Pakistan National Assembly

Welcome delegates, to the Pakistan National Assembly at MUN@LA, 2017. The inaugural simulation of PNA will focus, inter alia, on the promotion of an understanding of the way the National Assembly functions, its powers and responsibilities, and its related entities; along with a deep understanding of the fundamental rights guaranteed under our constitutional scheme and some of the most prominent issues affecting our country right now.

Since PNA is still a simulation being held at a Model UN conference, it will more or less function under the usual rules that govern a Model UN, with a few changes.

- There will be moderated and unmoderated caucuses as happens in any Model UN, and the usual diplomacy and articulate speeches that are a staple characteristic of delegates at LUMUN will also be expected.

- One major change is that the committee will be bilingual. Hence delegates can choose to address the committee in either English or Urdu, or a mixture of both. Provincial and cultural languages, while certainly beautiful in their own regard, will unfortunately not be allowed.
• The Committee Directors will be referred to as Speakers and the Assistant Committee Directors will be referred to as Deputy Speakers.

• Delegates will be expected to thoroughly read and understand the Special Rules of Procedure, which include information relating to:
  
  o Special Motions
  
  o Secret Sittings
  
  o Standing Committees
  
  o Bills
  
• The final documentation will be in the form of Bills.

We encourage you to read the Study Guide and Special Rules of Procedure carefully, and come well prepared to the committee so that you may be able to give your best performance and hopefully learn something new. You are most welcome to email us at any time with any queries that you may have. Happy researching!
Introduction to the topic

Terrorism is not a contemporary phenomenon; it is a multi-faceted issue that Pakistan has been dealing with for decades. Reports of mass shootings, suicide bombers, arson and general violence caused by individuals belonging to certain extremist groups have come to be regarded as part of regular contemporary life in the country. According to the Global Terrorism Index (which ranked Pakistan as the 3rd most affected country by Terrorism in its 2014 report), between 2000 and 2013 the Tehreek-e-Taliban Pakistan (TTP) carried out 778 attacks, out of which ‘12% were carried out by suicide bombers’. It is worth noting that the Global Terrorism Index report for 2015 also stated that Pakistan has been on the Index’s ‘Ten Countries Most Affected by Terrorism’ list for the past 13 years.
These few statistics are more than enough to emphasize how much terrorism is a part of the everyday reality for the citizens of Pakistan. The government of the country has taken several different approaches to combating this problem, the most recent of which has been an aggressive military campaign initiated after the emotionally scarring school shooting in Peshawar last year that claimed the lives of 144 innocent children. This was swiftly followed by the implementation of the National Action Plan (NAP), containing clauses pertaining to the regulation and registration of madrassas, execution of terrorists, establishment of special courts for speedy trials of terrorists, enforcing a ban on armed militant groups in the country and several other points.

Keeping the reality of this threat and the long-term economic, social and political damages that it has wrought in mind, the Pakistan National Assembly at MUN@LA has been tasked with discussing the government's present proposal to indefinitely extend the mandate of the military courts, pursuant to the expiration of the sunset clause in the 21st Amendment to the Constitution. Members of this committee must keep in mind that sufficient knowledge of the current status-quo between the government and the military, as well as a general understanding of the different stances that political parties have on this matter, is critical. This Study Guide is only a guiding document, meant to outline the major factors and events. It is by no means an exhaustive store of information on the topic, and members are encouraged to carry out extra research accordingly.
**Previous Strategies**

The government and military of Pakistan have taken various steps and strategies to deal with terrorism in the past. These have ranged from extensive military operations to attempts at peace talks to curbing the influence of terrorist groups through various means.

**Financing**

Pakistan’s response to terrorism financing has focused mainly on low-level inconspicuous activity, such as some informal *hawala* (Informal money transfer) money transfer services, mainly used by migrant workers, importers and traders. The government has so far been able to freeze certain accounts that have been used to launder terrorism financing from abroad, the total value of which is approximately $100 million. They also claim to have recovered over $1 million from individuals belonging to banned extremist outfits that were allegedly supposed to be used for terrorist acts.

Terrorist groups also resort to crime in order to raise funds for their operations. This has included bank robberies, kidnappings, petty theft and other such crimes. The government has attempted to block off this source of funding by enacting laws pertaining to the biometric registration of all mobile SIM cards in the country, and blocking off all unregistered SIM cards. Since terrorist groups have been known to make regular use of untraceable or unregistered SIM cards, this has been a step forward.
Military Operations

Operation Rah-e-Nijat: Operation Rah-e-Nijat happened in the latter half of 2009. It was a concentrated attack by the Pakistan Armed Forces against Tehrik-e-Taliban Pakistan (TTP) in South Waziristan and the Federally Administered Tribal Areas (FATA). Involving the Army, Navy and the Air Force, the operation continued for six months and was deemed a success.

Operation Black Thunderstorm: In early 2009, a temporary ceasefire was in place in the Malakand region as the provincial government had agreed to the terrorists’ demand for implementation of Sharia law in the region. However, due to delays in the signing of the bill, the terrorist groups continued to expand their territory until they had reached within 97 km of the capital city, Islamabad. Operation Black Thunderstorm was initiated in April 2009 in order to reclaim all the lost territory.
Operation Zarb-e-Azb: This is the current, ongoing operation being conducted by the Pakistan Army against various militant groups in the country. Launched in June 2014 in the wake of the attack on Jinnah International Airport in Karachi, it is described as a ‘comprehensive operation’ to flush out all terrorists in the North-West Pakistan region.

Negotiations

There have several instances of negotiations taking place between the Pakistan government and the militants.
2004: In 2004 the government of Pakistan signed the first of three peace treaties with militant groups operating in South Waziristan. However, the treaty was nullified when the militant leader who signed the treaty was killed by an American missile.

2006: In September 2006, the Waziristan Accord was signed between the government of Pakistan, tribal leaders, and militants in North Waziristan. The agreement included clauses that called for the government to reconstruct infrastructure and compensate families for material and other losses, while implementing a no-tolerance policy in the region for any kind of terrorist activity.

2008: A ceasefire was implemented in North Waziristan in 2008 by negotiating peace deals with the TTP. The provincial government was able to make a 15-point peace deal with the Taliban that included points ensuring the free movement of workers, the expulsion of ‘foreign’ militants by the Taliban, the immediate halt of any anti-state, anti-government, or anti-military activities, and the removal of the Pakistan Army troops from the region. 2014: In January 2014, negotiations between representatives of the Pakistan Taliban and the government of Pakistan began in Islamabad. The talks were aimed at resolving the ongoing insurgency in the country by the TTP. However these talks fell apart a few days later when a U.S. drone killed the TTP chief, Hakeemullah Mehsud.

**Current Strategies**

Currently, Pakistan’s counter-terrorism strategy has not yet been able to eradicate terrorism in all its forms. Terrorism is still very much rampant across the country, from the tribal areas of
Western Pakistan to the major port city of Karachi. Reports of military or police personnel being injured or killed in events related to terrorism or terrorist outfits have become increasingly common over the years, prompting action from the authorities. The most recent of these is the implementation of the National Action Plan (NAP). Considered and drafted in the aftermath of the school shooting incident in Peshawar, the National Action Plan reflects the newfound aggressiveness that the government and military have been displaying since the incident. Regrettably, it has become a sort of license for the military to engage in war-like campaigns against targeted terrorist groups that are currently carrying out attacks against the state and its people.

Critics of the National Action Plan state that the huge amount of power and autonomy bestowed upon the military by the implementation of the plan can only lead to trouble. Given the history of the military inferring in politics and overthrowing the government on more than a couple of occasions, this is a valid concern.
The National Action Plan

History and Formation

The National Action Plan is the most recent strategy of the government of Pakistan. It builds upon the points in the policies previously signed into law by the PML-N led government. These include the 64-point National Internal Security Policy (NISP) and the Protection of Pakistan Act (PPA). These two policies, both signed into law in 2014, provided for steps and actions aimed at increasing the short and long term ability of dealing with extremism in all its forms, as well as modernizing aspects of the criminal justice system. While the NISP had points pertaining to better regulation and oversight of madrassas, building institutional capacity and other ‘soft’ forms of intervention and policy prescriptions, the PPA allowed for short-term solutions such as increasing the power and authority of certain security agencies, detaining suspects without revealing their locations, hiding reasons for detention and other harsh and controversial actions. Military and police personnel (grade BPS-15 and above) were given the authority to exercise shoot-to-kill actions. The creation of special courts for trials was also one of the points in the PPA.
Following the 16th December 2014 Peshawar incident, the government was pressurized by the military to continue and expand upon policies that gave military forces greater autonomy in the choice of strategies employed against extremists. Yielding the increasing pressure from the military, the government developed the PPA further and drafted a new policy that would build upon previous policies that allowed the use of coercive and aggressive actions to combat terrorism. Following the Peshawar attack, the government lifted the moratorium on death penalties for cases of terrorism on 17th December. On 19th December, in a closed meeting between bureaucrats, military personnel, lawyers, civil society representatives and political party representatives, the framework for the NAP was drafted. After presiding over an all-parties conference, the Prime Minister, Nawaz Sharif, announced the 20 point National Action Plan in a televised address.

The 20 points of the National Action Plan are as follows, according to the website of the National Counter Terrorism Authority (NACTA):

1. Execution of convicted terrorists
2. Establishment of special trial courts
3. Ensuring no armed militias are allowed to function in the country
4. Strengthening and activation of National Counter Terrorism Authority (NACTA)
5. Countering hate speech and extremist material
6. Choking financing for terrorists and terrorist organizations
7. Ensuring against the re-emergence of proscribed organizations

8. Establishing and deploying a dedicated counter-terrorism force

9. Taking effective steps against religious persecution

10. Registration and regulation of madrassas

11. Ban on glorification of terrorism and terrorist organizations through print and electronic media

12. FATA reforms

13. Dismantling communication networks of terrorist organizations

14. Measures against abuse of internet and social media for terrorism

15. Zero tolerance for militancy in Punjab

16. Taking the ongoing operation in Karachi to its logical conclusion

17. Balochistan reconciliation

18. Dealing firmly with sectarian terrorists

19. Policy to deal with the issue of Afghan refugees

20. Revamping and reforming the criminal justice system

Implementation Mechanism

In order to implement the diverse points of the National Action Plan, numerous bodies have been formed. The policy guidelines for these bodies are provided by a central committee that
is presided over by the Prime Minister. This central committee includes nine Cabinet members. There are also 15 sub-committees designed to oversee particular NAP constituents. Eleven of these sub-committees are chaired by the Federal Minister for the Interior. The implementation of the NAP is supervised on the provincial level by an ‘apex’ committee that is led by the Chief Minister among other bureaucrats, military officials and representatives from civilian and military intelligence agencies.

However, it is worth noting that while this framework seems well placed to work on implementing the National Action Plan, there was no mention of the formation of these bodies or their powers and limits in the NAP or in the policies guiding NACTA. As a result, fears of authorities abusing their powers have grown over the past few months. There have been allegations that the implementation of the NAP only furthers the interests of the military officials by granting them more power with low accountability mechanisms in place. Responding to a question after holding a press conference on 3rd January 2015, the Director General of the Inter Services Press Relations (ISPR) wing of the military stated that the existence of the military courts and the ongoing Operation Zarb-e-Azb would continue until all of the extremism in the country has been eliminated. This reflects the determination of the military to continue their aggressive tactics in the foreseeable future. Critics of the NAP’s implementation mechanism point out such examples to warn against the growing influence and ultimate takeover of the government by the military.
The main arguments presented revolve around the opportunity that the implementation mechanism of the NAP has provided military officials with authority to ‘get involved in police administrative issues’. The Leader of the Opposition in the National Assembly has also issued warnings that these provincial apex committees were fast becoming an equivalent government.

**The Military**

*History of Political Intervention*

The Pakistan Armed Forces is the seventh largest military force in the world in terms of number of active personnel. It is divided into three different inter-services branches: the Army, the Airforce, and the Navy. The different branches are led by their own Chiefs who have full operational command of the troops under their division. The three Chiefs are also part of the Joint Chiefs of Staff Committee, which is headed by the Chairman of the Joint Chiefs of Staff Committee (CJCSC). While the CJCSC is the highest-ranking military official in the country, he is only responsible for supervising and coordinating the Chiefs of staff, and does not wield any operational command over them or any of the troops.

Historically, the Pakistan Army has played a very active role in the politics of the country. Exerting political clout has become an almost expected characteristic of any general who is appointed as the Chief of Army Staff. This immense influence in political matters stems from the several times that the Pakistan Army has overthrown the government and assumed control of the country.
The very first instance of this toppling of the government was in 1958 when President Major General Iskandar Mirza dismissed the Constituent Assembly of Pakistan and the government of Prime Minister, appointing army Commander-in-Chief Gen. Ayub Khan as the Chief Martial Law administrator. Ayub Khan then proceeded to carry out his own plan against Mirza, forcing him to resign from his post as President and transfer it to Khan.

In 1969, General Yahya Khan succeeded Ayub Khan when the latter fell ill and was unable to deal with the increasing pressures from political parties. Yahya Khan appeared in a televised address and imposed Martial Law across the country. In true military fashion, Yahya stated, ‘I will not tolerate disorder. Let everyone remain at his post.’
The third, and perhaps most infamous, instance of Martial Law was enforced when Operation Fair Play took place on 4th July 1977. Then Chief of Army Staff General Zia-ul-Haq devised a coup against the government of Prime Minister Zulfiquar Ali Bhutto. Zia-ul-Haq also dissolved the Parliament and all provincial assemblies and suspended the Constitution. He retained his power for a period of 10 years, despite constant assurances of having elections in the next 90 days. He remains Pakistan’s longest serving head of state.

The most recent instance was when General Pervez Musharraf assumed control of the country by suspending the Constitution and declaring Martial Law on 15th October 1999. He did so after successfully staging a coup against then Prime Minister Nawaz Sharif who had attempted to keep Musharraf’s plane from landing at Karachi airport. Musharraf proceeded to appoint
himself President of the country and held elections according to the Supreme Court ruling, which resulted in him retaining the post until 2008.

**Powers and Responsibilities of the Military**

Given the previous coups at the hands of the military, it is only natural that there is general mistrust and confusion about the actual powers and responsibilities of the military. While a segment of the country’s citizens view it as the last bastion of honest and uncorrupted patriotism, there are also many who believe that the military has its own agenda that it is constantly looking to advance. In the past, military leaders such as Zia-ul-Haq have taken and kept power by wielding their power as Chief of the Army Staff for many years. This has led to the general perception that there is a seemingly constant struggle between the government and the military for control of the country.

As far as the powers of the military goes, one must keep in mind the guiding principles observed by Muhammad Ali Jinnah, Pakistan’s founding father. The Quaid, on the occasion of the country’s independence, said,

‘*Do not forget that the armed forces are the servants of the people. You do not make national policy; it is we, the civilians, who decide these issues and it is your duty to carry out these tasks with which you are entrusted.*’
These words clearly reflected the unambiguous views that Jinnah held regarding civil-military relations. However, over time it has been proven that the military has repeatedly ignored these words and done as they have please to ‘make national policy’. It has also been argued that these historic interventions in the country’s politics have left remnants of a strong sense of protectionism amongst the soldiers of the army – so much so that a large number of them believe that it is only the military that consistently stood between Pakistan and its destruction whenever it assumed control of the country. This view, articulated in several articles and books, shows that there is clearly a sort of doctrinal belief system that is impressed upon individuals when it comes to the military, and specifically the army. This belief system usually either condemns the extrajudicial actions of the army, or celebrates them as a mark of true patriotism and love for the country.

Part XII, Chapter 2 of the Constitution of Pakistan is dedicated to the Armed Forces, and lays out the command and functions of the military. A few important clauses of the Constitution include Articles 243 and 245, which emphasize how the Federal Government has the power to control and command the Armed Forces. It is these clauses that are often overlooked, ignored, or not taken into full consideration when undue pressure is applied by the military to get their way. A prime example is the undue pressure that was applied by the Pakistan Army to implement the National Action Plan in the aftermath of the attack on the Army Public School in Peshawar (an institution owned and managed by the army).

Another interesting official document is the oath taken by Members of the Armed Forces, as per the Third Schedule. This oath, taken by all troops that enlist in the military, clearly states that they ‘… will not engage (themselves) in any political activity whatsoever …’ And will
‘… Serve Pakistan … as required by and under the law…’ Since the military is known for its sense of discipline and adherence to rules, it would seem that the oath is not taken too seriously, at least by the upper echelons of the hierarchy.

The question here is whether or not there is a need to enact laws further safeguarding the continued existence of a democratic government by limiting the powers of the chiefs of the military.

**Relations between Political Parties and the Military**

Over the years, different political parties have developed different core agendas, on the basis of which they contest elections. These different core agendas also have led to alliances between specific parties, and enmity between others. This disparity has meant that while a few political parties view the military in a favourable light, others outright condemn many of its actions and do not enjoy particularly good relations with them.

The Pakistan army also appears to have chosen a few parties that it believes it could work well with, and allegedly lends unofficial support to those parties. While this may seem to be a logical outcome in the scenario of the military supporting a party that vocally champions it, it must be remembered that the military is not supposed to play favourites. It is supposed to keep any favourable or unfavourable relations aside and only follow the instructions and guidelines provided by the Federal Government.
Anti-Terrorism Bills Passed by the National Assembly

Given below are a few of the bills relating to terrorism and counter terrorism efforts that the National Assembly has passed over the years.

1. *The Pakistan Army (Amendment) Act, 2015*: An act to further amend The Pakistan Army Act, 1952. President Mamnoon Hussain approved an ordinance which amends the Pakistan Army Act 2015 to offer security to the recently established military courts, their presiding officers and military prosecutors and also lawyers and witnesses appearing before them. The amendment visualizes in-camera trial of terrorists and a provision for proceedings through video link. It will be applicable to areas where military courts have been set up or will be set up.

2. *The Protection of Pakistan Act, 2014*: The Act defines “militant” as “any person who wages war or insurgence against Pakistan, or raises arms against Pakistan, its citizens, the armed forces or civil armed forces; or takes up advocates or encourages or supports or abets the raising of arms or waging of war or a violent struggle against Pakistan; or threatens or acts or attempts to act in a manner prejudicial to the security, integrity or defense of Pakistan; or commits or threatens to commit any planned offence; and includes; a person who commits any act outside the territory of Pakistan for which he has used the soil of Pakistan for preparing to commit such act that constitutes scheduled offence under this act”.

Baltistan, Chaudhry Birjis Tahir, would oblige security forces to seek permission from a Grade-17 officer or a magistrate before opening fire on suspects.

4. *The National Counter Terrorism Authority Bill, 2013*: The bill addresses the need for a pivotal institution to integrate and synergize national counter terrorism and counter extremism struggle in view of the nature and magnitude of terrorist threat, present strategic policy options to the government for consideration/implementation by the shareholders after scientifically studying the phenomenon of extremism and terrorism. The bill aims at forming the national counter terrorism authority (NACTA) which is also at par with best international standards to unity and organize national counter terrorism and counter extremism measures and provide for their more effective and efficient enforcement.

5. *The Anti-Terrorism Act, 2005*: Further amendment of Anti- Terrorism act of 1997. To deliver for the making of 'control orders' imposing obligations on individuals suspected of being involved in terrorism-related activity. These are pre-emptive orders which are designed to restrict or prevent the further involvement by individuals in such activity.

**Mapping a New Counter-Terrorism Policy**

Following the Peshawar attack, the newfound aggression of the authorities in the fight against terrorism has been reflected in the resumption of the execution of terrorists, ramping up of the ongoing Zarb-eAzb campaign, and the increase in powers and authority given to military and police personnel. While this may appear to be a positive step in the way that the government,
military, and general citizens all seem to be fully supportive of the response to extremist groups, it may not be the most effective and beneficial strategy in the long term.

Currently, the National Action Plan provides for a short term response to terrorists and terrorist groups. It does not go beyond giving propositions for legal and constitutional amendments to improve the criminal justice system, deploy a dedicated counter-terrorism force, or enact reforms in FATA. Details that are necessary in order to implement these propositions are lacking. In order to map an effective counter-terrorism policy, the government must look into a holistic approach that involves capacity building for lower level security personnel, reducing the burden on hugely strained security facilities, and combating corruption and politicization of government and military forces.

**Building Police Capacity**

Police personnel are often ignored when considering actions to be taken against terrorist outfits. This appears to be a major oversight on the part of the authorities involved, as these police offers are permanent residents in the areas that they are tasked with protecting. Not only does this have the potential to give them greater incentive in carrying out their tasks responsibly and professionally, this also can prove to be a good source of intelligence and expertise. Since police officers are more familiar with the people and places in the areas that they are posted in, they have the potential to be the first and strongest deterrent against any possible incidents of terrorism.
However, this is sadly not the case. Instead of investing in this highly valuable resource, the government instead relies on the military and rangers to protect cities and towns. If resources are instead spent on improving the training and intelligence of police officers, a number of potential incidents of terrorism could be proactively stopped. Simply increasing the number of police officers will not work, as this was already done on a large scale in Sindh in the 1990s. The practice resulted in scores of underpaid, underperforming personnel. Since 2005, the number of police personnel across the country has nearly doubled from 220,000 to 430,000, yet it has not seemed to have had any visible impact on the law and order situation of the country, which has progressively gotten worse.

Along with this, the general perception that the citizens have of the police is not at all flattering. The police force as a whole is seen as corrupt, inefficient, politicized and always out to do more harm than good at the expense of the citizens. While it is true that the issues of corruption, politicization, and inefficiency are prevalent within the police force, the lack of a concentrated effort to project a more positive image of the police force makes things worse. If the government and other civil society institutions take the lead in organizing outreach programs, training workshops, motivational activities and other such actions, then the resultant improvement in relations between the police and the general population will definitely be a positive factor in the fight against terrorism.

Improving training regimes, raising standards for police recruitment and police work, and working towards improving the popular perception of the police are a few steps that the government can take to ensure that police personnel find that they have the motivation and
ability to actively seek out and eliminate elements of terrorism on a grass roots level in cities and towns that the military is not active in.

**Reducing the Burden on Infrastructure**

The country’s courts and prisons are overburdened, understaffed, and not managed properly. This leads to a number of problems, not the least of which is the economic cost of maintaining such an inefficient system. Currently about 80% of the prison population is on trial, with the courts having more cases than they can handle. In this scenario, obtaining speedy and fair justice is a near impossible task for the common man. Not only are the police and courts unable to meet deadlines for delivering judgements, they are also not very motivated to be alert and aware of the fairness of their judgements and actions.

Lawyers and judges argue that the number of courts needs to be doubled at the very least. While this may seem irrelevant to the war on terror, it must be understood that overburdened prisons are often recruiting grounds for terrorist and extremist groups. Since the facilities are very over populated, these prisons are also seen as ‘think tanks’ of militant groups, where networks are established and operations are planned. Add to this the lack of sufficient staff to supervise inmates and it leads to a quite permissive environment in which these prisoners are able to continue planning and executing terrorist actions.
Apart from courts and prisons, police stations are also overburdened and inadequately equipped. There are reports of police officers building makeshift police stations under bridges and on public land due to lack of funding and facilities. Since the process of allocating police budgets is also flawed, many police stations do not get the necessary funds to be able to function properly. Police officers often pay from their own salaries to buy stationery, petrol and other such items necessary for operating. This lack of funding for police stations is also because of a long and inefficient chain of police officials in a very inefficiently formulated hierarchy. This seeming lack of support from the government is bound to demotivate the police officers who do initially have a strong sense of duty and patriotism. All of these issues only further worsen the problem of dealing with terrorists. While the police does not have the ability of funding to be able to actively ward off against terrorist attacks, the courts and prisons are also too overcrowded to effectively and correctly root out terrorists and be able to hold fair, transparent, and free from controversy trials.

Further readings


http://www.tmmm.tsk.tr/publication/datr/volume7/02-Pakistans_Fight_Against_Terrorism.pdf

Questions a Bill Must Answer

1. Is the present legal and constitutional regime effective against countering terrorism, meriting an extension?

2. How likely is it that the military will once again strive to impose Martial Law?

3. To what extent is the current constitutional deviation justifiable?

4. How can the National Action Plan be expanded and made more detailed?

5. How can a new, more comprehensive counter-terrorism strategy be implemented?

6. How can the government ensure the survival of democracy in the current scenario?

7. To what extent and how must the government strive to limit the powers of the army?

8. How can the justice system and police be facilitated to implement the NAP?