

Background Paper

Parliamentary Oversight of Defence IN PAKISTAN THE WAY FORWARD

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PREFACE

Parliamentary Control and Oversight of the Defence Sector, though an accepted democratic principle in the world, has not been able to take firm root due to peculiar civil-military relations in Pakistan. What are its prospects today in the framework of a sustainable democracy in Pakistan?

Mr. Sartaj Aziz's perspective under the prevailing scenario is contained in this paper. Mr. Sartaj Aziz was Pakistan's Finance and Foreign Minister in the 1990s. Currently, he is Vice Chancellor of the Beaconhouse National University, Lahore. This paper draws extensively on chapters 2 and 14 of his memoirs *Between Dreams and Realities: Some Milestones in Pakistan's History*, published by the Oxford University Press in 2009.

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Islamabad
September 2010

ABOUT THE AUTHOR



Mr. Sartaj Aziz

Sartaj Aziz is one of the most-respected political and economic scholars of Pakistan. Politically affiliated with the Pakistan Muslim League (Nawaz) (PML-N). During his political career, he has held various ministerial portfolios of Food, Agriculture and Cooperatives (1984-1988), Food & Agriculture and Local Government & Rural Development (1988), Finance, Planning and Economic Affairs (1990-1993), Finance, Planning and Economic Affairs (1997-1998) and Foreign Affairs (1998-1999).

He was born on 7th February, 1929 and obtained a Degree in Commerce from the Punjab University in 1949. Mr. Sartaj Aziz holds a Masters in Development Economics from the Harvard University, USA. He joined Government service in 1950, held various posts and rose to the level of a Joint Secretary in the Planning Commission in 1967. He was one of the principal contributors to the Third and Fourth Five-Year Plans of Pakistan. Mr. Sartaj Aziz started his international career in 1971 in Rome, Italy and held important positions in the United Nations, Food and Agriculture Organisation (1971-75), World Food Council (1975-77) and International Fund for Agricultural Development (1978-84). He participated in a number of international conferences and was an active participant in the North-South dialogue and South-South Cooperation.

Mr. Sartaj Aziz is holder of the Sanad, Muiahid-e-Pakistan by virtue of his participation in the Pakistan Movement. He was awarded Tamgha-e-Pakistan and Sitara-e-khidmat in 1959 and 1967 respectively for his contribution to planning and development in the country.

Mr. Sartaj Aziz was elected to the Senate of Pakistan on three occasions (1985, 1988 and 1994). He has served as Chairman of the Senate Standing Committee on Foreign Affairs, Kashmir Affairs and Northern Affairs and as a member of the Senate Standing Committees on Finance and Economic Affairs, Food and Agriculture previously.

Mr. Sartaj Aziz has published several works on development, agriculture and politics. He currently serves as the Vice Chancellor of the Beaconhouse National University in Lahore, Pakistan. His memoirs *Between Dreams and Realities: Some Milestones in Pakistan's History*, have been published by the Oxford University Press in 2009.

Democratic Oversight of Defence Sector

The concept of democratic oversight of the defence services is broader than that of parliamentary oversight. It includes the roles of two other pillars of State, namely the democratically elected civilian Government and the Judiciary in evolving security policies and in adjudicating jurisdictional and other issues in case of any disputes.

The main objective of democratic oversight of the defence sector is to ensure that armed forces are managed professionally and are given an appropriate place in the national institutions and priorities without allowing them to pre-empt an undue proportion of national resources or to exert undue political influence.

Defence reform, in this context, is an important component of the broader national security system. The main purpose of an affective national security system is to orchestrate various elements of national power and select foreign policy options within a strategic framework by bringing together political, security, diplomatic and economic objectives and priorities. A nation has security when it does not have to sacrifice its legitimate interests to avoid war and is able to protect them through war if challenged.

If a democratically elected civilian government does not have any major role in formulating the country's national security strategy, then even an elaborate system of parliamentary oversight of defence will not be very meaningful. The starting point of democratic control would be provided by evolution of security sector institutions and mechanisms in which a democratically elected Government has an effective role in ensuring internal and external security for both the citizens and the state.

Transitional Democracies and Civil-Military Relations

Mature democracies in the Western World have evolved different ways, with varying degrees of success, to manage their armed forces in accordance with these democratic principles. But in the so called transition countries i.e., those which have resumed democratic governance after long periods of military rule, the problems of re-ordering civil-military relations and of evolving meaningful systems of civilian democratic control of the security system and parliamentary control of the defence budget and defence procurement are much

more complex. This complexity of the civil-military relations is dramatically illustrated by Pakistan's experience.

Civil-Military Relations in Pakistan

Throughout Pakistan's history, there has been a serious debate about whether the ultimate responsibility for the failure of democracy lies with the military for taking over so frequently on one pretext or another or with political parties which did not follow democratic principles or traditions whenever they got a chance to rule, nor provided good governance.

The Pro-Military vs Pro-Democracy Debate

The pro-military school argues that developing countries like Pakistan are not yet ripe for western style democracy. They need a 'managed system' of democracy under military's supervision especially in view of the difficult geo-political conditions surrounding Pakistan.

The pro-democracy school however argues that democracy has never been given a chance in Pakistan. It takes time and collective efforts of all the stakeholders to nurture the plant of democracy. If it is uprooted every 8 or 10 years, it cannot develop roots, nor allow genuine grass-root political leadership to emerge.

The pro-military school has also argued that military was 'invited' by opposition politicians to take over, or there was serious infighting among politicians that effectively 'sucked-in' the army. This line of argument is not supported by the history of army takeovers in Pakistan.

Ayub Khan's October 1958 coup was no doubt caused by an image of political instability especially on the issue of provincial autonomy, but once agreement was reached on the 1956 Constitution, it was very important to hold the first general election under that Constitution, scheduled for February 1959, to give an opportunity to elected representatives to resolve the remaining differences and for political parties like the Muslim League to play a dominant role in keeping the two wings of the country together. Ayub Khan, by taking over, in fact, further complicated the issue of provincial autonomy leading to the breakup of the country in 1971. Nor did he allow the political system to develop roots during his 11 year rule. He had to hand over power to another General Yahya Khan in March 1969, whose rule lasted two and a half years. Thus after 13 years of military rule, half the country was lost and

90,000 Pakistani soldiers languished in Indian jails as Prisoners of War (POWs) for two years.

Zia-ul-Haq's coup in July 1977 was also without any justification because Zulfikar Ali Bhutto had reached a compromise with the opposition over re-elections in several constituencies. Bhutto had no doubt alienated several segments of society including the business community and the bureaucracy. His rule was also marked by many contradictions inherent in his strong personality especially because he had greater trust in his own ability than the strength of institutions on which democracy is built. But the ultimate accountability must rest with the electorate. In this case, Zia-ul-Haq took advantage of Bhutto's unpopularity in many powerful circles, including the United States and fulfilled his inherent ambition to assume power.

But after Zia-ul-Haq's 11 year rule, there were three and half million Afghan refugees; three million AK47s in circulation in the country and over a million Pakistanis were heroin addicts. We were also deeply involved in Afghanistan's civil war, the longer term consequences of which are still threatening our national existence.

Pervez Musharraf's take over of October 1999 was essentially a 'countercoup' in that he wanted to cancel his removal as Army Chief. Prime Minister had the authority to sack the Army Chief, but the Army Chief did not have the power to dismiss an elected government with two-thirds majority. No one can claim that after 9 years of Musharraf's rule Pakistan is more secure and more prosperous than it was in 1999. In the final year of Musharraf's rule (2007-08), more people have died in suicide blasts in Pakistan than Iraq and Afghanistan combined; the Pakistan Army has killed more people in Balochistan and the Tribal Areas, than US and her allies in Afghanistan; and Pakistan Army has suffered more casualties in Tribal Areas than the US and Allied troops in Afghanistan.

It should be clear from these examples that there is no firm evidence of 'invitation' from opposition politicians. In any case, the army as an institution should never take such an important extra-constitutional step simply because some disgruntled politicians are urging them to do so. In fact under-development and fragmentation of politics in Pakistan is entirely attributable to long periods of military rule in Pakistan.

Net Impact of Military Rule

Weakened Federation

Irrespective of the initial reasons for any army take over, the net impact of such takeovers has been highly negative for the strength and unity of the Federation and for the growth of a sustainable political process.

Over Centralisation of Power

Military rule invariably over-centralizes power in the Executive to deliver 'quick results' and then seeks legitimacy by forcing the Judiciary to sanctify the takeover on grounds of state necessity.

Weakened Parliament

It further weakens the democratic process by weakening the role of the Parliament and by manipulating certain political parties to obtain 'positive results' which means victory for parties that provide a civilian façade for continuing military rule.

Responsibility of defining 'National Interest'

The military no doubt has the power, the experience and a strong desire to dominate the core political institutions to protect and promote what it regards as vital national interests, but it has not yet recognized that this responsibility to define and protect national interests should essentially rest with the country's political leadership.

Non-durable Political Structure

In each of its tenures the military has failed to create a durable political structure. If anything it has weakened the political structure by manipulating and dividing various political parties, managing elections and giving a bad name to politics and politicians.

Failure to evolve effective national security system

One consequence of these frequent military takeovers, leading to 32 years of direct military rule and 10 years of indirect military-rule, has been a very costly failure to evolve an effective national security system in the country.

Under military rule, security issues are discussed and decided only by the military establishment and its inter-services structures. The need for bringing in civilian leaders or think tanks has not been considered necessary.

Even during brief periods of civilian rule, the Defence Committee of the Cabinet (DCC) was activated but given a

limited role of approving certain specific projects. Some security issues were occasionally brought before the D.C.C. but only to brief the members rather than involve them in decision making. Similarly coordination between the civilian intelligence agencies functioning under the Prime Minister and the intelligence agencies of the armed forces has been very limited.

Monopoly over Foreign Policy

In the absence of an effective national security system, Pakistan's foreign policy has been shaped, for all practical purposes, by the armed forces throughout the past six decades without substantial involvement of the country's political leadership, the Parliament or the advice of foreign policy experts in the foreign office.

This gulf gradually led to a serious gap between the perceptions of the armed forces and the civilian leadership on major security issues like the Afghan policy or relations between India and Pakistan. This growing gap in turn became a major cause of political instability by providing justification for a military takeover or indirect intervention.

The Real Issues

This brief overview of civil military relations in Pakistan clearly brings out the difficulties that lie ahead in the process of extending democratic control over defence affairs.

A Strengthened Parliament through 18th Constitutional Amendment

The passage of the 18th Constitutional Amendment in April 2010 was a major step forward in strengthening the role of the Parliament and in curtailing the powers which previous military rulers had assumed through the 8th and the 17th Constitutional Amendments.

Absence of the National Security Council

But in practice, since the President also remains the head of the ruling party, this empowerment of the Parliament has not yet become effective. As a result, institutions like the National Security Council with a different composition under the effective control of the Prime Minister have not yet been restructured and there are no visible signs of greater civilian control of national security policies.

External Factors

In many developing countries, democratic control of the military sector has been facilitated by external factors.

In Turkey, for example, apart from the robust growth of civil society, its desire to join the European Union has been an important factor in strengthening the role of civilian set up in the civil-military equation. The road map laid down by the European Commission for Turkey's accession gives very high priority to the 'harmonization' of civil-military relations. There is no similar external factor in Pakistan.

The Indian Case

India has been able to develop a strong political and democratic culture largely because, unlike Pakistan, leaders like Jawaharlal Nehru and Vallabhai Patel provided leadership for a considerable period of time. In Pakistan, Quaid-e-Azam and Quaid-e-Millat departed very soon and after that frequent military takeovers from 1958 onwards which has been a main factor responsible for the paucity of good political leadership. This not only weakened the democratic foundations of the political system by assigning a larger role to the military, but stultified the political process which could have developed and thrown up outstanding political leaders. Almost all the political leaders in Pakistan after 1958, have been the product of the managed political system which the Army inevitably created to provide a civilian facade to the military rule for as long as possible and then to share power with the Army, if elections became unavoidable.

Democratic institutions and traditions take a long time to develop strong roots. Free and fair elections, held regularly, enable political parties to present their programmes to the people. Political leaders who promise but do not deliver are rejected by the people and gradually stronger political parties and better political leaders, with a broader support base among the masses, emerge and consolidate the democratic process. This process has never been given a fair chance in Pakistan.

Combination of Factors

This combination of negative factors, i.e., weakened political and democratic institutions, absence of strong charismatic leaders, and continuing 'supervision' of the army establishment, naturally affects the quality of governance during periods of transition from military to

civilian rule.

This very argument of poor governance, paradoxically, is then used to prepare the ground for another military takeover. The transition to 'civilian rule' in 1985, 2002 and 2008 was also preceded by undemocratic constitutional changes.

The Way Forward

Before evolving specific policies and mechanisms for Parliamentary oversight of the defence sector, it will be necessary to identify and then meet certain important pre-requisites.

1. **Adherence to genuine democratic principles and respect for the rule of law are essential pre-requisites for establishing civilian supremacy.** These in turn require free and fair elections, conducted by an independent Election Commission and separation of powers between the Executive and an independent judiciary. The civil society and an independent media are also important stakeholders in safeguarding democratic institutions and practices.
2. **The civilian set up at all levels must demonstrate its capacity for good and fair governance.** This objective can be achieved only if a merit based system is enforced for recruitment, promotions and transfers at every level and professionalism is encouraged through training and incentives. As Stephen P. Cohen has pointed out: "Army's professionalism may contribute to intervention in politics if civilian authority decays."
3. Thirdly, **the civilian leadership must respect and protect the legitimate corporate interests of the armed forces.** They must have adequate control over all operational matters and all postings and transfers except those of the service chiefs. Their views on national security issues and in determining the size of the defence budget must be given full weightage.
4. The army will accept the supremacy of elected civilian leaders in interpreting national interests and in laying down the broad parameters of defence and foreign policies **only if there is an effective mechanism for developing a national security system.** For this purpose the National Security set up by General Musharraf in 2004 must be replaced by a **new Cabinet Committee on Defence and National Security chaired by the Prime Minister.** General Musharraf's Council included the Prime Minister, Chairman of the Senate, Speaker of the National Assembly, Leader of the opposition, four Chief Ministers and four service chiefs, but not the

Ministers of Defence, Foreign Affairs, Interior or Finance. The purpose of this Council was to institutionalize military control over the political system, rather than deal with actual security issues. This serious lacuna in the system must be addressed as early as possible to give the democratically elected leadership its legitimate role in formulating the main parameters of national security policies.

Extending Parliamentary Oversight of the Defence Budget

These important pre-requisites cannot be met instantly but significant steps must be initiated to move towards them. This process will be reinforced if simultaneously suitable mechanisms are developed for extending Parliamentary oversight over the defence budget and defence procurement:

1. **The power of the National Assembly to approve the annual budget under Article 73 of the Constitution includes the defence budget.** The present practice, under which there is only a one line block provision for defence, is only a tradition that has no legal sanctity.
2. **A joint meeting of the Defence and Finance Committees of the National Assembly can be convened** two or three weeks before the budget is presented to the National Assembly for a general discussion of the defence budget. It can be agreed in advance that details of income and expenditures of a secret nature will not be included in this presentation. Any recommendation that may emerge from the special meeting of these two Committees, can be sent (confidentially if necessary) to the Finance Minister and the Defence Minister for consideration.
3. For such a system of Parliamentary oversight over the defence budget to become meaningful, it would be necessary to **upgrade the capacity and skills of these Parliamentary Committees.** Ministries of Finance and Defence may provide the services of experienced officers for a few months in a year. In the past the Army was openly opposed to a scrutiny of the Defence budget, on grounds of security but in the past two years, a limited discussion was

tolerated. This window of opportunity can be widened if the task is undertaken prudently, is backed by professional expertise and does not raise too many controversial issues in the media.

4. The **Public Accounts Committee of the National Assembly can exercise Parliamentary oversight of defence procurement and other items of defence expenditure** on the basis of the reports prepared by the Auditor General whose position and role has been further strengthened under the 18th Constitutional Amendment.

Conclusion

The present juncture in the second half of 2010, when the new democratic government elected in February 2008 has completed half its five year tenure, is not a very opportune time for any significant restructuring of civil-military relations in Pakistan.

Overall, there have been some impressive gains during this period: the independence of the superior Judiciary has been restored; the 18th Constitutional Amendment has been passed to strengthen the role of the Parliament and give greater autonomy to the Provinces; the 7th NFC Award has been unanimously adopted and the media is once again free and vibrant.

But these gains have been overwhelmed by massive governance failures at a time when the geo-political, social and economic problems have multiplied exponentially. Despite the success achieved in launching a counter insurgency offensive in Swat and South Waziristan, terrorist attacks have grown in their ferocious intensity in all parts of Pakistan; reports of large scale corruption in different levels of government have seriously damaged the image of the Government, the annual losses of five major government corporations now exceed Rs. 250 billion, largely because in sheer violation of merit criteria, the Government has appointed the heads of these corporations on political grounds; and there has been a persistent increase in inflation, unemployment and poverty. Even the Parliament's reputation has been damaged by the issue of fake degrees.

Finally, the unprecedented floods affecting 20 million people in all the four provinces has broken the camels' back and exposed the incompetence and credibility of the Government. Donors inside and outside the country are reluctant to give cash donations to the Government because of lack of transparency and trust.

Pakistan is thus once again at a major crossroads.

As the cracks in a wobbling system grow louder by the day, the sound of boots is also being heard in the distance.

The critics argue that the present Government is, in any case, on the verge of collapse. As the social unrest ignited by disgruntled flood affectees, inflamed by religious extremists, starts spreading in the coming weeks, there will be a total breakdown and uncontrollable anarchy. Before that happens, the Army should intervene and even if it is reluctant to impose Martial Law and take direct charge, it can establish under its supervision, a government of professionals and technocrats under a modified "Bangladesh Model" because the initial Bangladesh Model of 2007 did not actually succeed.

The pro-democracy stakeholders are vehemently opposed to any extra constitutional dispensation because the Army, once it moves in, will find it difficult to confine itself to a limited role. Without the so-called 'legal cover of a Martial Law,' the government's legitimacy will be challenged in courts.

A government of technocrats without any grass-root political support will not be able to provide governance or take the hard and unpopular decisions that are required at this juncture.

But more fundamentally, each period of military takeover in 1958, 1977 and 1999, left in its wake more serious structural problems for the country than they were able to solve. And none of them were successful in tackling feudalism, corruption and sustainable economic progress, the three priorities being highlighted at present. Democracy must therefore be given a chance.

Some hardened observers, however, say that the expectation that 'an uninterrupted democratic process will in due course clear itself' has run its course because there are structural flaws in the system and each election throws up a more tainted and less competent lot of politicians. But aren't these 'structural problems' the direct result of frequent military interventions? Pakistan, in fact, has never really had a spell of 'uninterrupted democracy' for say at least ten years, the average life of a military regime in the past.

The answer to this heated and grim debate lies in a single sixty-four dollar question: Can the politicians join hands to bring about a change of government from within the

system through an in-house change or mid-term elections, or will they allow the extra constitutional forces to dismantle the system once again 'to safeguard the stability of the country.'

The answer to this question is very clear in the light of our history. But if the political leadership is unable to discharge this responsibility, then the civil society may have to rise, as it did in the Judicial crisis, to save democracy.



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