at various forums.

5. PM's July 12 meeting on National Security hits snags, Pakistan Today, July 09, 2013, <http://www.pakistantoday.com.pk/2013/07/09/news/national/pms-july-12-meeting-on-national-security-hits-snags/>
6. Corps Commanders discussed National Security, Pakistan Today, July 09, 2013, <http://www.pakistantoday.com.pk/2013/07/09/news/national/corps-commanders-discuss-national-security/>
7. No radical shift in new anti-terror strategy, Dawn ,July 06, 2013, http://epaper.dawn.com/~epaper/DetailImage.php?StoryImage=06_07_2013_001_005

Treason Case against Gen. (Retd.) Musharraf

Prime Minister Nawaz Sharif's policy announcement at the floor of the House regarding his Government's decision to proceed with the High Treason case against the former Chief of Army Staff / President General (Retired) Pervez Musharraf⁸ is commendable on two counts – one that a decision to proceed against violation of rule of law and the Constitution has been taken by the new Government – and two that he decided to make this statement at the floor of the House which is the right forum for announcing all policy decisions.

There is wide public support that the Federal Government should pursue the High Treason Case against General (Retired) Pervez Musharraf. Given Pakistan's turbulent political and democratic history and multiple violations of the rule of law, the State and Society of Pakistan require a closure of the so-called emergency and de-facto Martial Law imposed by General Musharraf on November 3, 2007 in order to move forward.

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

Greater Coordination among Intelligence Agencies

Need for more systematic coordination among Pakistan's intelligence agencies is often stressed as a necessity to strengthen our internal and external security. However, due to our prickly history of imbalances in civil-military relations and the resultant gulf in perceptions of the civil and the military, this is perceived as one of the most arduous tasks. It is generally believed by the civilian governments that the military views with suspicion the motive behind any such move by any civil government to create a system of coordination of intelligence while the civilian governments generally do not choose to deal with this as a thorny issue with a great potential of conflict.

Reportedly, however, the PML-N Government has decided to make the Interior Ministry as a coordinator among intelligence agencies, a decision which has been taken during Prime Minister Nawaz Sharif's visit to the ISI headquarters on July 11, 2013.⁹

It is unclear whether the decision has indeed been operationalised. The previous Government too had issued a short-lived notification to place the Inter-Services Intelligence (ISI) under the Ministry of Interior in July 2008 but had to withdraw the notification in a matter of hours due to the reported backlash from the military. Whether or not the Ministry of Interior is the ideal forum for such

coordination – in India, for instance, this coordination takes place in the National Security Council, equivalent of our Cabinet Committee on Defence (DCC) – it is necessary that a concerted and joint effort is made for strengthening coordination.

Pakistan's intelligence agencies are its asset and serve an important crucial role as our first line of defence. Important and well-thought out policy initiatives, therefore, are required to regularise and strengthen these. Post 9/11 era has seen intelligence agencies of a number of countries undergo a series of reforms leading to their greater effectiveness and strength but unfortunately these crucial agencies seem to have lost some of their sheen and shine in Pakistan during this period. Pakistan, faced with ferocious terrorism on its soil, needs to make its intelligence agencies more effective, better coordinated and more responsible.

Pakistan's legislatures also need to consider developing the framework of a comprehensive law that covers the remit of all intelligence agencies in Pakistan with the objective to streamline their work and avoid duplication. It has been apparent in the history of Pakistan that in the absence of a law, successive rulers, both civil and military, have arbitrarily expanded and sometimes abused the role of the agencies into domestic politics, in turn compromising the agencies' focus into their key target areas. A legal remit is also required to eventually make it possible for Parliament to engage in responsible and effective oversight on intelligence agencies as cornerstone principle of democratic and Parliamentary oversight to all areas where public funds are used.

We understand that putting together a system of parliamentary oversight in this sensitive area will take patience, wisdom and time. It has to be a gradual and carefully calibrated process. The British Parliament, for instance, has an interesting model of Parliamentary oversight where though the committee is composed of MPs, it is not technically a Parliamentary Committee in the sense that it reports to the Prime Minister and not directly to the Parliament. The Intelligence and Security Committee (ISC) of the UK is a committee of senior parliamentarians nominated by the Prime Minister which sits outside the Parliament and takes an oath of secrecy unlike a regular parliamentary committee.¹⁰

Amendment in Turkish Army Regulation

In a bid to further minimise the chances of a coup d'etat in the future, the Turkish Parliament recently amended a regulation that is believed to have had paved the way for military intervention in politics in the past.

The original article 35 of Turkish Army Regulation said that *“the duty of the Armed Forces is to protect Turkish homeland and the Republic of Turkey which is set in the Constitution.”*¹¹ The revised article 35 has

8. Musharraf to be tried for high treason, Nawaz tells NA, The News, June25, 2013, <http://www.thenews.com.pk/Todays-News-13-23706-Musharraf-to-be-tried-for-high-treason-Nawaz-tells-NA>
9. PM stresses intelligence sharing during ISI headquarter visit, The News, July 11, 2013, <http://www.thenews.com.pk/article-108866-PM-stresses-intelligence-sharing-during-ISI-headquarters-visit>
10. For details, please see PILDAT Report on Study Visit of Pakistani Parliamentarians and Intellectuals on Democratic Oversight on Defence and National Security in the UK: http://www.pildat.org/Publications/publication/CMR/PakistaniParliamentariansAndIntellectualsOnDemocraticOversightonDefenceandNationalSecurityintheUK_July03-05_%202012.pdf

now made the definition more precise by restricting the Turkish Armed Forces to only “defending the Turkish nation against external threats and dangers.”¹²

What is positive is that this key legislative measure enjoyed bi-partisan support as the Turkish opposition Republican People's Party, long associated with Turkey's pro-military secular guard, also voted in favour of amending the regulation to re-define and contain the role of Turkish Military in politics.

According to the media reports, the Turkish Military had often cited this article of the Army regulation, about safeguarding the republic, as the legal backing for overthrowing governments they believed were undermining republican principles in the Constitution, such as secularism.¹³ The Turkish army toppled four governments from 1960 and 1997, and issued a warning to the current government as recently as 2007.

Since coming to power in 2003, Prime Minister Recep Tayyip Erdoğan has reduced and rolled back political powers of Military through reforms including for example, reducing the influence of a national security council where the generals usually imposed their will on the government. A series of trials against hundreds of military officers, including top army commanders, accused of alleged anti-government plots, have furthered impeded the military's ability to intervene. The verdict of landmark trial against General Kenan Evren, who seized power through military coup in 1980, is expected in September this year.¹⁴ This would be a great movement forward not only in the Turkish history but offers very important lessons for countries like Pakistan which is also expected to conduct a trial of former dictator General (Retd.) Musharraf.

Egypt slides back to Dictatorship

In a terrible development, Egypt is again caught in the clutches of dictatorship. The promise of democracy lasted only a little over 2 years after a 3-decade long dictatorship as Egypt's elected President Mohamed Morsi was deposed by the Egyptian military on July 4, only a year after his election as President.

After weeks of unrest and turmoil, on July 04, 2013, the Egyptian Army removed elected President Mohammad Morsi, suspended the Constitution and announced an interim setup.¹⁵ The Egyptian promise of democratic spring, thus, has quickly turned to a dark autumn in less than 2 years after the Arab uprising of 2011. Mr. Morsi became Egypt's first democratically elected President on June 30, 2012. Aptly put by Mr.

Tawakkol Karman, Nobel Peace Prize Laureate, the military's coup in Egypt is not just against Morsi's post alone, but against all the gains of the January 25th revolution in which all the Egyptian people had participated.

Disturbing details of the reported link between the United States government and the Egyptian military have since come to the fore in the toppling of democracy in Egypt – an unholy alliance Pakistan and Pakistanis are much too familiar with in terms of our own dark history of military dictatorships aided and abetted by successive US administrations. Media reports, shortly after the terrible coup d'etat in Egypt have unearthed that Washington has quietly funded senior Egyptian opposition figures for toppling of the country's now-deposed President Mohamed Morsi.¹⁶ According to Al Jazeera network, the documents obtained by the Investigative Reporting Program at UC Berkeley show the US government channelled funding through a State Department programme to promote democracy in the Middle East region. It was mentioned in the report that this programme vigorously supported activists and politicians who have fomented unrest in Egypt, after autocratic president Hosni Mubarak was ousted in a popular uprising in February 2011. What has lent further credence to the alleged stealthy role played by the US government in removal of an elected government in Egypt is the appointment of former Egyptian Ambassador to the US, Mr. Nabil Fahmy, as the Foreign Minister in the interim setup.¹⁷

In view of the barbaric treatment meted out to pro-democracy Egyptians in the aftermath of the coup, it appears that Egypt has a long and hard struggle before it to achieve restoration of sustainable democracy. Pakistan's own experiences of struggle and our journey towards democratic consolidation have much to offer to Egypt in order to go forward.

While Pakistan and Pakistanis both share and can understand the plight of Egypt under a renewed dictatorship, there are lessons to be learnt in this sad saga for Pakistan as well. First, an inclusive style of governance and providing good governance remain two important pillars of a democracy which is in its early stages. Mere electoral legitimacy is not enough for sustainability. Second, selecting a favourite military chief does not guarantee against military coups. Third, the undue intrusion of foreign influences both in the government and the society need to be checked. The country needs to put in place legislative and administrative checks and balances to stop this in the future. The leaked unofficial version of the Abbottabad Commission Report offers quite a few insights in this regard.

11. Armed Forces and Democracy in Turkey, by Professor Dr. Ali Karaosmanoglu, http://www.academia.edu/2491828/Armed_Forces_and_Democracy_in_Turkey
12. Turkish Law makers move to curb Army's Political Powers, The New York Times, July 14, 2013, http://www.nytimes.com/2013/07/14/world/europe/turkish-lawmakers-move-to-curb-armys-political-power.html?partner=rss&emc=rss&smid=tw-nytimes&_r=0
13. Turkish Law makers move to curb Army's Political Powers, The New York Times, July 14, 2013, http://www.nytimes.com/2013/07/14/world/europe/turkish-lawmakers-move-to-curb-armys-political-power.html?partner=rss&emc=rss&smid=tw-nytimes&_r=0
14. Turkey's landmark 1980 coup trial near verdict, AFP, June 21, 2013, <http://www.globalpost.com/dispatch/news/afp/130621/turkeys-landmark-1980-coup-trial-nears-verdict>
15. Egypt Crisis: Army ousts President Morsi, BBC News, July 04, 2013, <http://www.bbc.co.uk/news/world-middle-east-23173794>
16. US Bankrolled anti-Morsi activists, Al Jazeera, July 10, 2013, <http://www.aljazeera.com/indepth/features/2013/07/2013710113522489801.html>
17. Former Ambassador to US named Egypt FM, Al Jazeera, July 14, 2013, <http://www.aljazeera.com/news/middleeast/2013/07/2013714104423230655.html>