



BACKGROUND PAPER

August 2005

**NATIONAL SECURITY COUNCIL:
A Comparative Study of Pakistan
and Other Selected Countries**



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House No. 7, 9th Avenue, F-8/1, Islamabad, Pakistan
Tel: (+92-51) 111-123-345; Fax: (+92-51) 226-3078
E-mail: info@pildat.org; URL: www.pildat.org

CONTENTS

Abbreviations & Acronyms
Preface

Introduction	09
National Security Council in Other Countries	09
Evolution of the Concept of National Security Council in Pakistan	12
National Security Council in Pakistan	16
Review and Concluding Observations	16
Select Bibliography	20
Appendix A: Text of The National Security Council Act 2004	23

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BACKGROUND PAPER

**NATIONAL SECURITY COUNCIL:
A Comparative Study of Pakistan
& Other Selected Countries**

ABBREVIATIONS & ACRONYMS

ARD	Alliance for Restoration of Democracy
CDNS	Council for Defence and National Security
CIA	Central Intelligence Agency
C-in-C	Commander-in-Chief
DCC	Defence Committee of the Cabinet
JCSC	Joint Chiefs of Staff Committee
JIC	Joint Intelligence Committee
LFO	Legal Framework Order
MGK	MYLLY GÜVENLYK KURULU (Turkish National Security Council)
MMA	Muttahidda Majlis-e-Amal
NSAB	National Security Advisory Board
NSC	National Security Council
NSCS	National Security Council Secretariat
PML-N	Pakistan Muslim League-Nawaz
PML-QA	Pakistan Muslim League-Quaid-i-Azam
PPPP	Pakistan Peoples Party Parliamentarian
RCO	Revival of the Constitution Order
SCNS	Supreme Council for National Security
SPG	Strategic Planning Group



PILDAT
BACKGROUND PAPER

**NATIONAL SECURITY COUNCIL:
A Comparative Study of Pakistan
& Other Selected Countries**

PREFACE

National Security Council - A Comparative Study of Pakistan and other Selected Countries attempts to provide background information on the evolution, scope, nature and role of National Security Council in various countries of the world and its comparison with the National Security Council in Pakistan.

Authored by **Dr. Hasan-Askari Rizvi**, renowned Defence and Political Analyst, the paper looks at various models of the NSC in various countries while reviewing in comparison whether the NSC in Pakistan would prevent future military interventions in the country.

The views expressed in this paper belong to the author and are not necessarily shared by PILDAT and its supporters. The author and PILDAT have made every effort to ensure the accuracy of the contents of this paper and do not accept responsibility for any omission and error, as it is not deliberate.

Islamabad
August 2005

Introduction

The establishment of the National Security Council (NSC) in Pakistan in April 2004 under an act of the Parliament materialises the efforts of the top brass of the military to create a legal framework for a permanent role in policy making at the highest level. It also provides them with a formal basis to make inputs to foreign and security policies and internal affairs as well as monitor the performance of the state institutions and processes. The military enjoys the support of a section of the civilian political leaders (Pakistan Muslim League and its allies) who joined President-Army Chief General Pervez Musharraf in 2002 in his bid to civilianize his military rule. These civilian allies supported the NSC bill in the two houses, describing it as a guarantee of political stability and continuity,

President General Pervez Musharraf maintains that, as a consultative body, the NSC is not superior to the Parliament and that it serves as a “check on the office of the President;” he cannot exercise his powers in disregard to the views of the NSC. He argues that the NSC averts the possibility of imposition of martial law because the Army Chief can use this forum to voice his opinion on the policies, governance and political management. If the NSC rejects the views of the Army Chief “he will not be able to impose martial law.”

The pro-military political circles argue that the NSC promotes better consultation and coordination between the military and the civilian authorities, thereby ensuring political stability and continuity of policies. They also argue that the NSC does not give any new powers to the top commanders. Rather, it places their already-expanded role within a legal and constitutional framework. The NSC makes nonbinding recommendations to the government.

The opposition political parties take a strong exception to the establishment of the NSC because, in their opinion, it negates the principle of supremacy of the elected Parliament. The NSC creates a legal justification for the expanded role of the top military commanders whose interference will increase in governmental and political affairs. They further argue that such a “military dominated” political environment is not conducive to development of autonomous civilian institutions and processes.

The paper argues that the overall power architecture of a

political system is reflected in its institutions and processes. The NSC or a similar institution can be studied in the historical and political context of the state in question. In established democracies, the NSC-like body has a limited and advisory role; the top brass of the military play a marginal role. However, in the political systems with a long tradition of the expanded role of the military, the NSC provides the military top brass with a constitutional and legal umbrella to stay engaged in policy making and monitoring of the civilian or semi-civilian government in a discreet manner. This gives them an additional leverage and the NSC tends to become policy setting and supervisory body.

The paper shows that the democratic parameters of the political system in the United States and India determine the role of the NSC and the inputs from the military. The NSC plays a limited advisory role and fully reflects the primacy of the civil in both countries. In the case of Iran, the military plays a role subsidiary to the Supreme Leader, the President and other constitutional bodies that have a strong representation of the clergy. Turkey offers a good example of a political system with a long tradition of the military's role in governance and political management. The Turkish NSC enables the top brass of the military to exercise influence on policy making and execution, and supervise the performance of the government. Turkey's experience suggests that the establishment of the NSC does not rule out the military's use of other means of influencing governance and politics, including the direct assumption of power.

The NSC in Pakistan situates the military's expanded role in the non-professional domains within a legal framework. It thus creates a legal basis for the military to make inputs to policy making at the highest level and monitor the issues of governance and political management. The military performs such a role against the backdrop of the history of military's ascendancy to power, its professional and corporate interests and the top commanders' perception of their critical role for ensuring external and internal security, political stability and economic development.

National Security Council in other Countries

All states have some institutional and procedural mechanisms for consultation, coordination and policy-formulation on internal and external security affairs. These

**NATIONAL SECURITY COUNCIL:
A Comparative Study of Pakistan
& Other Selected Countries**

can range from a highly personalised arrangement created by a ruler to an elaborate formal structure comprising committees, sub-committees and key officials. Their composition and role depend to a great extent on the nature of the political system and the disposition of the dominant elite.

Even if the names and nomenclatures of the institutions dealing with the high level security affairs are similar, their position and role vary from country to country, depending primarily on the overall disposition of the political system. In an established democracy, the NSC or a similar institution, like any other institution of the state, functions within the parameters of civilian primacy and the superiority of the political over the military. In the countries dominated by military, clan or tribal formation or a religious hierarchy, the power architecture reflects in the institutional arrangements. It is not surprising that the political system experiencing military rule finds it difficult to restrain the top brass to their professional domain. The institutions like NSC or some special arrangements are often created to accommodate them in policy making and management.

The following examples of the NSC show that these institutions reflect the over all disposition of each political system. Therefore, the dynamics of the NSC can be appreciated only if it is located in the over all political context of the state in question.

The United States of America

The NSC was first created under an act of the Congress in July 1947. It had 7 members: the President, Secretaries of State, Defence, Army, Navy and Air Force, and Chairman, National Security Resource Board. In 1949, the NSC was reorganised. Vice President was added and three service secretaries (Army, Navy and Air Force) were dropped. In March 1953, the post of Assistant to the President for National Security Affairs (National Security Adviser) was established. The well-know National Security Advisers include Dr. Henry A Kissinger (December 1968-November 1975, served concurrently as Secretary of State from September 1973), Dr. Zbigniew Brzezinski (January 1977-January 1981), General Colin L. Powell (November 1987-January 1989, later served as the Secretary of State), Dr. Condoleeza Rice (January 2001-January 2005, later served as the Secretary of State.).

The NSC advises the President on planning, coordination

and evaluation of military and security policies as well as the direction of the Central Intelligence Agency (CIA). Its actual role varies, depending on how much the President relies on it. Its composition also varies over time. In 2004-5, the NSC's formal members are the President, Vice President, the Secretary of State and the Secretary of Defence. Others who attend the meetings on a regular basis are Chairman, Joint Chiefs of Staff, the Director of the CIA and the President's National Security Adviser. Others like the Deputy Adviser and any cabinet members or senior officials, civil and military, may be invited to attend the meeting. The President's National Security Adviser acts as the Director of the NSC who interacts with the President on a regular basis. Expert civilian staff assist the National Security Adviser and the NSC in performance of their tasks.

India

India established the NSC in November 1998 as a three tier structure. At the apex is a six member body, often described as the NSC. It is chaired by the Prime Minister and includes the Union Ministers of Home, Defence, External Affairs, Finance, and the Deputy Chairman of the Planning Commission. The Prime Minister's Principal Secretary functions as the National Security Adviser and participates in the NSC in that capacity. Other cabinet members and senior officials can attend the meeting if invited. It is noteworthy that the military has no representation at this level. The NSC deals with a wide range of issues with external and internal security, military affairs, conventional and non-conventional defence, space and high technology, counter-insurgency, counter-terrorism, economy and environment.

The second tier is labelled as the Strategic Planning Group (SPG). It is headed by the Cabinet Secretary and includes the chiefs of the Army, Navy and the Air Force, the Governor of Reserve Bank of India, Secretaries of the ministries of Home, Defence, External Affairs, Finance, Secretary Department of Defence Production and Supplies, Scientific Adviser to the Defence Minister, and several other secretaries of union ministries and Director Intelligence Bureau. It could be described as the expanded version of the Union Secretaries Committee to which three service chiefs and some others have been added. The SPG is to undertake the long-term review of defence matters and strategic issues for the consideration of the apex body.

**NATIONAL SECURITY COUNCIL:
A Comparative Study of Pakistan
& Other Selected Countries**

The third level is the National Security Advisory Board (NSAB) which comprises the persons of eminence from outside the government with expertise in external and internal security, foreign affairs, defence and military affairs, science and technology and economics. It acts as a think tank for the policy makers and recommends policy options on the issues under its purview. It is supposed to meet at least once a month. The NSC can ask them to study particular issues.

The existing Joint Intelligence Committee (JIC) has been re-structured and designated as the NSC Secretariat (NSCS).

Iran

Article 176 of the amended 1979 Constitution establishes a 14 member Supreme Council for National Security (SCNS). It includes the President of the Republic (Chairman); heads of three branches of the government; the Chief of the Supreme Command Council of the Armed Forces; the officer in-charge of the planning and budget affairs; two representatives nominated by the Supreme Leader; ministers of Foreign Affairs, Interior and Information; a minister related with the subject, and the highest ranking officer from the Armed Forces; and the Commander of Islamic Revolutionary Guards. The composition of the SCNS shows that it has only three uniformed persons as its members: two represent the military and one represents the Islamic Revolutionary Guards.

The SCNS performs three major functions: formulation of defence and national security policies under the guidelines determined by the Supreme Leader; coordination between the security policies and the country's politics, social, cultural and economic fields and intelligence; and mobilisation of material and intellectual resources for dealing with internal and external threats. The decision of the SCNS is effective after it is confirmed by the Supreme Leader.

Turkey

The NSC (MÝLLÝ GÜVENLÝK KURULU - MGK) was originally established in Turkey in 1961 when the military rule led by General Cemal Gursel was civilianised with the introduction of a new constitution prepared under the guidance of the military regime. Article 111 of the 1961

Constitution established the NSC "to recommend to the Council of Ministers the necessary basic guidelines regarding the coordination and the taking of decisions related to national security." It was obligatory for the cabinet to consult the NSC before declaring a state of emergency.

The NSC under the 1961 Constitution consisted of 10 members. These were: the President (Chairman), Prime Minister, Chief of the General Staff, Ministers of Defence, Internal Affairs and Foreign Affairs; Commanders of the Army, Navy and the Air Force; and Commander of the Gendarmerie. As all the Presidents during 1961-1980 had military background, the people with military background constituted a majority in the NSC.

In September 1980, General Kenan Evren assumed power and ruled the country under martial law for two years. The military regime appointed a consultative assembly that prepared a new constitution, which was put to referendum in November 1982. It obtained 91 per cent votes in its favour. Included in this referendum was the election of General Kenan Evren as the President under the 1982 Constitution. He assumed elected Presidency on November 9, 1982 for a 7-year term.

Article 118 of the 1982 Constitution established a NSC whose composition was similar to that of the 1961 Constitution. The functions of the NSC remain the same. However, Article 118 makes it obligatory for the cabinet to "give priority consideration" to the recommendations of the NSC. This article further states that the NSC shall communicate its views to the council of ministers on the government decisions and it will also advise them on coordination with regard to the formulation, establishment and implementation of the national security policy of the state."

The term national security has been defined in such broad terms in the National Security Council Law, 1983, that it could be interpreted to include any aspect of the state policy. It states that "National security means the defence and protection of the state against every kind of external and internal threat to the constitutional order, national existence, unity, and to all its interests and contractual rights in the international arena, including in the political, social, cultural and economic spheres."

**NATIONAL SECURITY COUNCIL:
A Comparative Study of Pakistan
& Other Selected Countries**

The NSC secretariat is headed by a general secretary who is always a serving four-star general or admiral. It is responsible for keeping the records, collection of information and preparation of briefing papers for the NSC meetings.

The Turkish military is assigned special responsibilities by the Turkish Armed Forces Internal Service Law of January 1961. The armed forces are duty bound not only to defend the territorial integrity and independence against external and internal threats but they are also obliged to protect the nature of the Turkish Republic as defined in the constitution, i.e. republicanism and secularism. The most recent changes in composition and scope of MGK are further discussed in the section of Review and Concluding Observations.

Israel

The NSC, established by the cabinet in March 1999, is a low key organisation that works as a part of the Prime Minister's secretariat and derives its authority from the Prime Minister. It functions in accordance with his instructions. Its primary function is "to serve as a centralised body for, and providing information to, the Prime Minister and the government regarding issues of national security."

The NSC is a small entity in the Prime Minister's secretariat for providing necessary information and consultation to the Prime Minister and the Cabinet, and briefings to the Knesset committees on security issues in accordance with Prime Minister's directives. It may also make recommendation on national security policy to the cabinet and engage in the long range planning of national security with the help of the existing planning bodies in the government department dealing with national security. Its duties also include "follow-up and update" of national security activities and "to look after the implementation of national security decision as well as "coordination and cooperation contacts with parallel national security authorities in selected countries in coordination with the Ministry of Foreign Affairs."

The NSC is headed by the National Security Adviser to the Prime Minister who is appointed by and answerable to the Prime Minister. It has five divisions (Security Policy, Foreign Policy, Company and Infrastructure, Terror

Combat, Organisation and Operation), each headed by a senior official. It also includes an economic adviser and a legal adviser. Normally the NSC has some officials on the senior positions with military background (retired or reservist) but there is no active duty top-level military officer on its staff. However, the Prime Minister has the power to make such appointments. It may also be mentioned that the cabinet has also got a Ministerial Committee on National Security.

Evolution of the Concept of National Security Council in Pakistan

General Zia-ul-Haq was Pakistan's first military ruler who proposed the setting up of the NSC to create constitutional arrangements for the top brass to share policy making with the civilian political leaders. This was an important stage in the military's rise to power which began in the early 1950s.

The Pakistan military inherited the British tradition of civilian primacy over the military and its aloofness from active politics. It maintained a professional and disciplined profile in the course of the political struggle for the establishment of Pakistan, although at the personal level the Muslim officers were generally sympathetic towards the Pakistan demand.

Pakistan began its independent existence under extremely difficult conditions. It faced serious domestic problems and external security pressures due to multifaceted problems with India in the early years of independence. As the state survival emerged as the highest concern of the policy makers, they viewed a powerful military as integral to the survival strategy. This helped the top brass of the military to gradually assume a direct role in policy making on security issues.

The Army chief joined hands with the President to dislodge the weak political leaders and assume power in October 1958. This was a turning point in the military's disposition towards active politics. The senior commanders attempted to tailor politics to their political preference derived from their military background and experience. Field Marshal Ayub Khan firmly situated the military in the political domain. His successor, General Yahya Khan, continued with the Ayub legacy of asserting the centrality of the military in governance and political management.

Bhutto's Civilian Rule and the Changes in the Military's Command Structure

However, Pakistan's military debacle in December 1971 in the war with India and the break-up of Pakistan temporarily stalled the military's ascendancy. Zulfikar Ali Bhutto, a civilian leader with popular base in the post-1971 Pakistan, assumed power on December 20, 1971 after General Yahya's military regime broke down in the wake of the military debacle. Bhutto asserted civilian primacy by introducing several changes in the military's command structure and policy making on security issues. The major changes included:

1. The designation of the three services chiefs was changed from the Commander-in-Chief (C-in-C) of each service to the Chief of Staff. They were put under the command of the Joint Chiefs of Staff Committee with the President as the Commander-in-Chief.
2. The tenure of the Chiefs of Staff was initially fixed at four years. In 1975, it was reduced to three years. The government also decided not to give extension to the services chiefs.
3. The post of Chairman of the Joint Chiefs of Staff Committee (JCSC) was created on a permanent basis. General Muhammad Shariff was appointed first Chairman on March 1, 1976.
4. The government of Pakistan issued a white paper on Higher Defence Organisation in May 1976, outlining the institutional arrangements for dealing with defence and security affairs. The ultimate responsibility of national defence rested with the Prime Minister who was assisted by the Defence Committee of the Cabinet (DCC). Other important organisations involved in the decision-making on security affairs included the Defence Council, the Ministry of Defence, Joint Chiefs of Staff Committee and its Chairman, the Chief of Staff and the Services Headquarters.

Martial Law of 1977 and First Formal Attempt to Form NSC

Some of these changes lost relevance after the Chief of Army Staff, General Zia-ul-Haq, overthrew the Bhutto

government on July 5, 1977 for the reasons beyond the scope of this paper. He suspended the 1973 Constitution and imposed martial law in the country. Under him, Pakistan experienced the longest spell of military rule (July 1977-December 1985).

General Zia-ul-Haq invoked Islam to expand the role of the top brass of the military in governance and political management. He maintained that the armed forces were responsible not only for "safeguarding the country's territorial integrity but also its ideological frontiers." He was convinced that the imperatives of preservation of Pakistan's ideology and its Islamic character demanded constitutional guarantees for enabling the military to share decision making with the political elite at the national level. He also talked of a constitutional provision allowing the military commanders to take over the reins of the government at the time of national emergency.

Some senior generals associated with the military regime endorsed General Zia's political views. The pro military regime political circles and the press supported these suggestions. However, the major political parties and independent political circles opposed the suggestions for constitutional cover to the expanded role of the military.

General Zia-ul-Haq was not deterred by the opposition to his political views. He added Article 152-A to the 1973 Constitution through the Revival of the Constitution Order (RCO), March 1985, to establish a National Security Council for accommodating the top brass of the military in policy making. The NSC was empowered to "make recommendations relating to the issue of a Proclamation of Emergency under Article 232, security of Pakistan and any other matter of national importance that may be referred to it by the President in consultation with the Prime Minister. The NSC consisted of 11 members who were: the President, the Prime Minister, Chairman of the Senate, Chairman, Joint Chiefs of Staff Committee, the Chiefs of Staff of the Army, the Navy and the Air Force, and the provincial Chief Ministers (four in number).

The NSC was opposed by most political circles and it had to be dropped as a part of the deal with the Parliament to get the parliamentary approval for the revised version of the RCO as 8th Constitutional Amendment in October 1985.

**NATIONAL SECURITY COUNCIL:
A Comparative Study of Pakistan
& Other Selected Countries**

Council for Defence and National Security (CDNS) - 1997

In the first week of January 1997, the interim government of President Farooq Leghari and Prime Minister Meraj Khalid established a 10 member Council for Defence and National Security (CDNS) that comprised the President, Prime Minister, Chairman, Joint Chiefs of Staff Committee, three Services Chiefs of the Army, the Navy and the Air Force, federal minister for Foreign Affairs, Defence, Interior and Finance. Its responsibilities included advice to the federal cabinet on formulation of defence policy, its coordination with external and domestic policies and other matters with implications for security and stability. Its first meeting held on January 8, 1997, discussed, among other things, accountability of the politicians and bureaucrats involved in corruption and endorsement of the decision to hold the national elections on February 3.

It seemed rather unusual that the interim government would set up such a council five to six weeks before the end of its assignment. Many critics argued that President Farooq Leghari established this to demonstrate the military's support to his political management during the interim period.

When Nawaz Sharif's second government was installed after the February general elections, he abolished the CDNS.

Chief of Army Staff Proposes NSC - 1998

The issue of establishment of the NSC cropped up again in the first week of October 1998. The Chief of Army Staff, General Jehangir Karamat, addressed the Navy War College, Lahore, on October 5. While responding to a question he underlined the need of creating an institutional arrangement at the highest level for devising effective policies for coping with the ongoing economic drift and political-management problems. He maintained that "a National Security Council or Committee at the apex would institutionalise decision making if it was backed by a team of credible advisors and a think tank of experts." Later he elaborated his comments, saying that the Defence Committee of the Cabinet could be enlarged to serve this purpose. He emphasised that Pakistan "needed neutral, competent and secure bureaucracy and administration at the federal and provincial levels." He warned that Pakistan "could not afford the destabilising effect of polarisation, vendettas and insecurity driven expedient policies."

This was a strong indictment of the civilian government led by Prime Minister Nawaz Sharif. But Jehangir Karamat was outlining the shared concern of the top brass of the Army about the deterioration of economic situation after the nuclear explosions, political confrontation between the government and opposition, growing civic violence including sectarian killings and complaints of corruption and mismanagement against the government. The senior commanders felt that these developments had negative implications for the military.

This was not Karamat's first public comments on the performance of the civilian government. On May 4, 1998 he said that "Pakistan was threatened more by economic instability than defence oriented dangers." He added that "Pakistan currently faces a threat from within and not from outside." He repeated the same warning later on. His comments caused speculations about the possible imposition of martial law by the military. He denied this report on September 28.

It was against this backdrop that Karamat made his comments at the Navy War College which perturbed Nawaz Sharif who had been employing the parliamentary majority to concentrate all powers in his hands since he assumed power in February 1997. When Nawaz Sharif expressed his displeasure on the statement, Jehangir Karamat offered to resign after having failed to convince him of the rationale of his statement. Nawaz Sharif accepted his offer. Jehangir Karamat submitted his resignation without discussing the matter with other generals.

General Pervez Musharraf who assumed power on October 12, 1999 after dislodging the Nawaz Sharif government toyed with the idea of creating some institutional arrangements for securing the expanded role of the military in policy making and governance.

General Pervez Musharraf Establishes the NSC

The Chief of the Army Staff, General Pervez Musharraf, assumed power on October 12, 1999. Five days later, in his address to the nation, he announced that a National Security Council headed by the Chief Executive would be set up. A think tank of experts would be formed as an adjunct to the NSC for providing institutionalised advice and input.

PILDAT
BACKGROUND PAPER

**NATIONAL SECURITY COUNCIL:
A Comparative Study of Pakistan
& Other Selected Countries**

The NSC was formally established on October 30 under an order of the Chief Executive. It comprised the Chief Executive (Chairman), Chief of Naval Staff, Chief of Air Staff and other members appointed by the Chief Executive. The members were to hold office during the pleasure of the Chief Executive. In August 2000, the Chief Executive reshuffled the NSC which had six members in addition to the Chief Executive-Army Chief. They were the Chiefs of the Naval and Air Staff, Ministers of Foreign Affairs, Interior, Finance and Commerce. The NSC could deliberate and tender nonbinding advice to the Chief Executive on national security, foreign affairs, law and order, corruption, accountability, recovery of bank loans and public debts from defaulters, finance, economic and social welfare, health, education, Islamic ideology, human rights, protection of minorities and women development. The National Reconstruction Bureau was established as a think tank. A couple of advisory committees were attached with some ministries like Foreign Affairs but these did not really take off.

Since this was the period of direct military rule, the NSC was overshadowed by the Chief Executive, the Corps Commanders' meeting and the Cabinet, and it could not shape up as an important institution for deliberation on national issues. A new expanded NSC was established in July 2001 under the Chief Executive's Order No. 5 which comprised the President (Chairman), the Chief Executive, Chairman, Joint Chiefs of Staff Committee, the Service Chiefs of the Army, the Navy and the Air Force, Provincial Governors, and "such other members" as may be appointed by the President in his discretion. The members held their office during the pleasure of the President. The functions of the NSC remained unchanged. The reconstituted NSC continued to remain on the sidelines and the powers were exercised by General Pervez Musharraf who combined four offices, i.e., Army Chief, President, Chief Executive, and Chairman, Joint Chiefs of Staff Committee (until October 7, 2001). He leaned on the Corps Commanders, the Principal Staff Officers and the Cabinet for advice.

On August 21, 2002, President General Pervez Musharraf promulgated the Legal Framework Order (LFO) which introduced far reaching changes in the 1973 Constitution. One of the changes was the insertion of Article 152-A which established a NSC as a consultative forum that provided a constitutional cover to the role of the top

commanders of the armed forces in policy making at the highest level.

With the exception of the pro-military Pakistan Muslim League-Quaid-i-Azam (PML-QA) and its allies, the political parties like the PPP, PML-N, MMA and several smaller political parties took a strong exception to the President's decision to unilaterally amend the constitution through the introduction of the LFO. They were especially critical of the setting up of the NSC which they maintained provided the senior commanders with a constitutional basis for continuation of their expanded role in the political domain.

In December 2003, the MMA and the government signed an agreement for resolving the differences on the LFO. One of the provisions of the agreement provided that the NSC would not be a part of the constitution but it would be set up through legislation by the Parliament. The major ARD parties, the PPP and the PML-N and smaller parties in the opposition, stayed away from the MMA-government agreement and the passing of the 17th constitutional amendment.

The National Security Council Bill - 2004

The government moved a bill in the National Assembly on April 2, 2004 for setting up the NSC. The bill was debated on April 2, 5, 6, and 7, amidst strong opposition protests and walkouts. Though the MMA had signed the agreement with the government on setting up the NSC through ordinary legislation, it changed its position and opposed the NSC bill. When the bill was referred to the National Assembly's standing committee on law and parliamentary affairs, it unanimously approved the bill in 35 minutes; there was hardly any discussion on the bill. The ruling party availed of the opposition's absence from the house due to a walk out to pass the bill.

The Senate took up the NSC bill on April 9 and discussed it on April 12, 13 and 14. The debate was virtually one sided because the opposition opposed the bill and staged walkouts. The President signed the bill on April 19, which established the NSC for the first time through an act of the Parliament. Prime Minister Mir Zafarullah Khan Jamali declared that the NSC would be a check on the presidential powers to dissolve the National Assembly and thus it would serve as "a safety valve to save the democratic system in the country." This perspective was rejected by the opposition parties inside and outside the Parliament.

**NATIONAL SECURITY COUNCIL:
A Comparative Study of Pakistan
& Other Selected Countries**

National Security Council in Pakistan

The NSC, as established by the Act of the Parliament, comprises 13 members:

- i. The President (Chairman)
- ii. The Prime Minister
- iii. Chairman of the Senate
- iv. Speaker of the National Assembly
- v. Chairman, Joint Chiefs of Staff Committee
- vi. Services Chiefs of the Army, the Navy and the Air Force
- vii. Leader of the opposition in the National Assembly
- viii. Four Provincial Chief Ministers

The NSC secretariat, headed by a Secretary to be appointed by the President, is under the control of the President. The federal cabinet members, senior officials and others can attend the meeting by invitation.

The functions of the NSC are:

- a) The Council shall serve as a forum for consultation to the President and the government on matters of national security, including the sovereignty, integrity, defence, security of the state and crisis management.
- b) The Council shall formulate and make recommendation to the President and the government in accordance with the consultations on (a)

Originally the NSC bill proposed that the NSC would also deal with the "matters relating to democracy, governance, and inter-provincial harmony." This sentence was later replaced with "crisis management" without explaining its operational implications.

The first meeting of the NSC was held on June 24, 2004. It was boycotted by Maulana Fazlur Rahman (Leader of Opposition in the National Assembly) and Muhammad Akram Khan Durani (Chief Minister of NWFP). Both belonged to the MMA. President General Pervez Musharraf publicly expressed his displeasure on their decision to stay away from the NSC meeting. The Chairman Senate was

also absent because he was on an official visit abroad. Federal ministers for Foreign Affairs, Interior, Governor NWFP and Vice Chief of Army Staff attended the meeting on special invitation.

The NSC discussed internal security affairs and expressed a strong determination to root out terrorism, extremism and sectarianism. It underlined the need of greater coordination among various federal and provincial authorities for dealing with the problems of internal security.

Prime Minister Zaffarullah Khan Jamali attended the first meeting of the NSC but the President did not give any hint that Jamali's replacement was on the cards. Two days later, Jamali resigned after meeting with the President. This incident appears to contradict the President's assertion that the NSC was a check on the powers of the President.

By the end of July 2005, the NSC held four meetings which were boycotted by the leader of the opposition in the National Assembly and the Chief Minister, NWFP. The NSC meetings were held on June 24, 2004, November 25, 2004, February 28, 2005 and June 8, 2005. The review of the deliberations of these meetings shows that the NSC deals with wide ranging subjects covering foreign policy, external and internal security, internal political and economic issues and terrorism.

Review and Concluding Observations

The role of the NSC or a similar apex bodies can be reviewed in the context of the political system. Even if their role is consultative and advisory, their actual contribution depends on the political heritage and the nature and dynamics of the political system. In established democracies, the NSC-like body plays a limited and advisory role; the top brass of the military play a secondary role. In the political system with a long tradition of the military's direct and indirect involvement in governance and political management, the NSC-like body provides the military top brass with a constitutional or legal umbrella to stay engaged in policy making and monitoring of the civilian or semi-civilian government in a discreet manner. This is an additional leverage to them and the NSC tends to become a policy setting and supervisory body.

**NATIONAL SECURITY COUNCIL:
A Comparative Study of Pakistan
& Other Selected Countries**

In the United States, the NSC advises the President who actually runs the government under the Presidential system as set out in the Constitution and Law. The Chairman, Joint Chiefs of Staff is the only uniformed officer who participates in the proceedings of the NSC as an advisor on military affairs. This body limits the role and input of the military top brass and asserts the primacy of the civil. Over the years, the President's National Security Adviser, who is a civilian, has acquired much salience. Occasionally, retired senior military officers have also served on this position.

In the case of India, the military has no direct representation in the apex body of the NSC which comprises the senior most members of the government under the chairmanship of the Prime Minister. The Services Chiefs sit in the second tier committee (Strategic Planning Group) whose most members are the secretaries of the union (federal) ministries. This committee is chaired by the Cabinet Secretary. These arrangements show the primacy of the civil and political institutions and leaders over the military. It is inconceivable in a military dominated political system that the Services Chiefs would be relegated to a junior committee and placed at par with senior civil servants.

The Supreme Council for National Security in Iran manifests the over all features of the political system dominated by the clergy led by the Supreme Leader. Out of 14 members of the SCNS, two belong to the regular military and one is from the Islamic Revolutionary Guards. Its decisions cannot be implemented without the confirmation of the Supreme Leader, who along with the President (a civilian, clergy as well as non-clergy) plays a commanding role. The back up is provided by the Parliament. There is no evidence available to suggest that the senior commanders of the military and the Islamic Revolutionary Guards have nibbled the power and role of the Supreme Leader, the President, the Parliament and other constitutional institutions. This also applies to the period of Iran's war with Iraq (1980-88).

In the case of the state of Israel, security issues have traditionally been assigned the highest priority and many retired generals entered politics and held key political positions. Their political ascendancy was through the constitutional and electoral processes. The NSC, a civilian institution, is the creation of the government and functions

as a unit in the Prime Minister's Secretariat within the limits determined by the Prime Minister. The Prime Minister also consults the cabinet, the cabinet committee on national security and, of course, the military top brass. However, the Prime Minister commands the political system.

Turkey is good illustration of a political system with a long tradition of military's role in governance and political management. It is therefore not surprising that the NSC has traditionally served as an important forum for the top brass of the military to mediate its influence in policy making and execution. The military top brass have traditionally used the NSC and informal methods to influence governance and politics. The role of the NSC and the armed forces is also strengthened by the National Security Law, 1983, and the Turkish Armed Forces Internal Service Law, 1961.

The tradition of the Turkish military's political role could be traced back to the Young Turks (1908), and the military's significant contribution to the establishment of modern Turkish State under the leadership of Mustafa Kamal Ataturk (April 1920). The military remained on the sidelines until May 1960 when it assumed power under General Cemal Gursel. In July 1961 the country was returned to civilian rule under a new constitution. The military staged another coup in September 1980 under General Kenan Evren who introduced a new constitution in November 1982 and returned to civilian and constitutional rule.

Since 1960, the military has played an active role in the political domain, at time dominating decision making and causing political changes. It established the NSC in 1961 which was carried over to the 1982 Constitution. It offers a constitutional framework to the senior commanders to influence policy making and execution as well as monitor the performance of the government.

All Turkish President during 1960-1989 had military background (Cemal Gursel: 1960-1966, Cevdet Sunay: 1966-1973, Fahri Koruturk: 1973-1980, Kenan Evren: 1980-1989). In November 1989, Turgut Ozal, a civilian political leader, assumed the Presidency but he enjoyed the blessings of the military; he was close to the military regime of Kenan Evren and served as Prime Minister in the first civilian government after the end of military rule in 1983. Ozal's successors (Suleyman Demirel: 1993-2000 and Ahmet Necdet Sezer: 2000 to the present) were also civilians who were acceptable to the military. The top

**NATIONAL SECURITY COUNCIL:
A Comparative Study of Pakistan
& Other Selected Countries**

commanders communicated their preferences to the political leaders, especially the Prime Minister, on the selection of the President in 1993 and 2000.

The Turkish experience suggests that the establishment of the NSC does not exclude the chances of the military's direct assumption of power. The top brass of the military are contented with their role through the NSC as long as they get the things done their way. In case they come to the conclusion that the NSC does not serve their agenda or they are no longer in a position to effect changes in the political process, they can pursue other options to influence governance and political management. These options include direct pressure on the government by distancing themselves from the government policies, making their views on political developments known to the government through formal communication or through informal channels, public statements and comments on political and economic affairs, partial or complete change of the government, and direct assumption of power.

The NSC has been functioning in one way or another in Turkey since 1961. However, the Turkish Military has used other means to influence the political domain from time to time.

- 1971: The military top brass applied pressure on the government to control the right- and left wing violence and political assassination in parts of Turkey. Later the Prime Minister was forced out of office and a new Prime Minister acceptable to the military was appointed. Martial law was declared in the troubled regions.
- 1979: In view of the political and economic crisis, the military commanders asked the political government through the President in September to control the situation. In January 1980, the letter of the Army Chief was handed over to the Prime Minister on the troubled internal situation. There was a stalemate like situation on the selection of President Koruturk's successor in 1980.
- 1980: General Kenan Evren assumed power in September by displacing the civilian government and the 1961 Constitution.
- 1997: In February, the top commanders asked the

Rafah Party's Islamist Prime Minister Necmettin Erbakan through the NSC to restrain his government from encouraging religious tendencies and advised him to protect the secular nature of the state. This caused a stand off between the military and Erbakan, who resigned in June.

Though the Turkish military views itself as the guardian of the republican and secular nature of the Turkish State, its role beyond the NSC appears to be on the decline by the end of the 1990s. The top commanders are now backing-off slowly in view of their shared effort with the civilian leaders to join the European Union (EU). Two of the major conditions for Turkey's admission to the EU emphasise the improvement of human rights situation and enhancement of the quality of democracy.

In an effort to improve Turkey's democratic credentials, the government decided in August 2003 to introduce some changes in the organisation and role of the NSC. These changes include: (1) The President would appoint Secretary General of the NSC who could be a civilian. In the past, only a four star general could hold this position. (ii) The NSC would meet once every two months rather than once a month. (iii) Its recommendations will be considered by the cabinet in routine rather than on a priority basis, as was the case in the past. One year later, in August 2004, a diplomat was appointed the first civilian Secretary General of the NSC. There are suggestions in the political circles to reduce the military's representation on the NSC and increase the parliamentary supervision of defence expenditure.

In an effort to reduce the role of the NSC, Prime Minister Recep Tayip Erdogan suggested in January 2005 that the NSC should revise the National Security Policy Document in a manner that it was "short and to the point." He maintained that it should offer general strategic analysis rather than the plan of action because the formulation of the detailed security policy and the plan of action are the responsibilities of the cabinet.

The generals appear to have accepted, albeit reluctantly, a gradual erosion of their role. However, they could re-assert their primacy if Turkey's admission to the EU was delayed for an indefinite period or they came to the conclusion that the EU was creating unjustified barriers for Turkey. Nor would they accept their total exclusion from policy making

**NATIONAL SECURITY COUNCIL:
A Comparative Study of Pakistan
& Other Selected Countries**

and governance.

Pakistan's NSC has some resemblance with the Turkish NSC but the former has to be viewed in the context of Pakistan's legacy of the military's expanded role in the non-professional fields. From the days of General Zia-ul-Haq's military rule, the top commanders have sought some constitutional and legal framework for legitimising their role in governance and political management. General Pervez Musharraf succeeded in April 2004 to turn the NSC concept into a reality.

The NSC is part of the military commanders' efforts to legitimise their role not only in Pakistan's security and defence affairs but also in the major sectors of governance, the economy and the society. Zia-ul-Haq invoked the notion of the defence of ideological frontiers in order to rationalise the expanded role of the military in the domestic context. Pervez Musharraf does not talk of the ideological frontiers of Pakistan but he projects the military as the guardian of external security and internal stability, economic development and political continuity.

The military cannot effectively perform the guardianship role without a legal and constitutional basis. The NSC serves that purpose. Given the NSC objectives outlined in the law and the deliberations of the first four meetings, the NSC's operational scope appears to be all-encompassing. As the President is concurrently holding the office of the Chief of Army Staff, the NSC is a policy setting institution rather than making policy recommendation to the federal cabinet.

The setting up of the NSC is in consonance with the military's expanded role in different sectors of the state, the economy and the civil society in the form of business, commercial, and industrial activities undertaken by the military's charitable trusts, some special organisations or directly by the military. This is coupled with the induction of retired and serving military personnel to civilian jobs in the government, semi-government and the private sectors.

The establishment of the NSC in Pakistan is understandable against the backdrop of the gradual expansion of the role of the military in the non-professional fields, its expanding professional and corporate interests and the top commanders' perception of their critical role to political stability, economic development and external and

internal stability. However, this does not necessarily mean that the military will limit itself to the NSC to pursue its guardian role and expanded interests.

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NATIONAL SECURITY COUNCIL:
A Comparative Study of Pakistan
& Other Selected Countries

APPENDIX



Appendix A

Text of
The National Security Council Act, 2004¹
Act No. I of 2004
April 20, 2004

An Act to provide for the establishment of National Security Council

WHEREAS it is expedient to establish a National Security Council to serve as a forum for consultation on matters of national security including the sovereignty, integrity, defence, security of the State and crisis management;

It is hereby enacted as follows :--

1. Short title, extent and commencement.-(1) This Act may be called the National Security Council Act, 2004.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.-In this Act, unless there is anything repugnant in the subject or context,-

(a) "Chairman" means the Chairman of the Council;

(b) "Council" means the National Security Council established under section 3;

(c) "Government" means the Federal Government or a Provincial Government, as the case may be;

(d) "President" means the President of the Islamic Republic of Pakistan; and

(e) "Rules" means the rules made under this Act.

3. Establishment of National Security Council.-There shall be established a National Security Council to serve as a forum for consultation on matters of national security including the sovereignty, integrity, defence, security of the State and crisis management.

4. Composition.-The President shall be the Chairman of the Council and its other members shall be the Prime Minister, the Chairman of the Senate, the Speaker of the National Assembly, the Leader of the Opposition in the National Assembly, the Chief Ministers of the Provinces, the Chairman Joint Chiefs of Staff Committee and the Chiefs of Staff of the Pakistan Army, Pakistan Navy and Pakistan Air Force.

5. Functions of the Council.-(1) The Council shall serve as a forum for consultation to the President and the Government on matters of national security including the sovereignty, integrity, defence, security of the State and crisis management.

(2) The Council shall formulate and make recommendations to the President and the Government in accordance with the consultations in terms of sub-section (1).

1. <http://www.pakistanconstitution-law.com/appendix21.asp>

**NATIONAL SECURITY COUNCIL:
A Comparative Study of Pakistan
& Other Selected Countries**

(3) Any proposal on an issue deemed to be of national importance which requires implementation, shall be referred by the Council to the National Assembly or the Senate for appropriate action.

6. Meetings.-(1) The meetings of the Council may be convened by the President either in his discretion or on the advice of the Prime Minister.

(2) A meeting of the Council may be called notwithstanding a vacancy in the office of one or more members of the Council.

(3) A meeting of the Council, once called, may not be postponed due to the absence of any one or more of its members.

(4) The Council may invite any person to attend any of its meetings, by special invitation.

7. National Security Council Secretariat.-(1) There shall be a Secretary of the Council who shall be appointed by the Chairman on such terms and conditions as may be determined by the Chairman.

(2) The Secretary shall be the head of the Secretariat and shall have such other powers and functions as may be conferred on him by the Rules :

Provided that till such time that the rules are made the Secretary may, with the approval of the Chairman,-

(a) exercise such powers and perform such functions as may be necessary for carrying out the purposes of this Act and the functioning of the Council; and

(b) appoint officers and staff to be employed in connection with the functions of the Council and determine their terms and conditions of employment.

8. Power to make rules.-The Council may, by notification in the official Gazette, make rules for carrying out the purposes of this Act :

Provided that till such time that the rules are made the Council may, with the approval of the Chairman, follow such procedure as it may deem fit.

9. Repeal.-The National Security Council Order, 2001 (Chief Executive's Order No. 5 of 2001) is hereby repealed.



House No. 7, 9th Avenue, F-8/1, Islamabad, Pakistan
Tel: (+92-51) 111-123-345; Fax: (+92-51) 226-3078
E-mail: info@pildat.org URL: www.pildat.org