

**REPORT OF THE PARLIAMENTARY COMMITTEE ON NATIONAL
SECURITY ON GUIDELINES FOR REVISED TERMS OF
ENGAGEMENT WITH USA/NATO/ISAF**

It may be recalled that NATO/ISAF forces attacked Salala Check post in Mohmand Agency on 25-26 November, 2011. The Prime Minister of Pakistan taking serious note of the incident called a meeting of the Defence Committee of the Cabinet (DCC) on 26th November, 2011 wherein the issue was discussed at length and it was, inter-alia, decided that the matter be sent to the Parliamentary Committee on National Security (PCNS) to debate and advise on the future course of action and that the recommendations of the PCNS be placed before the Joint Sitting of Parliament. The matter was also raised by the Prime Minister before the Cabinet in its meeting of 29th November, 2011 at Lahore. The Cabinet concurred with the decisions of DCC. Accordingly on 30th November, 2011, the matter was referred by the Prime Minister Secretariat to Secretary Senate and Secretary National Assembly for placing the said matter before the PCNS so as to deliberate the issue and make recommendations to Parliament on further course of action in terms of sub rule (2) of rule 12 of the Rules of Procedure of the said Committee.

2 The Prime Minister of Pakistan along with the relevant Cabinet members and concerned officers of the Armed Forces appeared before the Parliamentary Committee on 2nd December, 2011 and gave a comprehensive briefing on the recent operation, present situation, coordination structure mechanism with US/NATO/ISAF and mutually agreed SOPs for operation.

3 On 15th December, 2011 the Foreign Minister briefed the Committee on the foreign Office point of view and placed the recommendations of the Pakistani Envoys Conference held in Islamabad on 12th December, 2011 before the Committee. The Committee asked Secretary Defence to seek the institutional response of all the stakeholders connected with Ministry of Defence on the

recommendations of the Envoys Conference and also on the issue at hand. On 24th December, 2011 Secretary Defence on behalf of Defence stakeholders concurred with the findings of the Envoys Conference and additionally put across the Defence Ministry's point of view. He also placed before the Committee various Agreements signed between Pakistan and the United States, NATO and ISAF.

4. After formulating the draft recommendations the Committee on 5th January, 2012 circulated the same to the Ministries of Defence and Foreign Affairs for their institutional response. Thereafter, on 10th January, 2012, the Foreign Minister and the Defence Secretary appeared before the Committee and apprised it of their institutional point of view. The Committee considered the proposed amendments of the said two Ministries on the draft recommendations and adopted some of them.

5. The views of the Finance Ministry were sought through the Finance Minister on the economic impact of the present situation and its consequences. Finance Ministry's views were also solicited on the Committee's draft recommendations particularly the ones relating to economic and fiscal proposals.

6. The Committee held 10 meetings on the subject and finalized its report on 11th January, 2012. The final document consists of 16 main and 24 sub-recommendations making a total of 40 recommendations. The Committee informed the Speaker National Assembly and the Prime Minister in writing on 12th January, 2012, about the finalization of its recommendations.

7. The Chairman places on record the individual contribution of each member of the Parliamentary Committee in framing recommendations. All members rose above their party affiliation and worked in a bipartisan manner, in national interest, to reach a consensus on each and every recommendation. However, after signing the final recommendations of the Committee, Senator Prof. Khurshid Ahmed through letter dated 24th January, 2012, resigned from

the Committee and requested that his earlier signatures on the final recommendations of the Committee may be considered withdrawn. Without their farsightedness, political maturity and sagacity these recommendations could not have seen the light of day. The recommendations of the Parliamentary Committee are annexed to this report.

8. The following amongst others appeared before the Committee on different dates:-

- i) Syed Yousuf Raza Gilani, Prime Minister of Pakistan
- ii) Ms. Hina Rabbani Khar, Minister for Foreign Affairs
- iii) Ch. Ahmad Mukhtar, Minister for Defence
- iv) Dr. Abdul Hafeez Shaikh, Minister for Finance
- v) Dr. Waqar Masood, Secretary Finance
- vi) Mr. Salman Bashir, Foreign Secretary
- vii) Lt. Gen (R) Naeem Khalid Lodhi, Secretary Defence
- viii) Mr. Alamgir Babar Additional Foreign Secretary
- ix) Maj. Gen. Ishfaq Nadeem Ahmad, D.G. Military Operation.

9. The Committee comprised of the following members:-

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| 1. | Senator Mian Raza Rabbani, | Chairman |
| 2. | Senator Dr. Zabeer-ud-Din Babar Awan | Member |
| 3. | Mr. Nadeem Afzal Gondal, MNA | Member |
| 4. | Senator Mohammad Ishaq Dar | Member |
| 5. | Sardar Mehtab Ahmad Khan, MNA | Member |
| 6. | Senator Wasim Sajjad | Member |
| 7. | Syed Haider Abbas Rizvi, MNA | Member |
| 8. | Mr. Asfandyar Wali Khan, MNA | Member |
| 9. | Moulana Fazal-ur-Rehman, MNA | Member |
| 10. | Mr. Munir Khan Orakzai, MNA | Member |
| 11. | Senator Prof. Khurshid Ahmed | Member |
| 12. | Mr. Aftab Ahmad Khan Sherpao, MNA | Member |
| 13. | Senator Abdur Rahim Khan Mandokhel | Member |
| 14. | Senator Israrullah Zehri, | Member |
| 15. | Senator Shahid Hassan Bugti | Member |
| 16. | Senator Afrasiyab Khattak | Member |

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(IFTIKHAR ULLAH BABAR)
SECRETARY SENATE

-Sd-

(MIAN RAZA RABBANI)
CHAIRMAN

**GUIDELINES FOR REVISED TERMS OF
ENGAGEMENT WITH USA/NATO/ISAF
AND GENERAL FOREIGN POLICY**

1. Pakistan's sovereignty shall not be compromised. The gap between assertion and facts on the ground needs to be qualitatively bridged through effective steps. The relationship with USA should be based on mutual respect for the sovereignty, independence and territorial integrity of each other.
2. The Government needs to ensure that the principles of an independent foreign policy must be grounded in strict adherence to the Principles of Policy as stated in Article 40 of the Constitution of Pakistan, the UN Charter and observance of international law. The US must review its footprints in Pakistan. This means (i) the cessation of drone attacks inside the territorial borders of Pakistan, (ii) No hot pursuit or boots on Pakistani territory and (iii) the activity of foreign private security contractors must be transparent and subject to Pakistani law. It needs to be realized that drone attacks are counter productive, cause loss of valuable lives and property, radicalize the local population, create support for terrorists and fuel anti American sentiments.
3. Pakistan's nuclear program and assets including its safety and security cannot be compromised. The US-Indo civil nuclear agreement has significantly altered the strategic balance in the region therefore Pakistan should seek from the US and others a similar treatment/facility. The strategic position of Pakistan vis-à-vis India on the subject of FMCT must not be compromised and this principle be kept in view in negotiations on this matter.
4. Pakistan reaffirms its commitment to the elimination of terrorism and combating extremism in pursuance of its national interest.
5. The condemnable and unprovoked NATO/ISAF attack resulting in the martyrdom (*shahadat*) of 24 Pakistani soldiers, represents a breach of international law and constitutes a blatant violation of Pakistan's sovereignty and territorial integrity. The Government of Pakistan should seek an unconditional apology from the US for the unprovoked incident dated 25th-26th November, 2011, in Mohmand Agency in addition the following measures be taken;

- i) Those held responsible for the Mohmand Agency attack should be brought to justice.
 - ii) Pakistan should be given assurances that such attacks or any other acts impinging on Pakistan's sovereignty, will not recur and that NATO/ISAF/US will take effective measures to avoid any such violations.
 - iii) Any use of Pakistani bases or airspace by foreign forces would require Parliamentary approval.
 - iv) Ministry of Defence/PAF and ISAF/US/NATO should draft new flying rules for areas contiguous to the border.
6. Any consideration regarding the reopening of NATO/ISAF/US supply routes must be contingent upon a thorough revision of the terms and conditions of the arrangement, including regulation and control of movement of goods and personnel which shall be subject to strict monitoring within Pakistan, on entry, transit and exit points.
- (a) No verbal Agreement regarding national security shall be entered into by the Government, its Ministries, Divisions, Departments, attached Departments, Autonomous Bodies or other Organizations with any foreign Government or Authority. If any such Agreement exists it should be reduced to writing immediately, failing which it shall cease to have effect within three months of the approval of these recommendations.
 - (b) Pakistan's territory has been used by US/NATO/ISAF for logistic purposes. In this context, the following recommendations are made;
 - i) The Government of Pakistan should revisit the MOU, dated 19th June, 2002 between the Ministry of Defence of Pakistan, and the Ministry of Defence, of the United Kingdom and Northern Ireland acting as Lead Nation for the International Security Assistance Force (ISAF).
 - ii) Acquisition and Cross-servicing Agreement (US-PK-01) between the Department of Defence of the United States of America and the Ministry of Defence of the Islamic Republic of Pakistan, dated 9th February, 2002, lapses in February, 2012. This Agreement and any implementing Agreements thereunder may only be renewed if required on new terms and conditions

that should include respect for the territorial integrity and sovereignty of Pakistan and ensures the national interests.

Provided in case of renegotiation of the said Agreement/MOU it should, inter alia, provide a clause on immediate suspension of transit facility through the territory of Pakistan if US/NATO/ISAF Forces violate in any manner the territorial integrity and sovereignty of Pakistan.

7. No overt or covert operations inside Pakistan shall be tolerated.
8. That for negotiating or re-negotiating Agreements/MOU's pertaining to or dealing with matters of national security, the following procedure shall be adopted:
 - i) All Agreements/MOU's, including military cooperation and logistics, will be circulated to the Foreign Ministry and all concerned Ministries, attached or affiliated Organizations and Departments for their views;
 - ii) All Agreements/MOU's will be vetted by the Ministry of Law, Justice and Parliamentary Affairs;
 - iii) All Agreements/MOU's will be circulated to the Parliamentary Committee on National Security. The Committee shall vet and make recommendations in consultation with the stakeholders and forward the same to the Federal Cabinet for approval under the Rules of Business of the Federal Government;
 - iv) The Minister concerned will make a policy statement on the Agreements/MOU's in both Houses of Parliament.
9. There should be prior permission and transparency on the number and presence of foreign intelligence operatives in Pakistan.
10. Fifty percent of US/ISAF/NATO containers may be handled through Pakistan Railways.
11. Taxes and other charges must be levied on all goods imported in or transiting through Pakistan, for use of infrastructure and to compensate for its deterioration. Such charges shall be inter alia used mainly to maintain and support infrastructure of Karachi-Torkham and Karachi-Chaman roads.

12. The international community should recognize Pakistan's colossal human and economic losses and continued suffering due to the war on terror. In the minimum, greater market access of Pakistan's exports to the US, NATO countries and global markets should be actively pursued.
13. In the battle for the hearts and minds an inclusive process based on primacy of dialogue and reconciliation should be adopted. Such process must respect local customs, traditions, values and religious beliefs.
 - (a) There is no military solution to the Afghan conflict and efforts must be undertaken to promote a genuine national reconciliation in an Afghan-led and Afghan-owned process.
 - (b) To strengthen security along the Pakistan-Afghanistan border, including the cross border flow of criminal elements, narcotics and weapons, the feasibility of additional measures including electronic surveillance may be evaluated and the process of local joint Jirgas should be encouraged according to local customs and traditions.
14. That Pakistani territory shall not be used for any kind of attacks on other countries and all foreign fighters, if found, shall be expelled from our soil. Likewise, Pakistan does not expect the soil of other countries to be used against it.
15. A new fast track process of billings and payments/reimbursements with regard to CSF and other leviable charges should be adopted.
16. The Government needs to review the present focus of foreign policy keeping in view the aspirations of the people of Pakistan. It needs to establish a balance by emphasizing links with our traditional allies and building new relationships for diversifying the sources of economic, military and political support. In this regard it may take the following amongst other steps:
 - i) Pakistan's foreign policy must continue to focus on creating a peaceful environment in the region to pursue the goals of economic development and social progress;
 - ii) the dialogue process with India should be continued in a purposeful and result-oriented manner on the basis of mutual respect and mutual interest, including efforts for the solution

of the Jammu & Kashmir dispute in accordance with the UN Resolution;

- iii) special attention must continue to be paid to developing close cooperative relations with neighbours;
- iv) the strategic partnership with China must be deepened in all its dimensions;
- v) relationship with the Russian Federation should be further strengthened;
- vi) Pakistan's support for the promotion of peace and stability in Afghanistan remains the cornerstone of its foreign policy;
- vii) Pakistan's special relationship with the Islamic world should be reinforced;
- viii) Pakistan's full membership of SCO should be actively pursued;
- ix) Pakistan's bilateral relationships in the region and its institutional partnership with ASEAN must be upgraded and strengthened; and
- x) Pakistan should actively pursue the gas pipeline project with Iran.