

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

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### **Abstract**

Institutions play an important role in the development of a state as well as the state behavior. The Parliament of Pakistan is the highest forum of debating national issues that relate to both domestic and international politics. The War on Terror (WoT) added to the significance and responsibilities of the Parliament as it triggered several challenges to national security and economy. However, unlike the legislatures of the developed states, the Parliament of Pakistan could play a limited role in shaping the course of action with regard to the WoT. On some occasions it asserted the public opinion while on some occasions it remained inactive and hence could not represent the sentiments of people properly. Parliament's role in the WoT has been fragile or vulnerable, over the last almost two decades, in deciding terms and conditions with the foreign states especially with the United States in the on-going WoT. Generally, policy matters regarding war on terror in Pakistan have been formulated by the security establishment. Lack of consensus among its members has been one of the main causes of minimizing the role of Parliament in this vital issue of national security. This paper examines the question; whether or not the Parliament of Pakistan played its due role in combating terrorism and the War on Terror and in what manner?

**Keywords:** War on Terror, Pakistan, Parliament, Resolutions

### **Introduction**

Institutions, in the civilized states, set rules, norms, practices and decision making procedures to overcome uncertainty. It allows the states to develop a smooth and efficient mechanism to deliberate on and adopt suitable course of action to take quick decisions regarding the issues of national importance. This is the role of different institutions which sometimes develops a sense of cooperation among them while on some occasions it may create a sense of power struggle and negative competition among them; the latter situation leads to the disharmony between the crafted policy and its proper implementation which further adds to the problems of

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national integration. The gap between stated policy and its implementation complicates the state decision making process which needs a unified stance on all issues.

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 (Chemoff, 2007).

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 its entire conventional defense mechanism and destroyed the iconic symbols of American power on its soil with seemingly consummate ease (Finlan, 2008). The WoT had far-reaching implications on national security, relations with the world community and civil liberties within the United States and abroad. It remained the most important policy shaping the modern world history during the last two decades (Reese & Lewis, 2009).

The US waging war against the Al Qaeda and Taliban in Afghanistan compelled Pakistan to a point of no return because of the former's threat to the latter's security and integrity. The Musharraf government has been commended for its courageous and timely decision to join the Global War on Terror (GWOt) (Ashley, 2004). This was the U-Turn of Musharraf's regime because he discarded the old policies of supporting the Taliban government in neighboring Afghanistan. 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 till date. 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 (Khan, 2011).

This paper examines that whether the Parliament played its positive role in the ongoing WoT 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, administratively handicapped, economically deprived. For almost ten years after its independence, Pakistan struggled to create a constitutional democracy (Ashley, 2004).

The role of Pakistan Parliament is very important in all matters of national interests because it represents the people and state. In the ongoing WoT, 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 need to first discuss its active and positive role in the WoT.

### **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 disappointing. In the context of WoT, 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 (Waseem, 2011).

### **21<sup>st</sup> 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 on one platform. However, it is disappointing that after more than five years, it still is not functional and operative due to lack of sufficient financial resources and seriousness of the leadership in the country on one hand, and due to lack of coordination among the different security agencies on the other. Only after the Peshawar school tragedy in December 2014, 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, a 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, the 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 (Amin, 2015). This 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 Defense Committee of the Cabinet (DCC) 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 defense related matters.

These are Standing Committee on Defense and Defense Production, Parliamentary Committee on National Security, Standing Committee on Defense, and Public Accounts Committee. These committees give input and suggestions to the Parliament on important national issues. In the Parliament, there have been debates and constructive engagement 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, public sentiments at the floor of the House and demanded to resolve the terrorism issue to uphold the national interest of Pakistan. It is a fact that the Parliament discussed all issues related to terrorism from time to time which reflects the grave security situation in the country. It is a forum which reflects the people sentiments on the floor of the House through debates and laws, etc. These debates are important because the national sentiments come to the surface which gives direction to the government to function 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 honorable 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.

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 WoT. 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”(National Assembly Debates, 2003).

On a call attention notice,(National Assembly Debates, 2004) 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(National Assembly Debates, 2004).In the same session, Jamaat-i-Islami Amir QaziHussain Ahmad addressed the House in these words. He said,“General Pervaiz Musharraf without consultation with the nation took the U-turn 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”(National Assembly Debates, 2004).

From 2002 to the end of 2011, fourteen National Assembly Resolutions were passed regarding WoT and condemning the terrorist activities. Two resolutions were passed by the joint sitting of the Parliament because of the importance of the situation and matter. In the Senate<sup>4</sup> 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 13<sup>th</sup> January 2006 in *Damadola* village in *Bajaur* Agency of erstwhile FATA was the first resolution adopted unanimously against the foreign attack and the discriminatory attitude towards Maulana Sami ul Haq 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 6<sup>th</sup> August 2008 in 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

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<sup>4</sup> Senate is the second upper chamber of Pakistan Parliament, consisting of 104 members divided equally in all the federal units (Provinces).

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”(The Senate of Pakistan, 2008).

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 remained weak and could not stop them while most of the Pakistanis have the opinion that these attacks are conducted with the government’s consent.

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 Jamait 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”(The Senate of Pakistan, 2008). Again when the Salala incident took place in 2011, the Senate strongly condemned and passed a unanimous resolution asking the government to avert such attacks in future and act upon the joint resolutions of the Parliament adopted in October 2008 and May 2011.

### **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 were about the *Lal Masjid* tragic accident in 2007. The *Lal Masjid* episode was the turning point in the WoT campaign in Pakistan which changed everything afterwards. Through a calling notice in the National Assembly of Pakistan, the honorable 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 asked the government to take notice of the issue seriously(National Assembly Debates, 2007). 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 42<sup>nd</sup> Session of the National Assembly started from 30<sup>th</sup> 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.”<sup>5</sup>

Foreign incursion into Pakistan’s territory continued despite government’s strong protest in the Parliament and other public forums. The US/ISAF attack on *Angor Ada*, 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 3<sup>rd</sup> September 2008, in a grave violation of Pakistan’s sovereignty and territorial integrity. The Senate reaffirmed that any incursion inside our territory and resulting loss of innocent lives was 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(The Senate of Pakistan, 2008).

### **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 and US military attack in Pakistan. The drone attacks multiplied manifold in 2007 to 2011 and every drone attack in erstwhile 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 crossed the border and attacked on militants on

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<sup>5</sup> Operation Silence was the Code name of the operation against the inmate of the *Lal Masjid*.

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-camera<sup>6</sup> session was convened in Islamabad in October 2008 to review the situation. This session continued from 8<sup>th</sup> of October till 22<sup>nd</sup> 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 WoT, militancy, violence and violation of sovereignty and asked for a comprehensive plan of action in this regard. The main features of the resolution included:

(i) An independent foreign policy was needed to restore peace and combating terrorism in the country;(ii) dialogue will be the main focus of the government to resolve the issue of terrorism and violence;(iii) Pakistan's territory will not be used against any other country;(iv) democracy will be strengthened in the country and resources will be brought to the rest of the country; (v) 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;(vi) 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; and (vii) 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(The National Assembly, 2008).The 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 2<sup>nd</sup> 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 Pakistan's sovereignty and highhandedness of the US in its relations 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

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<sup>6</sup> In-Camera joint session of Parliament was attended by the Chief of Army Staff (COAS), DG (ISI). They briefed the Parliamentarians on the security situation in the country. The meeting was not open to the media and all proceedings were confidential.

foreign powers involvement and respect of its “red line,”<sup>7</sup> 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”(The National Assembly, 2011). 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. 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**

Despite some commendable role played by the Parliament in the ongoing WoT, on many occasions it proved handicapped and inactive to assert its will on this issue of vital significance. The fragile role of the Parliament in this regard has several reasons. One is the dominant position of security establishment 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, less democratic and not pluralist. Pakistan is one of them(Siddiq, 2007). Pakistan’s democratic culture remained flimsy due to the repeated interventions of the military in politics. It is a fundamental premise of democratic civilian relations that civilian control of the military is clearly possible without democracy, but democracy is not possible without civilian control of the military(Foster, 2006).

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<sup>7</sup>The territorial sovereignty of the State.

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 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 fifth 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 lack of consensus between the government and military leadership on the strategy to resolve the issue of terrorism. There was also a lack of unanimity 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(Cassidy, 2008).There is also a gap between the government and opposition on this issue. The role of Parliament is more important in such matters but it is not taken as binding upon the government. “If its resolutions are not implemented, then how the role of Parliament can remain strong and active?”(Khan, 2013).

The role of Parliament in Pakistan regarding WoT 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 policy remained considerable, especially that of the US, China and Saudi Arabia. The government cannot make any decision of importance without calculating its effects on relations with these powers(Cohen, 2011).All the major decisions regarding WoT 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 WoT, was one of the major obstacles in its robust role. This division among the political leaders not only complicated the issue but also 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 (Boyle, 2013). 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 powers 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 kind of agreements.

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

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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.

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