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PRESENTATION ON

**“THE ROLE AND WORKINGS OF PARLIAMENT IN
CRISIS SITUATIONS”**

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CRISIS MANAGEMENT, WHOSE DOMAIN: EXECUTIVE OR PARLIAMENT

- Of late remained an unquestioned domain of the Executive. Parliaments often relegated to playing secondary and latent role.
- Premised on the literal and limited definition of crisis. Usually, crisis is dubbed an immediate emergency requiring urgent, concrete or physical action. This puts Executive on the front and parliament on the back burner.

Broader scope and canvass.

- A crisis may be “a time of intense difficulty or danger”, but it can also be “a time when a difficult or important decision must be made”, or a turning point when an important change takes place. Merriam Webster defines crisis as “the decisive moment”, an unstable or crucial time or state of affairs in which a decisive change is impending.

FORMS OF CRISIS

- Differentiated along four core fronts;
 - (i) the inter-state;
 - (ii) intra-state;
 - (iii) trans-state; and
 - (iv) Natural crises.
- The diversity and interconnectivity of wars and conflicts ranging from traditional and non-traditional to asymmetric and hybrid often blurs the fine line differentiating crises as inter-state, intra-state or trans-state.

ENHANCED ROLE OF PARLIAMENTS

- The frequency and complexity of traditional and new forms of crisis has necessitated multi-stratum responses at the state and international levels, pushing the **national parliaments** right at the centre of crisis management and prevention matrices.
- However, overlooking **parliament's representational legitimacy** to engage in crisis situations as representative institution, the Executive branch, parties to conflict and even international peace-brokers tend to exclude legislatures from negotiations and accords.
- This results in transient solutions and brittle bubbles of cosmetic stability since arrangements agreed upon by various actors and stake-holders fail to incorporate public sentiments and aspirations, or the collective wisdom of their elected representatives. Without the involvement of parliament, all peace-building or crisis resolution efforts risk being skewed off-target or being counter-productive

CRISIS MANAGEMENT IN PAKISTAN: WITH AND WITHOUT PARLIAMENT

The comparison mainly focuses on Pakistan's crisis handling, especially in terms of addressing the issues of terrorism, extremism and regional conflicts, from two different perspectives: In the absence, or without the involvement of Parliament; and in the presence of and with the active engagement of Parliament.

| Crisis handling in the absence of Parliament | Crisis handling in the presence of Parliament |
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| <ul style="list-style-type: none">• Jumping in Afghan War 1979-80s• “U” Turn Global war on terrorism 2001 (with or against USA) | <ul style="list-style-type: none">• Successive anti-terror operations in extremists concentrated areas.• NATO-ISAF attack on Salala Checkpost.• Peshawar School children Massacre: National Action Plan (NAP).• Yemen Crisis.• Recent pressures and US President Trump's new policy. |

MAIN LESSONS

- Democratically elected parliament, through collective political wisdom and institutional consensus, efficiently and amicably handled the crisis situations with positive results. It may have taken more time in policy formulation and taking most / all representatives of people on board but the policy and efforts had broader ownership.
- Individual dictator or solely Executive-led handling of crisis minus Parliament may bring about administratively quick response or temporary solutions but lacking broader vision and deep wisdom that only parliament can guarantee. The institution of Parliament, no matter how weak, can help bring about peaceful and mutually acceptable solutions to the crisis situations.

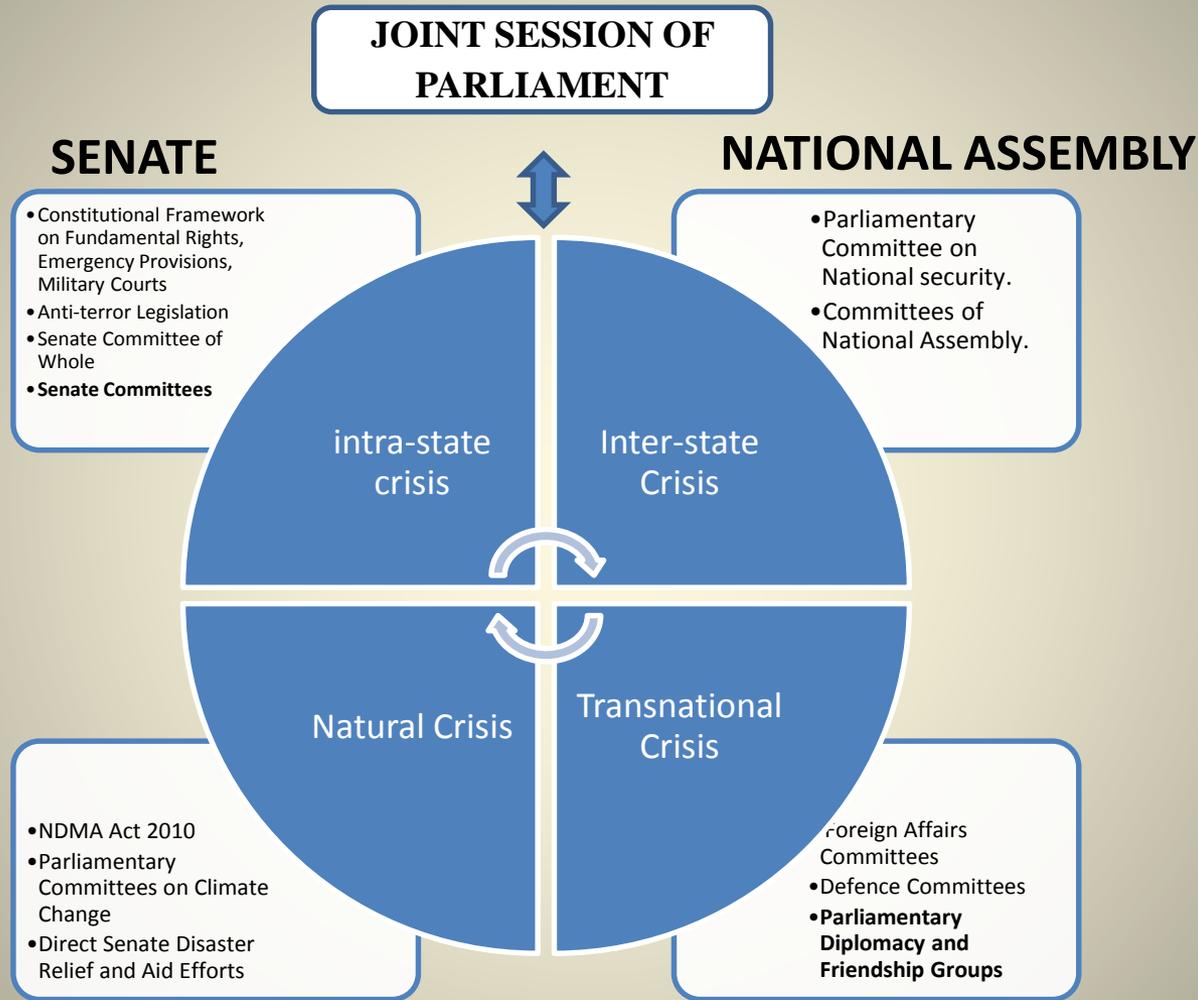
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- Even where Parliament is working under Dictators after revival it has played different and defining role which has proved of great value and wisdom later. A case in point is that former Prime Minister of Pakistan Mohammad Khan Junejo, despite strong resistance and fierce opposition from military dictator and the then President Gen Zia-ul-Haq, authorized his Foreign Minister to sign and ratify the Geneva Accord in 1988. The crisis that the region is facing now and in fact many of the tragic incidents around the globe could have been averted if the freedom fighters of the Afghan Jihad in 1980s had been properly handled and channelized through in the spirit of Geneva accord instead of abandoning them or allowing them to continue fighting and later their rebranding as terrorists.

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- Proactive role of the Parliament in crisis handling has two dimensional advantages. Firstly it helps executive of the country in sustaining undue pressure and not change policies on one telephonic call without taking the nation on board. On the other hand, the properly debated, deliberated and planned change of course by a nation is only possible through continuous Parliamentary involvement and leading role. Otherwise, the fight against terrorism or any societal menace remains cosmetic and temporary leading to contradictory scene and situation.

PAKISTAN PARLIAMENT CRISIS RESPONSE AND MANAGEMENT MATRIX



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Procedures

In Plenary:

- Debate and discussion (on agenda or Adjournment Motions).
 - Statement / response of government by Minister.
 - In camera Question Answer session with civil and military intelligence and law enforcing agencies.
- Output: Resolutions (by individual House or Parliament).

In Parliamentary Committees:

- Interactive session, hearings, documents, briefings, inviting government agencies and experts.
- Output: Report of the Committee to be adopted by the House.

In Committee of the Whole:

- Senate Committee of the Whole on “Emerging Regional Situation and Role of USA”
- Output: Report of the Committee containing policy guidelines – adopted by the House implementation to be reported back.

PARLIAMENTARY TOOLS AT THE DISPOSAL OF INDIVIDUAL MEMBER PARLIAMENT:

- Parliamentary tools like Resolutions, Motion under Rule 218, Adjournment Motions, Calling attention notices, Questions, Raising of points of public importance during Prime Minister's Zero Hour are utilised by members to initiate discussion in the House on existing or emerging crisis.
- **Output:** The attention of the Executive is drawn not only toward the situation at hand, but also the member Parliament also make suggestions to the Executive and hold the Executive accountable. The verbatim of the discussion is shared with the Ministry concerned, which reports back on the action taken within a stipulated time in case of a Resolution.
- The debate in case of other tools like the Motion under Rule 218, Adjournment Motion and the Calling Attention Notice is usually concluded by the Minister concerned, who not only states the stance of the Government, but also reflects on the suggestions made by the Members.
- Sometimes the matters are referred to the concerned Committee by the House, which looks into the matter at hand in detail and reports back to the House.

PAKISTAN PARLIAMENT'S CRISES RESPONSE

MECHANISM: TERRORISM AS A CASE STUDY

- **Legislation:** In the last few years Pakistan has passed a number of antiterrorism laws, including the National Counterterrorism Authority Act, 2013, the Investigation for Fair Trial Act, 2013, the Protection of Pakistan Act of 2014, and several amendments to the Anti-Terrorism Act of 1997. These laws also lay down the details of punishments for acts of terrorism, which include a death penalty for any act of terror that causes the death of another person.
The Pakistan Penal Code: Sections 121, 122, 124, 124-A, 131, 402-B and C, and 436, all deal with terrorism related crimes, and lay down strict punishments.
Resolutions: Numerous Resolutions have also been adopted by the Senate from time to time against acts of terrorism, denouncing such actions as unacceptable. In fact, almost every act of terrorism is condemned in the Senate by adopting a resolution. On a regional and international level, the Senate of Pakistan, through its involvement in the APA and IPU has been party to several resolutions on terrorism, and its geo-political effects regionally. These include, the APA/Res/2014/03- Denunciation of Terrorism and Violent Extremism, APA/Res/2015/03- Deploring Acts of Terrorism and Violent Extremism, APA/Res/2013/04 -Asian Parliaments against Terrorism and Foreign Occupation.

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Use of Traditional Parliamentary tools: In addition to parliamentary committees, traditional Parliamentary tools, such as special debates under Motion 218, Resolutions, Questions etc. have proven to be extremely effective in ensuring comprehensive oversight of the executive branch, especially in light of the ongoing war against terrorism in Pakistan.

These tools have not only allowed Parliament to remain informed of all progress, but have also allowed Parliamentarians to contribute and direct the course of anti-terrorism efforts. These have also been instrumental in curbing the activities and funding of proscribed organizations in Pakistan, and in keeping their activities in check.

Consensus Building by Parliament: Pakistan Parliament has specifically focused on fighting and eliminating terrorist elements by initiating and continuing national policy dialogue and consensus building. The National Action Plan, the 21st Constitutional Amendment, and Initial Response to the US President's Trump's Afghan-South Asia Policy Statement are milestones in Pakistan Parliament's anti-terror strategy, which became possible only as a result of hectic political consensus building on the floor of the parliament.

In this regard, special House debates, committee meetings and coordination between and within the two Houses, as well as between treasury and opposition benches played a major role in creating a national policy response to the crisis through a harmonious and joint effort.

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Pakistan Parliament- A Centre-Stage for Building Counter-Extremist Narrative:

Pakistan Parliament has also taken initiative to guide and take lead in building counter-extremist narrative. On 18th September, 2017, the Senate under a motion commenced discussion regarding the alternate narrative to curb militancy as envisioned in the National Action Plan.

Members from both Treasury and Opposition benches agreed on the need for developing an alternate narrative. They identified that this is a battle of ideas and the state and society should understand the factors which promote militant mind set. The members suggested on the need for reforms in the curriculum, effective utilization of media (TV channels), collaboration among various segments of society and better implementation of laws regarding banned outfits. It was also suggested that an alternative narrative be developed after consultation with all parliamentary parties drawing inspiration from the speeches of the founding father Quaid-e-Azam Muhammad Ali Jinnah on tolerance and the Constitution of Pakistan.

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ROLE OF COMMITTEES

The scourge of terrorism has long been a frequent subject of discussion in various Committees. Apart from the Parliamentary Committee on the National Security, crisis resulting due to act of terrorism from within or sponsored from abroad have been addressed by the Committees concerned. The Senate Functional Committee on Human Rights and the Senate Standing Committee on Interior have in particular continued to reach out to the victims of the terrorism and other crisis. The Committees also follow up on the progress made by the executive with respect to the investigation regarding the incident, compensation being paid to the martyred and the injured, and the quality of healthcare and other facilities being extended to the injured. Moreover, in order to ensure that such incidents are not repeated, the Committees also follow up on the precautionary measures that need to be put in place so that such incidents are not repeated in future.

RECOMMENDATIONS

FOR EFFECTIVE PARLIAMENTARY ROLE

- The UN, multilateral organisations, and Think Tanks and Media must accord more recognition and space to the role of Parliaments in addressing crisis situations.
- IPU must strive for developing institutional mechanisms at the UN to facilitate enhanced Parliamentary representation, and engagement in UN Debates and proceedings relating to crisis resolution.
- In addition to constitutional and legislative Interventions, Parliaments must strive to conceive and bring into use specialised procedural devices and tools such as Special Committees and Forums for crisis resolution.

PARLIAMENT TO PARLIAMENT (PEOPLE TO PEOPLE)

- While one can recommend many other ways and tools for effective Role of individual country's Parliament in crisis management, the most **effective** one and so far **untested** may be better inter-state and intra-state crisis handling by way of direct and more frequent interaction among the Parliaments of parties to a conflict or crisis.
- The other Parliaments who may not be a party can play a role in this age of global village and social media. Many crisis could have been avoided or averted if Parliament to Parliament or people to people contact were made to better understand the actual situation instead of developing (mis)perceptions, apprehensions and threats totally or mainly unfounded.
- The powerful Executives, Agencies, Think Tanks, Lobbyist and Mass Media may never allow this ideal to be achieved, but as functionaries of Parliaments we should play our role.

THANK YOU