

The Parliament of Pakistan and its Role in the War on Terror

Saiful Islam¹ Muhammad Zubair²

& Syed Imran Haider³

Abstract

Institutions play an important role in the development of a state. Pakistan's Parliament occupies a central place in debating national issues particularly in the context of international development. The role of Parliament regarding war on terror assumed an added significance in view of the security challenges posed to the country. Unlike the strong role of Congress in US or the British Parliament, the role of Parliament in Pakistan has been of mixed nature reflecting public sentiments on certain occasions and also poorly performing in terms of satisfying public feelings on matters of national importance. This role is also fragile or vulnerable in deciding terms and conditions with the foreign states especially with the United States in the on-going war on terror. Generally, policy matters regarding war on terror in Pakistan are formulated by the military. As Parliament has the central role in law making, the lack of consensus among members on this vital issue has minimized its role in Pakistan confronting war on terror. This paper will examine the question; whether the Parliament of Pakistan played its due role in combating terrorism and the War on Terror?

Key Words: War on Terror, Pakistan, Parliament, Resolutions

Introduction

Institutions set rules, norms, practices and decision making procedures to overcome uncertainty. It increases efficiency on issues, state negotiations on central forum, established rules and norms that allow a wide array of states to quickly settle on certain course of action. Institutions play an important role in defining an issue and resolve the issue from different mechanism. This is the role of institution which sometimes develops a sense of cooperation and sometimes rivalry among the nation-states. State policies are both framed and implemented by institutions. If there is a gap between the two, the problem continues and persists. This gap sometimes complicates the state decision making process which needs a unified stance on any issue.

Relations among the nations are always complex because the interests of one state may prove stumbling blocks for others. No state can survive in isolation in the present global world which has influenced even the day to day internal politics of the state. The state policies are shaped in the context of global development and only those states can hope to succeed who manage to act according to the prevailing situation in the world.¹

The 9/11 attacks were the reflection of one of the most sophisticated examples of terrorists planning and execution in the human history. It revealed a new type of enemy to the United States –one that penetrated all its conventional defence and destroyed with seemingly consummate ease iconic symbols of American power on its soil.² The war on terror and the Bush declaration of global war on terror has a far-reaching implications on national security, relations with the world community and civil liberties within the United States and abroad. It is the most important policy shaping the modern world history.³

The US waging war against the Al Qaeda and Taliban in Afghanistan compelled Pakistan to a point of no return because of the former threat to the latter's security and integrity. The Musharraf government has been commended for his courageous decision to join the global war on Terror.⁴ This was the U-Turn of Musharraf's regime because he discarded the old policies of support to the Taliban. This policy of alliance caught Pakistan in a spiral of violence since 9/11 as it could not have escaped the fallout of 9/11. It did not have the choice to insulate itself or side step the global response to 9/11 and ultimately the homegrown extremists and militants joined hands with the Al Qaeda remnants.⁵

This paper will examine that whether the Parliament played its positive role in the ongoing War on Terror and came to the expectations of the people or remained a weak institution in decision making in the country. Soon after the 1947, Pakistan found itself in a very weak position- territorially bifurcated,

¹ Fred Chernoff, *Theory and Metatheory in International Relations- Concepts and Contending Accounts* (New York: Palgrave MacMillan, 2007), p. 80.

² Alastair Finlan, *Special Forces, Strategy and the War on Terror* (New York: Rutledge, 2008), p. 115.

³ Stephen D. Reeze and Seth C. Lewis. "Framing the War on Terror", *Journal*, Vol. 10 (6), 2009, p. 788.

⁴ Ashley, J. Tellis, "US Strategy: Assisting Pakistan's Transformation", *The Washington Quarterly*, Winter 2004-5 28:1, p. 27.

⁵ Riaz Muhammad Khan. "Ten Years Later", *DAWN*, September 11, 2011.

administratively handicapped, economically deprived. For almost ten years after its independence, Pakistan struggled to create a constitutional democracy.⁶

The role of Pakistan Parliament is very important in all matters of national interests because it represents the people and state. In the ongoing War on Terror, the role of Parliament should be very crucial in national security and integrity as well as in relations with the great powers in the present circumstances. Before we discuss the shortcomings and weaknesses of the Parliament in Pakistan, we should first discuss the positive role in the War on Terror.

Law Making

Law making process in Pakistan Parliament is weak and slow. It is not only weak in law making but the implementation of existing laws is also very disappointing. In the context of war on terror, the Parliament just passed a few laws in the last fifteen years. Pakistan's first counter terrorism legislation was introduced in 1993 as the Anti-Terrorism Act (ATA) and was passed in 1997, establishing the Anti-Terrorism Courts in the country. This Act was criticized by the civil society on the basis of violation of human rights by its legal and investigation process.⁷

21st Constitutional Amendment

In the present scenario, a new intelligence agency was established in the name of National Counter Terrorism Agency (NACTA) in 2011. Its main purpose was to coordinate the efforts and working of more than dozens of intelligence agencies in Pakistan in one platform. But it is very disappointing that after more than five years, it still needs funds and not properly functional and operative which shows the lack of seriousness of the leadership in the country, on the one hand and lack of coordination among the different security agencies on the other. Only after the Peshawar school tragedy, it was decided in the National Action Plan (NAP) that the NACTA should be strengthened and functional. Soon after the Army Public School killing of more than one hundred students by the terrorists in December 2014, a

⁶ Ashley, J. Tellis "US Strategy: Assisting Pakistan's Transformation", The Washington Quarterly, Winter 2004-5 28:1, p. 99.

⁷ Mohammed Waseem, "Patterns of Conflict in Pakistan: Implications for Policy", Brookings Institute, Working Paper, number 05, January 2011, p. 16.

comprehensive action plan was introduced. The National Action Plan which consists of twenty points of action which surrounded all the important matters related to terrorism. In the Parliament after the long time, a 21st Constitutional Amendment was passed which paved the way for the establishment of military courts to try the people who are involved in the terror activities.⁸This was the most important contribution of the Parliament to chalk out a legal process which could curtail the activities of terrorists in the country. A National Security Council (NSC) was created by Pervaiz Musharraf in 2004 to discuss the security related issues bypassing the Parliament role in such important matters. It did not function well till 2008 when the new government established the Defence Committee of the Cabinet which fulfilled the role and purpose of the NSC. The DCC became the Cabinet Committee on National Security since 2013. There are also other committees of the Parliament which are working on the national security and defence related matters. These are; Standing Committee on Defence and Defence Production, Parliamentary Committee on National Security, Standing Committee on Defence, and Public Accounts Committee. These committees give input and suggestions to the Parliament on important national issues. In the Parliament, there are debates on and constructive engagement took place among the Parliamentarians. An enquiry commission was established after the Abbottabad incident on May 02, 2011 which shocked every Pakistani and demoralized the state institutions. The establishment of such commission on national security related matters is a positive step in Pakistan. Such commission proved in pinpointing gray areas in security, made responsible the person or institution for failure to defend the state and give suggestions to the government for future actions.

Debates

The Parliamentary debates reflected the current situation in the country, masses sentiments at the floor of the House and wanted to resolve the terrorism issue according to the national interest of Pakistan. It was a fact that the Parliament had discussed all issues related to terrorism form time to time which reflect the grave situation in the country. It is a forum which reflects the people sentiments on the floor of the House through debates on the issues, laws, etc. These debates are important because of such debates,

⁸Husnul Amin, "Politics of Counter-terrorism and the 21st Constitutional Amendment in Pakistan", Pakistan Perspectives, Volume 20, Number 02, 2015, p. 10.

the national sentiments are come to the surface and gave direction to the government to function or work accordingly.

Resolutions

Resolutions are the reflections of the opinion of the representatives of the people. There are two kinds of resolutions; majority and consensus or unanimous resolution. The resolutions passed with majority of votes in the Parliament are not binding on the government to enforce them but have a positive sign in the debates of the Assembly. The unanimous or consensus resolutions were those on which the government was bound to work or implement them in letter and spirit. The Resolutions reflected the sentiments of the House, in other words, the honourable members views and ultimately of the people of Pakistan. The resolutions which were passed related to terrorism concerning the people and their leaders, on the one hand, and to chalk out a policy, on the other hand.

The first resolution which was unanimously passed in the National Assembly of Pakistan regarding terrorism was in November 2003. It stated, “It has been moved that this House condemns the terrorism in all its forms and manifestations presently prevailing in Pakistan and conveys its appreciation to the President of Pakistan General Pervaiz Musharraf for his courage and consistent support to the war on terror. The House condemns the terrorist act of bombing in Riyadh, Saudi Arabia, as a result of which about twenty one persons were killed and several injured. The House also condemns the killing of all Pakistanis and the foreigners through act of terrorism and sends its profound condolences to the bereaved families here in Pakistan and in the world.”⁹

On a call attention notice,¹⁰ a Resolution was passed on the loss of human lives due to Wana Operation in March 2004. In that debate, leader of the Jamiat-Ulma-e-Islam (F) Fazl ur Rehman warned the government that the tribal area was on the verge of explosions, if you put flame to it, then the fire will not be stopped.¹¹ On the same session, Jamaat-i-Islami Amir Qazi Hussain Ahmad addressed the House in these words. He said, “General Pervaiz Musharraf without consultation with the nation took the U-turn on

⁹The National Assembly of Pakistan. Debates: Official Report, Vol. X. No. 37, 2003, pp: 2614-15.

¹⁰The National Assembly of Pakistan. Debates: Official Report, Vol. XII. No. 9, 2004, pp: 1374-75

¹¹ Ibid, p. 1387

the war on terror and changed all the previous policies in one stroke. Those policies would not be allowed to be changed with one man decision. Because of the Musharraf policies, the nation is in confusion and this has created many problems and ambiguities in the nation. We are involved in such a war which has no end.”¹²

From 2002 to the end of 2011, fourteen National Assembly Resolutions were passed regarding war on terror and condemned them. Two resolutions were passed by the joint sitting of the Parliament because of the importance of the situation and matter. In the Senate¹³ of Pakistan, the Senators discussed terrorism widely as dozens of resolutions were passed on the security and terrorism. The Senate’s resolution of condemning US attacks on 13th January 2006 in Damadola village in Bajaur Agency was the first resolution adopted unanimously against the foreign attack, the discriminatory attitude towards Maulana Sami ulHaq in Brussels in 2005, continued in one voice against any foreign aggression and terrorism in the country.

The first comprehensive resolution adopted in the Senate was on the 6th August 2008. The Senate of Pakistan, “Conscious of the grave threat posed by terrorism and extremism; reaffirming Pakistan’s commitment to effectively fight the scourge of terrorism and extremism; reaffirming also Pakistan’s determination to strengthen bonds of brotherhood and close collaboration with Afghanistan; condemned the cowardly attacks on the Indian embassy in Kabul and rejected the baseless allegations leveled against Pakistan in that regard.”¹⁴

As the foreign incursions continued in the tribal areas, the drone attacks were the main concern in Pakistan but the first resolution adopted in the Senate regarding the drone attacks was in September 2008, despite the fact that the drone attacks continued from 2004. In the last fifteen years, more than four hundred drone attacks took place in the tribal areas but the government was not doing enough to stop them. The role of Parliament in this regard is weak and could not stop them while most of the Pakistanis have the opinion that these attacks are conducted with the government’s consent.

¹²The National Assembly of Pakistan. Debates: Official Report, Vol. X. No. 13, 2004, p. 1977.

¹³ Senate is the second upper chamber of Pakistan Parliament, consisting of 104 members divided equally in all the federal units (Provinces).

¹⁴(R.D. No. 39- 45/2008-D).The Senate of Pakistan 6.8.2008.

In September 2008, the government strongly condemned drone attacks in the Senate for the first time because the people, civil society and all segments of society in the country had raised the issue at large and was impossible for the government to ignore the public sentiments on this matter. All major political parties strongly condemned drone attacks in the tribal areas and wanted to stop them immediately. The religious parties especially Jamiat Ulama-e-Islam (JUI-F) and Jamaat-i-Islami (JI) were also the main opponents of the US policy of drone attacks in Pakistan.

The resolution stated; “The Senate of Pakistan strongly condemns the missile attacks by drones in Pakistan territory resulting in immense loss of life; Emphasizes that such attacks are most unfortunate and constitute a gross violation of our national sovereignty and territory; underlines that continued incursions into Pakistan’s territory are harming the government’s efforts to seek political solutions through dialogue; declares that attacks inside Pakistan territory are unacceptable and the government should take more effective measures to stop them; Calls upon the government to convey Pakistan’s strong protest to the US and NATO/ISAF authorities and seek assurances for full respect of Pakistan’s sovereignty.”¹⁵ Again when the Salala incident took place, the Senate strongly condemned it and a unanimous resolution was passed and requested the government to stop such attacks in future and act upon the joint resolutions of the Parliament adopted in October 2008 and May 2001.

Some politicians have the opinion that “The APC was a good trend because most of the political parties are people representatives and to discuss every issue in Parliament is the reflection that the political system is moving in the right direction. The briefing of the ISI and the presence of Army Chief on the issue of national security among the politicians was a good sign for democracy.”¹⁶

Call Attention Motions

Call attention motions are moved in the assembly to stop the routine legislation because of an urgent public issue. Call attention motions were raised in the House about terrorism in the country while ten adjournment motions were raised regarding Lal Masjid operation. Most of the adjournment motions

¹⁵The Senate of Pakistan.R.D. 9-47/2008-D. 27.10.2008.

¹⁶MianIftikharHussain, Interview, Peshawar, 21 April, 2013.

were about the Lal Masjid tragic accident in 2007. The Lal Masjid episode was the turning point in the war on terror campaign in Pakistan which changed everything afterwards. Through a calling notice in the National Assembly of Pakistan, the honourable members of the Assembly talked on the issue of the Jamia Hifsa occupation- a nearby children library adjacent to Lal Masjid that some female students had Kalashnikovs in their hands standing near the madrassa and the government should take notice of the issue seriously.¹⁷ After February till the end of July 2007, there were no serious efforts made on the floor of the House which could resolve it without any bloodshed. After the Lal Masjid operation, the 42nd Session of the National Assembly started from 30th of July, 2007, discussion took place on the incident in ten adjournments motions in a single day but it was fruitless to discuss it as the war started in the country against the masses and security agencies immediately after the “Operation Silence.”¹⁸

Foreign incursion into Pakistan’s territory continued despite government’s strong protest in the Parliament and other public forums. The US/ISAF attack on AngorAda, was condemned in a resolution in the Senate. The Senate of Pakistan strongly condemned the attack by the Coalition / USAF troops on village Zulali near Angor Ada on 3rd September, 2008, in a grave violation of Pakistan’s sovereignty and territorial integrity. Any incursion inside our territory and resulting loss of innocent lives is unacceptable. The House called upon the government to take all necessary measures to protect the sovereignty and territorial integrity of the country and repel such attacks in future with full force.¹⁹

Joint Sitting of the Parliament

With the sensitivity of situation and spread of violence, the Parliament sometimes called joint session of the two Houses on issues like, US drone attack, US military attack in Pakistan. The drone attacks multiplied manifold in 2007 to 2011 and every drone attack in FATA multiplied Pakistan’s enemies in the country. The US involvement in Pakistan’s internal matter was felt by many Pakistanis as a violation of national sovereignty and a security threat. On many occasions, the US/NATO forces

¹⁷The National Assembly of Pakistan. Debates: Official Report, 8th February, 2007. Vol. XXXIX. No 3, pp: 282-286.

¹⁸ Operation Silence was the Code name of the operation against the inmate of the Lal Masjid.

¹⁹The Senate of Pakistan.R.D. No 10-46/2008-D, 4.9.2008.

crossed the border and attacked on militants on Pakistani side of the border. Pakistan repeatedly asked Washington to stop violation of its territory but the US continued it without any heed to these requests.

This surge of violence in the country and the US and NATO forces violation of Pakistan's territory compelled the Parliamentarians to chalk out some policy to take up all these issues with the United States. For this purpose, an in-camera²⁰ session was convened in Islamabad in October 2008 to review the situation. This session continued from 8th of October till 22nd October, 2008 and at the end of the joint sitting of the Parliament, a consensus resolution was passed. The 14-point resolution was the first comprehensive move towards war on terror, militancy and extension, violence and violation of its territory and asking for a comprehensive plan of action in this regard. The main features of the resolution include:

An independent foreign policy was needed to restore peace and combating terrorism in the country; Dialogue will be the main focus of the government to resolve the issue of terrorism and violence; Pakistan's territory will not be used against any other country; Democracy will be strengthened in the country and resources will be brought to the rest of the country; Writ of the state will be established in different conflict zones and the local laws and customs of the area will be used to enhance confidence among the people; The internally displaced people will be rehabilitated and victims of terror will be paid and public opinion will be molded against terrorism through media and religious participation. For all these development and to achieve the desired results, a special committee of the parliament will be constituted to monitor the implementation of the resolution.²¹The main theme of the resolution was to formulate a foreign policy based on national interests, combating terrorism through dialogue and local customs like Jirga, and economic opportunities.

On May 2nd 2011, the US special operation forces, SEALs conducted a military operation "Operation Neptune" in Abbottabad in which the most wanted to the US, Osama Bin Laden was killed. It was considered to be a grave violation of its sovereignty and highhandedness of the US in its relations

²⁰ In-Camera session of the Join session of Parliament was attended by the Chief of Army Staff (COAS), DG (ISI). They briefed the Parliamentarian on the security situation in the country. The meeting was not open to the media and all proceedings were confidential.

²¹Library, National Assembly of Pakistan, Islamabad.

with Pakistan. In the Parliament, there was a hot debate and the government was unable to defend its position on the May 2, incident. To make the foreign policy independent from the foreign powers involvement and respect of its “red line,”²² a special meeting of the two Houses was convened on 13-14 May 2011, to discuss the issues and chalk out a future plan of action. The joint sitting of the two Houses resolved: “Pakistan again condemns the US raid in Abbottabad and drone attacks and warns of blocking the NATO supplies of the US/NATO; Pakistan will uphold its sovereignty and national security and safeguard its national interests; To support the armed forces of Pakistan by the government and the people, and also to work on the recommendations of the previous joint session of the Parliament in October 2008 and on the recommendations of Parliamentary Committee of National Security in April 2009 in formulating independent foreign policy to safeguard its national interests. This resolution also called upon the government to appoint an independent commission on the Abbottabad operation and fix the responsibility of the inability of those who were concerned about the security of the state.”²³ The working of the Parliament in the last fifteen years revealed the fact that how the members of the Parliament were handling the problem from time to time. Most of the working of the Assembly was consumed by the law and order debate in the Assembly and discussions on the terrorist activities in the country. Dozens of times, the Assembly sessions started with prayers for the departed souls in the terrorist attacks in the Khyber Pakhtunkhwa province.

Weak Role of the Parliament

The role of Parliament is weak because of many reasons. One is the dominant position of military in the country’s internal and external decision regarding security and foreign relations. In all over the world, the military is the dominant player in national security issues, and, therefore, gets a special status in the state but this position becomes stronger when the state is coercive, undemocratic and not pluralist. Pakistan is one of them.²⁴ Pakistan’s democratic culture remained fragile of the repeated interventions of the military in politics. It is a fundamental premise of democratic civilian relations that civilian control of

²²The territorial sovereignty of the State.

²³Library, National Assembly of Pakistan.

²⁴ Ayesha Siddiqi, *Military Inc.: Inside Pakistan’s Military Economy* (London: Pluto Press, 2007), p. 33.

the military is clearly possible without democracy, but democracy is not possible without civilian control of the military.²⁵

In Pakistan there is less attention given to law making process, in general, and terrorism, in particular, the role of legislature and executive are not encouraging. In the US, an Act “Justice Against Sponsored of Terrorism Act-JUSTA” was passed in the Congress in 2016 even after sixteen years of 9/11 attacks, reflected the seriousness of the US dealing with terrorism. We were only able to make a comprehensive National Action Plan (NAP) after killing of school students in 2014 and more than fifty thousand losses of human lives in the terrorist attacks in the country. All the previous governments worked through some of the Adhoc measures like ordinances, and dealt it with day to day events. The current threat of terrorism caused by the non-state actors cannot be dealt with the old pattern of laws. It is a fourth generation warfare which needs a comprehensive national action plan and up-to-date laws in the country.

The unanimous resolutions of the Parliament are binding on the government to implement them but they never did that because there was a gap between the government and military leadership on the issue to resolve the issue of terrorism. There was also gap among the political parties too. Irregular warfare is a complex and ambiguous social phenomenon. It is a violent struggle among state and non-state actors for legitimacy and influence over the relevant populations. It requires national governments and militaries to achieve levels of unified action against it.²⁶ There is a gap between the government and opposition on this issue and also a very deep gap among the political parties towards this issue. The role of Parliament is more important in such matters but these are not binding on the government. “If the government decision was not exercised, then how the role of Parliament is remained strong and active?”²⁷

The role of Parliament in Pakistan regarding war on terror and relations with the major powers especially with the United States is very weak from the very first day after the 9/11 attacks. The impact of foreign states on Pakistan’s foreign policies remain considerable, especially by the US, China and Saudi

²⁵Anthony Foster, *Armed Forces and Society in Europe*(Basingstoke: Palgrave Macmillan, 2006), p. 96.

²⁶ Robert M. Cassidy, “Counterinsurgency and Military Culture: State Regulars versus Non-state Irregulars” *Baltic Security &Defence Review*, Volume 10, 2008, p. 55.

²⁷Zamrud Khan, Interview, Islamabad, 14 April, 2013.

Arabia. The government cannot make any decision of importance without calculating its effects on relations with these powers.²⁸ All the major decisions regarding war on terror and alliance with the US are taken by the military because of the security situation in the country. The differences among the political parties in the Parliament regarding war on terror was one of the major obstacles in its robust role. This division among the political leaders not only complicated the issue even worsened it further.

Drone strikes corrode the stability and legitimacy of the governments. It deepened anti-American sentiments and created new recruits for militant networks. They serve as powerful signals of government's helplessness and subservience to the United States. The US support in the shape of arms and finance supply and its legitimacy by conducting unilateral drone strikes on the other territory.²⁹ The will of the Parliament on the issue of drone attacks which we can see only in resolutions but the most important thing was its implementation which was lacking in this regard. Most of the resolutions were passed regarding drone strikes but when the time comes for the implementation, the role of the Parliament and the Parliamentarians become vulnerable.

Conclusion

The role of Parliament is mixed, positive and weak according to the policies on War on Terror. The government should give support to the Parliament in its decisions because if the Parliament is backing such decision, it will be more strengthened in such crisis. When such institutions become stronger, the country will be in a position to face such big problems like militancy and terrorism and relations with big powers. The approval of the Parliament in shape of ratification to the international agreements and pacts will further safeguard the interests of the country and people. The unanimous voice of the Parliament against any policy towards the major power or any foreign related issue will boost the stature of the Parliament and will encourage the foreign states to talk to the elected government for such kinds of agreements.

²⁸ Stephen P. Cohen, "The Future of Pakistan", Foreign Policy, January 2011, p. 17.

²⁹ Michael J. Boyle, "The Costs and Consequences of Drone Warfare", The Internal Affairs, 89: 1 (2013) p. 03.

Strong civil – military relationship is necessary for the political stability in the country. The main problem in not resolving the issue of terrorism was the institutional gap. This gap was seen between the religious and mainstream political parties too. During the last fifteen years, we couldn't develop a consensus among the institutions how to deal with the problem. All the institutions should work in their own sphere and be made accountable and effective in their decision making process. Transparency in decision making and agreements signed with other states should be made public and their validation should be made from the Parliament through resolutions. All decisions of the government should be made on proper platforms.

The issue of terrorism was confined to a single state institution in Pakistan and all other stakeholders were less concerned about it. The role of Parliament and political parties is important in resolving the issue of terrorism and violence in the country. These are the elected institutions and their decisions are people oriented. If they take a decision on national issue, they must own it through their implementation. To dismantle the scourge of terrorism in the country, all the stakeholders should come to a common platform including those sitting in the mosques and seminaries. Elected platforms like the Parliament and Local Bodies can initiate public awareness measures. These are the organs where people can record their complaints in a peaceful and democratic way.