

CITIZENS REPORT

Performance of the Parliamentary Committee on National Security

March 16, 2012 - March 15, 2013

CIVIL-MILITARY RELATIONS | MARCH 2013

CITIZENS REPORT

Performance of the
Parliamentary
Committee on
National Security

March 16, 2012 - March 15, 2013

CIVIL-MILITARY RELATIONS | MARCH 2013

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

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

Copyright © Pakistan Institute of Legislative Development And Transparency - PILDAT

All Rights Reserved

Printed in Pakistan

Published: March 2013

ISBN: 978-969-558-334-0

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



Pakistan Institute of Legislative Development and Transparency - PILDAT
Islamabad Office: No. 7, 9th Avenue, F-8/1, Islamabad, Pakistan
Lahore Office: 45-A, Sector XX, 2nd Floor, Phase III Commercial Area, DHA, Lahore
Tel: (+92-51) 111-123-345; Fax: (+92-51) 226-3078
E-mail: info@pildat.org; Web: www.pildat.org

March 16, 2013 - March 15, 2013

CONTENTS

Preface

Executive Summary

Introduction

09

Committee Membership

09

Meetings of the Committee

10

Meetings during 2012-2013

10

Conclusion

13

Tables

Table 1: Membership of the Parliamentary Committee on National Security

09

Table 2: Performance of the Parliamentary Committee on National Security: November 2008 – March 2013

12

Appendix A: Guidelines for Revised Terms of Engagement with USA/NATO/ISAF and General Foreign Policy:

15

PREFACE

The **Citizens Report on the Performance of the Parliamentary Committee on National Security** covers the period of March 16, 2012 to March 15, 2013. Prepared by PILDAT, the report closely examines the publicly-available data on the work of the Parliamentary Committee which was formed as a result of a joint Parliamentary resolution in November 2008.

This report has been prepared under the overall objective of strengthening Parliamentary oversight on defence and national security in Pakistan. This report is a continuation of the analysis prepared by PILDAT for the past 4 years.

PILDAT is mindful of the fact that the democratic institutions like the Parliament and Parliamentary committees have not developed over the years due to repeated military interventions and long spells of autocratic or semi-autocratic regimes led by military.

This citizens review, therefore, is meant to assist the Parliament in its oversight functions. The objective of the report is not to offer a critique of the work of the committee but to analyse the performance in the backdrop of peculiar security needs of Pakistan and the role Parliament is playing in respect to defining and influencing policy and principles of national security.

The purpose of the report is to examine the exercise of available powers of the Parliament with regards to Parliamentary oversight of defence and security sector in the light of the Constitution of Pakistan and assisting Parliament and its committees in undertaking well-researched, objective and non-partisan oversight of defence and security sector alongside other fields in the executive branch.

Acknowledgments

This report has been prepared by PILDAT team including **Mr. Khurram Malik**, Projects Manager-PILDAT, and Ms. Aasiya Riaz, Joint Director-PILDAT, under the supervision of **Mr. Ahmed Bilal Mehboob**, President-PILDAT.

Disclaimer

PILDAT and its team have made every effort to ensure the accuracy of the contents of this report and do not accept any omission or error as it is not deliberate.

Islamabad
March 2013

March 16, 2013 - March 15, 2013

EXECUTIVE SUMMARY

The Parliamentary Committee on National Security has held a total of 21 meetings during the period of March 16, 2012 to March 16, 2013. Over all during the period of November 2008 (when the committee was formed) to March 2013, the committee held a total of 84 meetings.

On the road to strengthening Parliament's oversight on defence and national security, the very formation of the Parliamentary Committee on National Security (PCNS) in 2008 to conduct a "review of the national security strategy and revisit the methodology of combating terrorism in order to restore peace and stability through an independent foreign policy,"¹ can be termed as a step forward. The Parliamentary Committee fares better when compared with the performance of the National Assembly's Standing Committee on Defence and Senate Standing Committee on Defence and Defence Production till recently when Senator Mushahid Hussain Sayed was elected its Chair.

The unanimous passage of 14-point recommendations of the Parliamentary Committee on National Security by the Parliament on April 12, 2012 marked the beginning of an oft-demanded Parliamentary oversight and ownership of Pakistan's foreign policy. In the traditional foreign policy realm of Pakistan, Parliament and Parliamentary bodies have had little influence,² if any. While the Government did not entirely follow Parliament's recommendations on restructuring Pak-US relations, major thrust of Parliamentary resolution, the facilitation of this review and the unanimous approval of these recommendations indicated the Government's maturity and due regard to the institution of Parliament which has set an exemplary traditions of Parliamentary oversight of governmental policies.

Most of the 14 point recommendations by the Committee focused on restructuring Pak-US relations in line with the general public sentiment. The emphasis that specific aspects of relationship such as providing supply route to NATO forces in Afghanistan, should be based on written agreements and not verbal understanding has been the most important contribution of the PCNS. The Committee also called for an unconditional apology from US for unprovoked attack on Salala check post of Pakistan Army. A number of recommendations by the Committee arrogated various rights to the Parliament such as use of Pakistani bases or airspace contingent on Parliamentary approval. The full text of the recommendations of PCNS is attached as Appendix A.

Created through a joint resolution of the Parliament, the Committee began by fulfilling its mandate of preparing recommendations on National Security. However, despite being charged with deliberating on the very issue, the Parliamentary Committee on National Security could not come up with a comprehensive National Security Policy in 5 years of its existence.

An important issue which was taken up by the committee during this period was of 'missing persons'. The PCNS held a number of in-camera meetings and finalized recommendations after 8 months of deliberations on January 08, 2013. However, till the writing of this report, the recommendations have not been submitted in the Parliament.³ According to media reports Senator Raza Rabbani walked out from the Senate on February 08, 2013 in protest against not being allowed to table the PCNS report on missing persons.⁴

Media reports regarding the Committee's recommendations on missing persons suggest that the PCNS recommends that a person's arrest by any agency or department must be in accordance with Article 10 of the Constitution ('Safeguards as to arrest and detention') while activities of intelligence agencies must be regulated. The list of recommendations, reportedly, also proposes strict action in accordance with the Constitution and the law against the personnel who detain people illegally. The PCNS recommendations, reportedly, also ask the government to announce immediate prison reforms and take measures to

1. Joint Resolution of the Parliament, October 22, 2008

2. For details, please see The Process of Foreign Policy Formulation in Pakistan, PILDAT Briefing Paper, authored by Ambassador (Retd.) Javid Husain. April 2004: <http://www.pildat.org/Publications/publication/FP/TheProcessofForeignPolicyFormulationinPakistan.pdf>

3. While the 13th National Assembly of Pakistan stood dissolved on March 16, 2013, the recommendations of PCNS had not been tabled in the Senate of Pakistan till the end of March 2013.

4. Rabbani protests delay in missing persons report, February 08, 2013, <http://www.thenews.com.pk/article-87201-Rabbani-protests-delay-in-missing-persons-report>

March 16, 2013 - March 15, 2013

provide knowledge of fundamental rights to its police trainees. The recommendations also reportedly state that the Chief Justices of the Supreme Court and High Courts should form special benches in their respective courts to hear the cases of missing persons. The PCNS' reported recommendations also include that all training institutes of the army, intelligence agencies and police should be administered in accordance with the law.⁵

In reviewing the performance of PCNS in March 2012, PILDAT had recommended that even though the PCNS guidelines covered the essence of the committee work, the committee should submit a complete report to the House which records the terms of reference assigned to it, the number of meetings held and other details which are important for the record. The report submitted at the end of the deliberations on 18th Constitutional Amendment by the Parliamentary Committee on Constitutional Reforms, again headed by Senator Raza Rabbani, had set a good standard of such reports.⁶ At the end of the term of the PCNS, however, no such report has been laid in the National Assembly of Pakistan.

As the PCNS was formed on a notification issued by the Speaker National Assembly of Pakistan, the Committee stood dissolved upon the expiry of the term of the 13th National Assembly.

In its recommendations to the Parliament and political parties on democratic oversight on defence and National Security, PILDAT had recommended that the Parliamentary Committee on National Security (PCNS) should be declared a permanent Committee of the Parliament.⁷

However, owing to reported political disagreements (Senator Raza Rabbani maintains a strictly independent posture and criticises the Governments and the ruling coalition when he feels that their actions warrant such criticism) the National Assembly did not pass a resolution before the expiry of its term, to give PCNS a permanent status.

Even though separate committees exist on defence in both the National Assembly and the Senate, the model of a Parliamentary Committee on National Security has been proved to be an effective forum. With senior parliamentarians and parliamentary heads as its members from across the political parties represented in the Parliament, the Committee managed to initiative an effective oversight role on national security and foreign policy. It is recommended that with the constitution of the 14th National Assembly after the May 2013 General Election, the Parliament must consider re-constituting a Joint Parliamentary Standing Committee on National Security. The Committee, once established, should be assigned a specific area of work which should not overlap with the responsibilities of existing Standing Committees on Defence.

PILDAT has already recommended that the National Assembly and the Senate should have joint Standing Committees on key issues in order to pool resources and expertise. Re-constituting a Parliamentary Committee on Defence and National Security can be the first step towards that.

Although it is recognized that some committee meetings discussing national security need to be held in camera, all aspects of national security are not a secret. PILDAT had recommended that the committee should review its policy of a blanket in-camera procedure of holding all deliberations arguing that it is important that the committee maintains a liaison with the public at large to create the ownership of the people of the national security policies. Public hearings, inviting public comments and opening these hearings to the media and public will enhance the public trust in the parliamentary committee, the Parliament as an institution and in the state policies. This will also help create the crucial public buy-in needed on issues of Pakistan's national security concerns and foreign policy. However, the policy of holding in-camera meetings was not revised by the PCNS in its nearly 5-year term. It is hoped that if and when such a committee is reconstituted by the forthcoming National Assembly, the condition of

5. PCNS issues 15 recommendations on 'missing' persons' issue, Dawn, January 08, 2013, <http://dawn.com/2013/01/08/pcns-issues-15-recommendations-on-missing-persons-issue/>

6. PILDAT Citizens Report on Performance of Parliamentary Committee on National Security, March 2012, http://www.pildat.org/Publications/publication/CMR/PerformanceoftheParliamentaryCommitteeonNationalSecurity_Report_March2012.pdf

7. PILDAT Recommendations that were shared with the Government, Parliament, Leadership and Manifesto committees of major political parties in September 2012 can be accessed at: <http://www.pildat.org/publications/publication/CMR/PILDATRecommendationsonImprovingCMRSeptember2012.pdf>

March 16, 2013 - March 15, 2013

Introduction

In October 2008, an in-camera joint session of the Pakistan Parliament (Senate and the National Assembly) was convened to discuss security situation in the country and devise, by consensus, a comprehensive strategy to counter terrorism and extremism. The session concluding on October 22, 2008, adopted a joint resolution calling for, among other clauses, “an urgent review of the national security strategy and revisiting the methodology of combating terrorism in order to restore peace and stability through an independent foreign policy.” The resolution also called for constituting a “Special Committee of Parliament . to periodically review, provide guidelines and monitor the implementation of the principles framed and roadmap given in this resolution.”⁸

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

The National Security Committee was assigned the power to “summon or invite any Minister, Official or any other person to carry out the purpose of the Resolution and seek Government record including classified record, information and assistance from any Government or Agency in that regard.”

It was also decided in the rules that all sittings of the Committee will be held in-camera and proceedings of the committee to be treated as confidential unless otherwise decided by the Committee.

While the committee rules make it mandatory for the Committee to present 'periodic' recommendations to the Government, the committee did not set a specific period for presentation of these recommendations, whereas the rules made a time-frame of one month binding on the Government to apprise the committee of the actions taken on its recommendations.

Committee Membership

Senator Mian Raza Rabbani (Sindh, PPPP) was elected as the Chairman of the Parliamentary Committee on National Security on March 28, 2012 after the reconstitution of the Committee. The party wise distribution of the committee is

provided in Table 1.

Table 1: Membership of the Parliamentary Committee on National Security

| Party | No. Of Members In Committee |
|--|-----------------------------|
| PPPP | 2 |
| 1. Senator Mian Raza Rabbani Sindh, PPPP | |
| 2. Senator Zaheeruddin Babar Awan Punjab, PPPP | |
| 3. Mr. Nadeem Afzal Gondal, MNA NA-64, Sargodha-I, Punjab PPPP | |
| PPPP(S) | 1 |
| 4. Aftab Ahmed Khan Sherpao, MNA NA-8 Charsadda-II, Khyber Pakhtunkhwa, PPPP | |
| PML-N | 2 |
| 5. Senator Ishaq Dar Punjab, PML-NP | |
| 6. Sardar Mehtab Ahmed Khan, MNA NA-17 Abbottabad-I, Khyber Pakhtunkhwa, PML-N | |
| PML | 2 |
| 7. Senator Mushahid Hussain Sayed Punjab, PML | |
| ANP | 2 |
| 8. Asfandiyar Wali Khan, MNA NA-7 Charsadda-I, Khyber Pakhtunkhwa, ANP | |
| 9. Senator Afrasiab Khattak Khyber Pakhtunkhwa, ANP | |
| MQM | 1 |
| 10. Syed Haider Abbas Rizvi, MNA NA-253 Karachi-XV, Sindh, MQM | |
| BNP(A) | 1 |
| 11. Senator Mir Israr Ullah Zehri Baluchistan, BNP | |
| JUI-F | 1 |
| 12. Molana Fazl-ur-Rehman, MNA NA-26, Bannu, Khyber Pakhtunkhwa, JUI-F | |
| NP | 1 |
| 13. Senator Mir Hasil Bizenjo NA-17 Abbottabad-I, Khyber Pakhtunkhwa, PML-N | |
| Independent | 1 |
| 14. Munir Khan Orakzai, MNA NA-38 Tribal Area-III, FATA | |
| Total | 14 |

8. For details please see Citizens Performance Report: Performance of the Parliamentary Committees on Defence and National Security, March 15, 2008 – March 15, 2012, PILDAT, (May 2011): <http://www.pildat.org/Publications/publication/CMR/Report-PerformanceoftheParliamentaryCommitteesofDefenceandNationalSecurityMar08toMar11.pdf>

March 16, 2013 - March 15, 2013

Meetings of the Committees

The Parliamentary Committee on National Security held 84 meetings from November 2008 to March 2013, an average of nearly 17 meetings per year.

During March 16, 2012 to March 15, 2013, the PCNS held 21 meetings, mostly on two issues:

1. The preparation of guidelines for a revised term of engagement with US, NATO and ISAF and general foreign policy

2. Preparations of recommendations for recovery of missing persons and internal security

Meetings during 2012-2013

From March 2012 to March 2013, following meetings of the Committee have been reported to be held:

March 30-April 10, 2012: Guidelines for Revised Terms of Engagement with US/NATO/ISAF & general Foreign Policy

The Parliamentary Committee on National Security met almost daily to revise the guidelines for terms of engagement with US and NATO from March 30, 2012 to April 10, 2012.

The recommendations were initially presented in the joint session of the Parliament on March 20, 2012⁹ but after objections from opposition parties, the recommendation were sent back to the Parliamentary Committee for revision. The process of revision of the recommendations was delayed because opposition Parties PML-N and JUI-F boycotted the meetings of the PCNS. The PML-N also boycotted the meetings in a protest against increase in petroleum prices at the time¹⁰ while the JUI-F also opposed the re opening of NATO Supply routes and refused to be part of any such process.¹¹

However, the Committee finalized the revised recommendations and presented in the Parliament on April 12, 2012. The Parliament approved the PCNS recommendations on the same day.¹² Parliament's approved recommendations are attached in Appendix A.

May 07, 2012: Meeting on Drone Attacks

The Parliamentary Committee on National Security reviewed the statement of US Defence Secretary Mr. Leon Panetta about drone attacks in FATA on May 07, 2012. Chairman of the PCNS, Senator Raza Rabbani, said after the meeting that the statement of US Secretary of Defence regarding drone attacks was not appropriate.

Senator Raza Rabbani said that the country's sovereignty would not be compromised at any cost, adding that not only were drone attacks a violation of Pakistan's sovereignty, they were also a breach of international laws.¹³

On May 07, 2012, the US Secretary Defence Mr. Leon Panetta in a TV Interview rejected Pakistan's Protest that the attacks were a violation of its sovereignty and said that the drone attacks will continue.¹⁴

Foreign Minister Hina Rabbani Khar briefed the PCNS on ongoing talks with the US. She said that Pakistan was holding talks with the US officials in light of the Parliamentary recommendations.

May 17, 2012 to January 08 2013: Meetings on drafting recommendations on missing persons

The Parliamentary Committee on National Security started deliberations on formulating recommendation for recovery of missing persons and internal security on May 17, 2012.¹⁵

The committee held several meetings and took almost 8 months in finalizing these recommendations. The committee finalized 15 recommendations for recovery of

9. Pakistan seeks apology on Nato attack, The News, March 20, 2012: <http://www.thenews.com.pk/article-40715-Pakistan-seeks-apology-on-Nato-attack>
10. PML-N to boycott PCNS meeting, Dawn, April 02, 2012: <http://dawn.com/2012/04/02/fuel-price-hike-pml-n-to-boycott-pcns-meeting/>
11. JUI-F to continue PCNS boycott, April 09, 2012: <http://www.thenews.com.pk/article-43602-JUI-F-to-continue-PCNS-boycott>
12. Parliament approves PCNS recommendations, The News, April 12, 2012: <http://www.thenews.com.pk/article-44122-Parliament-approves-PCNS-recommendations>
13. US drone attacks violate international laws: Raza Rabbani, May 07, 2012, <http://dawn.com/2012/05/07/us-drone-attacks-violation-of-international-laws-raza-rabbani/>
14. Drone strikes will continue: Panetta, Dawn, May 07, 2012, <http://dawn.com/2012/05/07/drone-strikes-will-continue-panetta/>
15. PCNS starts framing recommendations on missing persons, internal security, Business Recorder, May 17, 2012, <http://www.brecorder.com/top-news/1-front-top-news/57877-pcns-starts-framing-recommendations-on-missing-persons-internal-security-.html>

March 16, 2013 - March 15, 2013

missing persons and internal security on January 08, 2013.

Senator Raza Rabbani, Chairman PCNS, while speaking to the media after the meeting, said that 15 recommendations of the PCNS would be presented in the Senate and the National Assembly, adding that the Government should implement the committee's recommendations in order to recover the missing persons. According to the recommendations issued by the committee, a person's arrest by any agency or department must be in accordance with Article 10 of the Constitution while activities of intelligence agencies must be regulated.¹⁶

The recommendations also stated that the Chief Justices of the Supreme Court and High Courts should form special benches in their respective courts to hear the cases of missing persons. The Committee reportedly proposed strict action in accordance with the Constitution and the law against officers who detain people illegally. It also proposed that the Government should enter the names of those arrested in a computerised register within 24 hours of the arrest. The arrested individual should be informed about the sections used against him or her within 24 hours of the arrest.

The Committee recommended that all training institutes of the army, intelligence agencies and police should be administered in accordance with the law. The Committee also reportedly called for the government to announce immediate prison reforms and also take measures to provide knowledge of fundamental rights to its police trainees. It was recommended that no action be taken against officials who present the missing persons in court within the stipulated time.¹⁷

However the PCNS recommendations could not be tabled in the 13th National Assembly of Pakistan before the Assembly was dissolved on March 16, 2013. The recommendations of PCNS have also not been tabled in the Senate of Pakistan till the end of March 2013.

September 13, 2012: Meeting to review the Arrival of UN

16. PCNS issues 15 recommendations on 'missing' persons' issue, Dawn, January 08, 2013, <http://dawn.com/2013/01/08/pcns-issues-15-recommendations-on-missing-persons-issue/>

17. Ibid

18. PCNS concerned over UN mission's arrival, The News, September 13, 2012, <http://www.thenews.com.pk/article-67543-PCNS-concerned-over-UN-missions-arrival>

19. US army facility at Karachi airport: PCNS refers issue to Senate committee, The News, March 13, 2013, <http://dawn.com/2013/03/14/us-army-facility-at-karachi-airport-pcns-refers-issue-to-senate-committee/comment-page-1/>

Working Group on Enforced Disappearances

On September 13, 2012, Parliamentary Committee on National Security expressed its concern over the arrival of United Nations (UN) Working Group on Enforced Disappearances (WGEID) in Pakistan.

Talking to the media after the meeting, Chairman PCNS Senator Raza Rabbani said that the committee has summoned Interior and Foreign Ministers in this regard. He said that the committee was apprised about the aims and objectives of the UN WGEID mission in Pakistan and the invitation extended to the mission.¹⁸

March 13, 2013: Meeting on Customs Facility at the Karachi Airport by the US Army

The last meeting of Parliamentary Committee on National Security was held on March 13, 2013. The committee took up the reported issue of construction of customs facility at Karachi airport by the US Army. However, due to unavailability of Finance Minister Senator Salim Mandviwalla, the issue was referred to the Senate Standing Committee on Finance.

The PCNS had convened the 'in camera meeting' to deliberate on the issue after the Senate discussed it for two days. Senator Raza Rabbani, Chairman Parliamentary Committee on National Security, had reportedly decided to take up the matter at the PCNS after failing to get a satisfactory response from the Finance Minister and the Law Minister when he raised the issue through a Call-Attention Notice in the Senate. According to media reports, the US Army Corps of Engineer has been permitted to build a Tactical Command and Operations Centre at the Jinnah International Airport in Karachi for counter-narcotics operations.¹⁹

Table 2 provides a list of issues discussed by the Committee as well as those on which the Committee submitted its recommendations during its entire tenure.

March 16, 2013 - March 15, 2013

Table 2: Performance of the Parliamentary Committee on National Security: November 2008 – March 2013

| | |
|----------------------|---|
| 1. Total Meetings 84 | |
| 2. Issues Discussed | <ol style="list-style-type: none"> 1. NATO air strike 2. Memo Scandal 3. Pak-US Relations 4. Presentation on Jinnah Institute's Report 5. Recommendations on legislations pertaining to National Security 6. Discussion on Anti-Terrorism (Amendment) Bill, 2010, introduced in the Senate of Pakistan & pending before the Senate Standing Committee on Interior 7. Discussion on the draft Law on National Counter-Terrorism Authority 8. Discussion on prevailing situation in the Country 9. Internally Displaced persons (IDPs) 10. Indo-Pak Dialogue 11. Prevailing situation in relation to War on Terror 12. Formulation of Recommendations in the light interaction with major stakeholders 13. Reported US Pressure on Pakistan to go for Military Operation in North Waziristan 14. Discussion on overall situation in the Country (without specially mentioning agenda) 15. Drone attacks 16. Visit of UN Mission on Enforces Disappearances 17. Missing Person and internal security 18. Construction of Custom Facility at Karachi airport by US Army |
| 3. Recommendations | <ol style="list-style-type: none"> 1. Recommendations of the Parliamentary Committee on National Security 2. Recommendations on Indo-Pak Relations 3. Recommendations on London Conference on Afghanistan 4. Guidelines for Revised Terms of Engagement with US/NATO/ISAF & general Foreign Policy 5. Recommendations for the recovery of Missing Persons and Internal Security |

March 16, 2013 - March 15, 2013

Conclusion

The performance of the Parliamentary Committee on National Security, the first-ever forum of its kind established in Pakistan, has set new and positive trends of Parliamentary oversight on Defence and National Security in Pakistan.

On the road to strengthening Parliament's oversight on defence and national security, the very formation of the Parliamentary Committee on National Security (PCNS) in 2008 to conduct a "review of the national security strategy and revisit the methodology of combating terrorism in order to restore peace and stability through an independent foreign policy,"²⁰ can be termed as a step forward. The Parliamentary Committee fares better when compared with the performance of the Senate and National Assembly's Committees on Defence.

Created through a joint resolution of the Parliament, the Committee began by fulfilling its mandate of preparing recommendations on National Security. However, despite being charged with deliberating on the very issue, the Parliamentary Committee on National Security could not come up with a comprehensive National Security Policy in 5 years of its existence.

The unanimous passage of 14-point recommendations of the Parliamentary Committee on National Security by the Parliament marked the beginning of an oft-demanded Parliamentary overview and ownership of Pakistan's foreign policy. In the traditional foreign policy realm of Pakistan, Parliament and Parliamentary bodies have had little influence,²¹ if any. While the Government did not entirely follow Parliament's recommendations on restructuring Pak-US relations, major thrust of Parliamentary resolution, the facilitation of this review and the unanimous approval of these recommendations indicated the Government's maturity and due regard to the institution of Parliament which has set an exemplary traditions of Parliamentary oversight of governmental policies.

In reviewing the performance of PCNS in March 2012, PILDAT had recommended that even though the PCNS guidelines covered the essence of the committee work, the committee should submit a complete report to the House which records the terms of reference assigned to it, the number of meetings held and other details which are important for the record. The report submitted at the end of the deliberations on 18th Constitutional Amendment by the Parliamentary Committee on Constitutional Reforms, again headed by Senator Raza Rabbani, had set a good standard of such reports.²² At the end of the term of the PCNS, however, no such report has been laid in the National Assembly of Pakistan.

At the end of its tenure, the PCNS faced a disappointing situation, when, despite the efforts of Senator Raza Rabbani, chair of PCNS, the recommendations of the Committee on missing Persons could not be laid in the National Assembly before the expiry of its term. The recommendations could not even be laid in the Senate of Pakistan till the end of March 2013.

As the PCNS was formed on a notification issued by the Speaker National Assembly of Pakistan, the Committee stood dissolved upon the expiry of the term of the 13th National Assembly.

In its recommendations to the Parliament and political parties on democratic oversight on defence and National Security, PILDAT had recommended that the Parliamentary Committee on National Security (PCNS) should be declared a permanent Committee of the Parliament.²³

However, owing to political disagreements reportedly, the National Assembly did not pass a resolution before the expiry of its term, to give PCNS a permanent status.

Even though separate committees exist on defence in both the National Assembly and the Senate, the model of a Parliamentary Committee on National Security has been proved to be an effective forum. With political heavyweights as its members from across the political parties represented in the Parliament, the Committee managed to

20. Joint Resolution of the Parliament, October 22, 2008

21. For details, please see The Process of Foreign Policy Formulation in Pakistan, PILDAT Briefing Paper, authored by Ambassador (Retd.) Javid Husain. April 2004: <http://www.pildat.org/Publications/publication/FP/TheProcessofForeignPolicyFormulationinPakistan.pdf>

22. PILDAT Citizens Report on Performance of Parliamentary Committee on National Security, March 2012, http://www.pildat.org/Publications/publication/CMR/PerformanceoftheParliamentaryCommitteeonNationalSecurity_Report_March2012.pdf

23. PILDAT Recommendations that were shared with the Government, Parliament, Leadership and Manifesto committees of major political parties in September 2012 can be accessed at: <http://www.pildat.org/publications/publication/CMR/PILDATRecommendationsonImprovingCMRSeptember2012.pdf>

March 16, 2013 - March 15, 2013

initiative an effective oversight role on national security and foreign policy. It is recommended that with the constitution of the 14th National Assembly after the May 2013 General Election, the Parliament must consider re-constituting a Parliamentary Committee on National Security. The Committee, once established, should be given assigned a specific area of work which should not overlap with the responsibilities of existing Standing Committees on Defence.

PILDAT has already recommended that the National Assembly and the Senate should have joint Standing Committees on key issues in order to pool resources and expertise. Re-constituting a Parliamentary Committee on Defence and National Security can be the first step towards that.

While it is recognized that there are committee meetings discussing national security which need to be held in camera but not all aspects of national security are a secret. PILDAT had recommended that the committee should review its policy of a blanket in-camera procedure of holding all deliberations arguing that it is important that the committee maintains a liaison with the public at large to create the ownership of the people of the national security policies. Public hearings, inviting public comments and opening these hearings to the media and public will enhance the public trust in the parliamentary committee, the Parliament as an institution and in the state policies. This will also help create the crucial public buy-in needed on issues of Pakistan's national security concerns and foreign policy. However, the policy of holding in-camera meetings was not revised by the PCNS in its 5-year term. It is hoped that if an when such a committee is reconstituted by the forthcoming National Assembly, the condition of holding meetings only in-camera should be revised

March 16, 2013 - March 15, 2013

Appendix A

Guidelines for Revised Terms of Engagement with USA/NATO/ISAF and General Foreign Policy

(As Passed by the Parliament on April 12, 2012)²⁴

1. Pakistan's sovereignty shall not be compromised. The gap between assertion and facts on the ground needs to be qualitatively bridged through effective steps. The relationship with USA should be based on mutual respect for the sovereignty, independence and territorial integrity of each other.
2. The Government needs to ensure that the principles of an independent foreign policy must be grounded in strict adherence to the Principles of Policy as stated in Article 40 of the Constitution of Pakistan, the UN Charter and observance of international law. The US footprint in Pakistan must be reviewed. This means (i) an immediate cessation of drone attacks inside the territorial borders of Pakistan, (ii) the cessation of infiltration into Pakistani territory on any pretext, including hot pursuit; (iii) Pakistani territory including its air space shall not be used for transportation of arms and ammunition to Afghanistan.
3. Pakistan's nuclear program and assets, including its safety and security cannot be compromised. The US-Indo civil nuclear agreement has significantly altered the strategic balance in the region therefore Pakistan should seek from the US and others a similar treatment/facility. The strategic position of Pakistan vis-à-vis India on the subject of FMCT must not be compromised and this principle be kept in view in negotiations on this matter.
4. Pakistan reaffirms its commitment to the elimination of terrorism and combating extremism in pursuance of its national interest.
5. The condemnable and unprovoked NATO/ISAF attack resulting in the martyrdom (shahadat) of 24 Pakistani soldiers, represents a breach of international law and constitutes a blatant violation of Pakistan's sovereignty and territorial integrity. The Government of Pakistan should seek an unconditional apology from the US for the unprovoked incident dated 25th–26th November, 2011, in Mohmand Agency in addition the following measures be taken;
 - i. Those held responsible for the Mohmand Agency attack should be brought to justice.
 - ii. Pakistan should be given assurances that such attacks or any other acts impinging on Pakistan's sovereignty will not recur.
 - iii. Ministry of Defence/PAF should formulate new flying rules for areas contiguous to the border.
6. No verbal Agreement regarding national security shall be entered into by the Government, its Ministries, Divisions, Departments, attached Departments, Autonomous Bodies or other Organizations with any foreign Government or Authority. All such agreements or understandings shall cease to have effect forthwith.
7. No overt or covert operations inside Pakistan shall be permitted.
8. That for negotiating or re-negotiating Agreements/MOU's pertaining to or dealing with matters of national security, the following procedure shall be adopted:
 - i. All Agreements/MOU's, including military cooperation and logistics, will be circulated to the Foreign Ministry and all concerned Ministries, attached or affiliated Organizations and Departments for their views;
 - ii. All Agreements/MOU's will be vetted by the Ministry of Law, Justice and Parliamentary Affairs;
 - iii. All Agreements/MOU's will be circulated to the Parliamentary Committee on National Security. The Committee shall vet and make recommendations in consultation with the stakeholders and forward the same to the Federal Cabinet for approval under the Rules of Business of the Federal Government;
 - iv. The Minister concerned will make a policy statement on the Agreements/MOU's in both Houses of Parliament.
9. No private security contractors and/or intelligence operatives shall be allowed.
10. Pakistan's territory will not be provided for the establishment of any foreign bases.
11. The international community should recognize Pakistan's colossal human and economic losses and continued suffering

24. Guidelines for Revised Terms of Engagement with USA/NATO/ISAF and General Foreign Policy, April 12, 2012 http://www.na.gov.pk/uploads/documents/1334243269_639.pdf

March 16, 2013 - March 15, 2013

- due to the war on terror. In the minimum, greater market access of Pakistan's exports to the US, NATO countries and global markets should be actively pursued.
12. In the battle for the hearts and minds an inclusive process based on primacy of dialogue and reconciliation should be adopted. Such process must respect local customs, traditions, values and religious beliefs.
 - i. There is no military solution to the Afghan conflict and efforts must be undertaken to promote a genuine national reconciliation in an Afghan-led and Afghan-owned process.
 - ii. To strengthen security along the Pakistan–Afghanistan border, including the cross border flow of criminal elements, narcotics and weapons, the feasibility of additional measures including electronic surveillance may be evaluated and the process of local joint Jirgas should be encouraged according to local customs and traditions.
 13. That Pakistani territory shall not be used for any kind of attacks on other countries and all foreign fighters, if found, shall be expelled from our soil. Likewise, Pakistan does not expect the soil of other countries to be used against it.
 14. The Government needs to review the present focus of foreign policy keeping in view the aspirations of the people of Pakistan. It needs to establish a balance by emphasizing links with our traditional allies and building new relationships for diversifying the sources of economic, military and political support. In this regard it may take the following amongst other steps:
 - i. Pakistan's foreign policy must continue to focus on creating a peaceful environment in the region to pursue the goals of economic development and social progress;
 - ii. the dialogue process with India should be continued in a purposeful and result-oriented manner on the basis of mutual respect and mutual interest, including efforts for the solution of the Jammu & Kashmir dispute in accordance with the UN Resolutions;
 - iii. special attention must continue to be paid to developing close cooperative relations with neighbouring countries;
 - iv. the strategic partnership with China must be deepened in all its dimensions;
 - v. the relationship with the European Union should be strengthened and enhanced in all spheres;
 - vi. relationship with the Russian Federation should be further strengthened;
 - vii. Pakistan's support for the promotion of peace and stability in Afghanistan remains the cornerstone of its foreign policy;
 - viii. Pakistan's special relationship with the Islamic world should be reinforced;
 - ix. Pakistan's full membership of SCO should be actively pursued;
 - x. Pakistan's bilateral relationships in the region and its institutional partnership with ASEAN and GCC countries must be upgraded and strengthened; and Pakistan should actively pursue the gas pipeline projects with Iran and Turkmenistan.



Pakistan Institute of Legislative Development And Transparency - PILDAT

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

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

Lahore Office: 45-A, 2nd Floor, Sector XX, Phase III, Khayaban-e-Iqbal, DHA, Lahore, Pakistan

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

Web: <http://www.pildat.org>