

According to the perception held by a number of citizens in Pakistan, political history in the country is marked by the expanded role of the military in non professional fields involving coups, direct and indirect military rule, increased involvement in the economic and business activities and influence-paddling from the sidelines. On the other hand, the dominant military view blames politicians for not delivering good governance and not even following principles of the very democracy they espouse. Military is “invited” by the opposition politicians to take over, or it has to step in due to serious infighting among politicians that creates a vacuum to be filled by the military, according to them. The two contending perceptions lie at the heart of strained civil-military relations in Pakistan.

Realising the centrality of civil-military relations to democratic development in Pakistan, PILDAT (www.pildat.org) has been working on the issues of civil-military relations since 2004. It has developed and disseminated a significant body of work on these issues to various stakeholders. Its dialogue process on civil-military relations has provided thought-leadership on these issues and has worked to broaden public discourse on the need for a civil-military relations hip prescribed by the constitution of Pakistan.

PILDAT is starting the compilation of a quarterly monitor of civil-military relations with this issue. The objective of the monitor is to record and analyse important developments in the realm of civil-military relations to hopefully feed into policy dialogues and recommendations for reforms. The monitor will mainly focus on developments within or concerning Pakistan but we hope to include significant international developments in this field as well. This Monitor of **Civil-Military Relations** covers the period of January – March 2012 analysing the key issues affecting civil-military relations in Pakistan during this period.

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Memo Scandal

Civil-Military Relations showed serious deterioration during the year 2011. Pakistan's policies and its deteriorating relations vis-à-vis the United States can be largely seen as the cause of a growing wedge between the elected Government and the Army. The issue of the alleged Memo,¹ seen by some as the civil Government's wish-list to contain the Army, and by others who, albeit are in fewer numbers, as a storm in a tea cup, came to be at the heart of the estrangement in civil-military relations at the end of 2011. The same elected Government, which continually came to the public rescue of the military after the killing of Osama bin Laden, US targeting of the ISI and the NATO attack, resorted to an open confrontation with the Army. The Government appeared to be most disturbed at the position taken by the Army in the memo controversy as it is diametrically opposed to that of the civil Government.

2011 also witnessed a relatively weak civilian Prime Minister breaking the sound barrier on civil-military relations in Pakistan by obliquely referring to Intelligence apparatus or the Military as a “*State within the State*” – an open public position that has never before been taken by even the most powerful Prime Ministers of Pakistan. While his words may continue to change, the 13th National Assembly of Pakistan recorded an elected Prime Minister deprecating the dominant role demanded by the Armed Forces and the associated intelligence apparatus in national policy making.

On January 9, 2012, Prime Minister Gilani, in an interview to a Chinese news agency, said that the Chief of Army Staff and Director General ISI had submitted replies to the Supreme Court without seeking approval of the competent authority and their statements carried no legal import.² This statement was replied to by a Press Release issued on January 11, 2012 by the military which warned that such allegation can have “*serious ramifications with potentially grievous consequences for the country.*”³

The strain reached new heights when the Prime Minister fired the Defence Secretary Lt. General (Retd.) Naeem Khalid Lodhi for “gross misconduct and illegal action” which created misunderstanding between institutions. For some time following the dismissal of the Defence Secretary, the exposed cleavages between the elected government and the military seemed reminiscent of the Kargil controversy in 1999 in which either the elected government could be sent packing or the military commanders' tenures could be curtailed. Eventually, however, better sense prevailed and both sides pulled back from the brink.

Developments in Judicial investigation of the memo scandal indicate that proving that the memo has been written by Mr. Hussain Haqqani on the behest of the President of Pakistan will be extremely difficult. Mr. Haqqani's refusal to surrender sources such as his computer and the Blackberry telephone sets through which investigation can move forward clouds the prospects of his innocence. He is also reluctant to return to Pakistan to appear before the commission in person as he thinks that his life will be in danger in Pakistan. The Commission's deadline to complete its inquiry has been extended twice during this period.⁴

Meanwhile, there have also been reports in the media that an understanding has been reached between the civil and military leadership on the Memo controversy. While the tension between the two sides has been tapering off and the Memo Commission continues its investigation, the memo controversy is also said to have all but fizzled out.

1. In October 2011 an American businessman of Pakistani origin, Mansoor Ijaz, wrote in the Financial Times, UK, that he helped deliver a memo to US Admiral Mike Mullen in which, allegedly, the President of Pakistan Mr. Asif Ali Zardari sought the help of the US administration in averting an imminent military coup. In return the President guaranteed a complete revamp of the national security team in accordance with United States' wishes. The memo was written and delivered by Ijaz allegedly on the behest of Pakistan's then Ambassador to the US Mr. Hussain Haqqani. Though the Government and the President's office have continued to officially deny it, this led to great furor in the opposition, media and the military. Mr. Husain Haqqani had to resign on November 22, 2011 after he was summoned to Pakistan. Prime Minister announced that the Parliamentary Committee on National Security will conduct inquiry into the Memo scandal but on November 23, 2011, opposition leader and PML-N chief Nawaz Sharif filed a petition in the Supreme Court requesting it to help unravel what he termed a “dreadful conspiracy” to demonise the armed forces. The Supreme Court accepted the petition and ordered an inquiry through a commission headed by the Chief justice of Balochistan High Court. Army and the Government adopted divergent stands on the Memo in the Supreme Court.

2. Kiyani, Pasha acted illegally, says Gilani, Dawn, January 10, 2012: <http://www.dawn.com/2012/01/10/army-isi-chief-statements-to-sc-not-approved-by-govt-pm.html>

3. ISPR Press Release, January 11, 2011: http://ispr.gov.pk/front/main.asp?o=t-press_release&id=1946

4. Memo issue: Judicial Panel's term extended by 6 weeks, Hindustan Times, March 29, 2012: <http://www.hindustantimes.com/world-news/Pakistan/Memo-issue-Judicial-panel-s-term-extended-by-6-weeks/Article1-832484.aspx>

Even though the available public record of a number of meetings held by the Parliamentary Committee on National Security shows that it has discussed the memo issue, it is unclear what role, if any, it has played in resolving the issue.

Parliamentary Review of Pak-US relations

What has been termed by the Pakistan Army as a “deliberate” attack of NATO on Pakistan's security posts on November 26, 2011⁵ resulted in the Prime Minister ordering an immediate closure of the NATO/ISAF logistics supply lines, US vacating the Shamsi Airbase⁶ and Parliamentary Committee on National Security to review Pak US relations.

The relationship between the US and Pakistan had begun to sour following the Raymond Davis saga and worsened after the May 2 US attack on Pakistan's sovereign soil and the subsequent unfolding of events within Pakistan, pronouncements in Congress and by the military top brass in the US.

In Pakistan's peculiar civil-military relations, it is a popular perception that major foreign policy decisions, especially relevant to India and the US, are taken only after the agreement of the armed forces. It is also believed by a sizeable public opinion that Pakistan's elected representatives have had almost no role to play in influencing, guiding or even overseeing Pakistan's foreign policy. The review by the Parliamentary Committee on Pak-US relations and general foreign policy, therefore, is the first of its kind review and can not be considered a small feat for the Parliament that the Prime Minister desired the Parliament to guide him in developing a policy to be followed by Pakistan in relation to the US.

During the course of developing its recommendations, the Parliamentary Committee on National Security (PCNS) asked the Government to submit the record of all cooperation agreements with the US, whether written or otherwise.⁷ Nine (9) pacts signed by the Musharraf regime after 2002 with the US with regards to the war on terror were presented to the committee by the Ministry of Defence.

The Parliamentary Committee on National Security presented its recommendations to a joint sitting of the Parliament on March 20, 2012. The 16-point recommendations of the Committee, called “*Guidelines for Revised Terms of Engagement with US/NATO/ISAF & general Foreign Policy*” can be termed as a constructive and comprehensive framework for improvement of Pakistan's foreign policy.

Most of the recommendations by the Committee focus on restructuring Pak-US relations in line with the general public sentiments. The emphasis that relations should be based on written

agreements and not verbal agreements that must be backed by the Parliamentary sanction in Pakistan is important. The message of the Committee that the *US must review its footprints in Pakistan* is outside the ambit of the Committee as it can offer recommendations only to the Government of Pakistan.

A number of recommendations by the Committee arrogate various rights to the Parliament such as use of Pakistani bases or airspace contingent on Parliamentary approval. It needs to be elaborated whether approval should be through a joint Parliamentary resolution. Only the elected executive can take decisions in cases involving emergency use which must be spelled out. The Committee also recommends that in addition to various Ministries, all proposed Agreements/MOUs relating to national security are to be circulated to the Parliamentary Committee on National Security to vet these. It must be pointed out that policies are framed and decisions are taken by the cabinet in a Parliamentary form of government and Parliament provides broad guidelines and exercises oversight of the implementation of these policies by the executive. Moreover, other committees, such as those dealing with foreign affairs and defence, must also be part of the ambit of seeking Parliamentary recommendations.

The recommendations of the committee hit a snag after these were presented to the House. The Committee has held numerous sessions, some involving the elected executive and the Military, to hold deliberations on drafting a resolution on the basis of the guidelines to be adopted by the joint session of the Parliament.

While the Parliament will begin its review and perhaps modify the draft resolution to be prepared by the PCNS, it will be important to see how effectively Parliament's recommendations will be implemented by the Government of Pakistan. This will usher in a much needed requirement of Parliament's oversight on national security affairs.

Report of the Saleem Shahzad Murder Inquiry Commission

On January 10, the Saleem Shahzad Murder Inquiry Commission⁸ submitted its report to the Government of Pakistan essentially sharing its inability to identify the culprits as **it did not have the evidence required to fix responsibility**. The Commission, however, said that “*Pakistani state, the non-state actors such as the Taliban and al-Qaida, and foreign actors... could have had the motive to commit the crime.*”⁹ That the Commission chose to call the Pakistani state one of the various “*belligerents*” is a damning condemnation in itself as well as a commentary on press freedom in Pakistan. Even though the Commission did not indict the ISI, which, in the view of a section of public opinion, is held responsible for abduction, torture and murder of Saleem Shahzad, the report has indirectly hinted at the possible

5. A NATO attack killed 25 Pakistani military personnel in blistering air strikes on two Pakistani positions in Mohamand Agency in the hours of the night. An Army major and captain were among the dead, NATO kill 25 soldiers, Dawn, November 26, 2011: <http://www.dawn.com/2011/11/27/strikes-kill-25-soldiers.html>

6. NATO/ISAF logistics supply lines closed; US to be asked to vacate Shamsi airbase within 15 days: DCC, APP, November 26, 2011: http://ftppp.app.com.pk/en_/index.php?option=com_content&task=view&id=167001&Itemid=1

7. Parliamentary panel seeks record of pacts with US, Dawn, December 8, 2011: http://epaper.dawn.com/~epaper/DetailImage.php?StoryImage=09_12_2011_001_002

8. Syed Saleem Shahzad, a Pakistani journalist, was abducted during broad day light from the heart of Islamabad on May 29, 2011. His abduction and subsequent brutal murder enraged media and citizens who openly blamed the Inter-Services Intelligence (ISI) for the murder. The Government of Pakistan formed the judicial Commission on June 16, 2011 in response to vociferous demand by the media and citizens organisations to investigate into the abduction and murder of Syed Saleem Shahzad.

9. Report of the Commission of Inquiry: concerning the gruesome incident of the abduction and murder of Syed Saleem Shahzad, January 10, 2012: <http://www.infopak.gov.pk/Downloads/REPORT.pdf>

implication of the ISI by advising the Government to make ISI and IB “more law abiding.” Stopping short of holding intelligence agencies responsible, Commission specifically advised the Government that a legal framework should define their role and mandate and that their interaction with the media should be institutionally documented. That a “forum of Human Rights Ombudsman” should be created for judicial redressal of media and citizens' grievances against intelligence agencies against attempts to intimidate, harass and harm them is as far as the Commission is willing to go in indicting the faceless and nameless murderers of Saleem Shahzad.

The Commission's recommendations join the leading chorus of public demand to bring major intelligence agencies under greater legal, administrative and parliamentary control. Whether the Government or the leading political parties of Pakistan are willing to go beyond lip service to take practical steps to address this demand remains to be seen.

Balochistan Conflict

Balochistan is suffering yet another insurgency, fifth since Pakistan's creation. This insurgency is manifested in attacks on security forces and non-Baloch settlers as well as the new trend of mutilated dead bodies of Baloch insurgents found dumped in Balochistan.

Dominant discourse on Balochistan is blaming Pakistan's military and security agencies for compounding the scenario in the province. While the Military vehemently denies it has any role in Balochistan, there is a complete and total absence of a counter-narrative from the civil and military establishment on who are the real culprits behind the current quagmire in Balochistan.

For its part, the Military also seems to be making efforts in Balochistan to address the issues of lack of development there. In 2011, the Chief of Army Staff publicly announced withdrawal of forces from the Sui town of Dera Bugti pledging that in the future no military operation will be carried out without prior approval of the Provincial Government. In November 2011, the Federal Cabinet decided to put the Frontier Constabulary under the administrative control of the Provincial Government of Balochistan. **Not much though seems to have happened on this count as the** Provincial Government recently sought the Federal Government's intervention and asked it to help improve its relations with the FC.¹⁰ Contrary to political slogans raised by the nationalists in Balochistan,¹¹ Pakistan Army has doubled the Baloch representation in the institution from 2 % in 2001 to 4% in 2011 with special steps to speedily bring this representation equal to the percentage of Balochistan population in the country.

Violence in Balochistan also includes sectarian violence. Several

members of Hazara Community and many religious scholars i.e., Qari Abdul Basit, lost their lives in these incidents.¹² It has been observed that Hazara Community has repeatedly come under fire from unknown militants. Major acts of violence which resulted in huge casualties include attack on passenger bus carrying pilgrims to Iran wherein 25 to 30 people were shot down.¹³ Mostly Lashkar-e-Jhagvi (LeJ) is held responsible for attacks mounted against Shia community in Balochistan in collaboration with Jandullah.¹⁴

Addressing the Joint Session of the Parliament in March 2012, President Asif Zardari mentioned the Balochistan issue and expressed his concerns over the situation in Balochistan. In 4 years of the Government since March 2008, the PPP Government has introduced substantive reforms to address the Balochistan issue but it has not been able to reap the benefits of these landmark developments. It could neither contain the insurgency nor bring simmering scenario in Balochistan to normalcy. Even though the ruling PPP at the centre holds a major share of power in the province as well, the party and its provincial leadership does not seem to be able to sell to the people the landmark developments for the betterment of the province.

While it may be true that the army's role in Balochistan is a reality and that GHQ has its own views on the province, it remains the responsibility of the Federal and Provincial Governments to articulate a way forward for ending insurgency in Balochistan.

Intelligence Agencies produce “missing persons” in Supreme Court

February 13, 2012 marked a milestone in Pakistan's history when on the Supreme Court orders to the Military Intelligence (MI) and Inter Services Intelligence (ISI), seven (7) prisoners were produced before the Supreme Court.¹⁵ On March 1, 2012 the Supreme Court reprimanded the intelligence agencies by telling them that they are not above the law. The Chief justice also termed them as the biggest violators of the law of the country.¹⁶

This is a breakthrough in the history of civil-military relations in Pakistan as for the first time Intelligence Agencies, which largely operate outside the ambit of law, are being held to account.

Another important development in this regard has been a letter written by Mr. Mustafa Nawaz Khokhar, Human Rights Advisor to the Prime Minister, to the Director General ISI, directing him to provide the detainees with professional medical care. The letter is said to be the first direction of its kind to the DG ISI by a civilian cabinet member. This letter, although symbolic, is a significant attempt by the civilian Government to assert itself on 'autonomous' security agencies in the country.

10. PM asks agencies to respect Balochistan govt's mandate, Dawn, March 11, 2012: <http://www.dawn.com/2012/03/11/pm-asks-agencies-to-respect-balochistan-govts-mandate.html>

11. On December 19, 2011, Baloch Nationalist leader Sardar Ataullah Khan Mengal after meeting with PML-N Chief Nawaz Sharif while commenting about the Army said that, “This is not Pakistan Army. Rather it is the Punjabi army that is indulging in such inhuman acts against the Baloch people.” Latest figures from the Inter Services Public Relations however tell a different story. According to the ISPR Punjabis represent 54% of the Army, down from 61.7% in 2001. Similarly, Baloch have a representation of 4% which has doubled from 2% in 2001.

12. Islamic scholar shot dead in Pakistan's Balochistan province, the Times of India, March 24, 2012: <http://timesofindia.indiatimes.com/world/pakistan/Islamic-scholar-shot-dead-in-Pakistans-Balochistan-province/articleshow/12395875.cms/>

13. Pakistan sectarian violence in Balochistan, October 6, 2011: <http://asiancorrespondent.com/66635/sectarian-violence-in-balochistan/>

14. Ibid.

15. In May 2010, eleven men, allegedly involved in terrorist activities, were picked up by intelligence agencies from the Rawalpindi Adyala jail after they were acquitted by a terrorism court. Out of these eleven prisoners four have died mysteriously. On a petition by family members of the deceased the Supreme Court ordered the Military Intelligence (MI) and Inter Services Intelligence (ISI) to explain the causes of their deaths and produce the rest of the prisoners in the court.

16. Missing Persons Case: Fiery SC lays down the law for spy agencies, The Express Tribune, March 2, 2012: <http://tribune.com.pk/story/344312/missing-persons-fiery-sc-lays-down-the-law-for-spy-agencies/>

Defence Budget

Annual defence budget of Pakistan, at roughly 20% of the federal budget, is the second largest chunk of budget allocation after debt servicing (that constitutes over 30% roughly). Reduction in defence budget to increase budget of social sectors such as education, for instance, has been long used as an argument by a section of the citizens. Parliamentary scrutiny and oversight of defence budget, which before 2008 used to be a one-liner budget, is also a long-standing demand.

In an interesting statement Chief of Army Staff General Ashfaq Pervez Kayani said on February 13, 2012 that Pakistan's Defence Budget constituted only 18 percent of the total Federal Budget and not 70% as believed by many. Even out of that, only 8 to 9 percent of budget is that of the Army. The Army Chief, it appears, was responding to a statement by Maulana Fazlur Rehman who while addressing a public rally on January 27, had said that 60 per cent of the budget is dedicated to defence where on the other hand people of Pakistan are dying from starvation.

The question in reduction of defence budget, however, is tied to the overall question of what kind of state we wish Pakistan to be and what kind of threats we face. This has to be a national decision which can not merely be arrived at through public statements, rhetoric and sloganeering.

There can be no two arguments about who holds the power over the purse strings other than Parliament, even if those strings control defence budget. As regards Parliamentary powers of scrutiny and oversight, nothing stops Parliament and its committees dealing with defence to scrutinize Defence related demands for grants and to oversee defence expenditure. This Government has taken laudable steps to provide details of defence budget to the Parliament. However, Parliament has consistently displayed that both its desire and its capacity to oversee the federal budget are limited. Unless basic reforms are introduced in the Parliament through which Parliamentary committees are empowered to review ministerial demands for grants before the passage of the budget every year, and Parliament seeks experts' help in carrying out its budgetary oversight role effectively, various calls to 'scrutinise' defence budget will be just as rhetorical as Parliament's performance in oversight of other sectors of the federal budget.

Mehran Bank Scandal

On February 29, 2012, Supreme Court of Pakistan re-opened the hearing of petition filed by Air Marshal (Retd.) Asghar Khan in 1996 that urged that the military and civil officials who distributed and the politicians who received money from Inter Services Intelligence (ISI) with reference to Mehran Bank should be punished.¹⁷

Known as the Mehran Bank scandal,¹⁸ the case opened the flood gates of details on how the Army Chief and the ISI indulged in a "criminal distribution of the people's money for political purposes."

It is not just the Army though which is suffering through these spilled beans. On the other side are political giants of this country, who are largely unwilling to accept that they have received any money from the ISI. Major political parties PML-N and PPP are involved in point scoring against one another over the issue of distribution of money among politicians by the ISI.

While proceedings on Mehran Bank scandal case are underway in the Supreme Court, the Chief of Army Staff believes re-opening of the 20-year old Mehran Bank scandal is tantamount to fighting with history.¹⁹

Perhaps General Kayani's knee-jerk reaction to protect his institution is understandable at some level, but he must realise, as should the institution under his command, that countries that do not learn from their past are condemned to repeat it.

Pakistan Military's integrity and the Pakistani public's respect and support to it are tied to the military's professional competence within its prescribed role. In the fast shrinking political space for the military in Pakistan, there is no appetite for any further political role of the military. Judicial decision on cases like the Mehran scandal provide to the nation's psyche the much needed closure it requires. In Turkey, which has experienced a similar history of civil-military relations as Pakistan, the "Ergenekon" scandal²⁰ has been unearthed and is being investigated since 2007. It has also put behind bars many serving generals and high ranking officers. The Ergenekon case alone shows the strength and confidence of the civilians in Turkey in pushing this matter as far as they have, in a bid to decisively contain the military to its professional affairs.

17. SC resumes hearing on Asghar Khan's plea today, Pakistan Today, February 29, 2012: <http://www.pakistanoday.com.pk/2012/02/29/news/national/sc-resumes-hearing-on-asghar-khan%E2%80%99s-plea-today/>

18. The Mehran bank scandal is a major political scandal in the history of Pakistan between 1990-1994 in which senior politicians and political parties were found to have been bribed by Pakistan Army and intelligence officers, from ISI, to prevent the re-election and to destabilize the government of the Pakistan Peoples Party (PPP). Allegedly initiated by the Chief of Army Staff General Mirza Aslam Beg with the alleged support of President Ghulam Ishaq Khan, payments of up to Rs. 140 million were made by the Inter-Services Intelligence (ISI) Director-General Lieutenant-General Asad Durrani and Lieutenant-General Javed Nasir via the owner of Mehran Bank Yunus Habib. Intelligence funds were deposited in Mehran bank in 1992 propping up what was an insolvent bank as a favour for its owner's help in loaning money to the Inter-Services Intelligence in 1990 that was used in the creation of the right wing alliance Islami Jamhoori-Ittehad (IJ) and bankrolling the campaigns of many opponents of the PPP. The scandal subsequently broke after the new ISI Director-General Lieutenant-General Javed Ashraf decided to transfer the intelligence fund back to state owned banks as per official rules. Mehran Bank was unable to return the money due to its poor financial state and collapsed. It was later discovered that large sums had been siphoned off to 39 fictitious parties. On April 20, 1994, giving details about the payments made by Mr. Habib to generals, politicians and political parties, the then Interior Minister, Naseerullah Babar, told the National Assembly that the main beneficiary of his largesse was former army chief General Mirza Aslam Beg who received Rs140 million. Yunus Habib was arrested on April 7, 1994 for misappropriation in the sale proceeds of the Dollar Bearer Certificates. On Dec 14, 1995, Yunus Habib was convicted of fraud and embezzlement and given a sentence of 10 years rigorous imprisonment by the Special Court for Offences in Banks in Sindh.

19. Rare public statement: Kayani deflects criticism over missing persons, The Express Tribune, March 15, 2012: <http://tribune.com.pk/story/350294/rare-public-statement-kayani-deflects-criticism-over-missing-persons/>

20. The Ergenekon scandal in Turkey was unearthed in 2007 and involved a plot by a section of the Turkish military which secretly tried to undermine and overthrow the AKP government. Allegedly, the plan was to assassinate a string of Turkish intellectuals fomenting chaos and provoking a military intervention in 2009.