

Say No to National Security Council

Jillur Ahmed, Channel I host of Tritiyo Matra: So is National Security Council coming?

General Moeen U Ahmed: Well, we have been hearing about it since last year. Let's see. It's there in India and Pakistan – so why not in Bangladesh?

A spectre looms large in Bangladesh, the spectre of National Security Council (NSC). Hints are being dropped here and there of the NSC as a coming “attraction” -- Gen Jahangir at the NRB conference in December, Gen Ershad at his party meeting, and Gen Moeen time to time on interviews. But no one is giving any details on it. Even though General Moeen said in the recent channel I interview that the future of the country is in the hands of the drivers of that now famous train i.e the politicians, he swiftly talked about implementing such a fundamental change like NSC in the constitution without any mandate from the people. In support for a decision for NSC, Gen Moeen has given the example of India and Pakistan. In countries where military has played a guardian role historically, NSC has played an often intrusive role undermining the civil authorities. So when examples of NSC in fundamentally strong democracies are given to justify the rationale for it in our country, we need to carefully analyse the socio-political context and other implications of having such a body. In this piece we will try to look different countries of the world where NSC is in place and how it has been used and abused to show that demerits far outweigh the merits of having it in Bangladesh.

India:

At the height of tension with Pakistan over the Kargil war and the nuclear tests by both countries, India formed an NSC. The goal of the council is to set strategy on defence issues to tackle various external threats. The success of the council is still being debated in India. The council has about 18 members, with only 4 being from the military. From its very birth India's politicians have successfully been able to keep army away from getting involved in state's internal affairs. As a result, the debate on NSC in that country is about how effective it would be or has been, rather than how much influence the army would exert upon the government through the Council.

Pakistan:

Pakistan's case is, however, a much more interesting one to follow because the civil-military relationship in Bangladesh has closely resembled that of Pakistan and will likely to do so for the foreseeable future. While Pakistan has been ruled by military on and off since 1958, it was only during the 1980s when an attempt was made by Gen Zia-ul-Huq to institutionalise the army's role in governance. He, however, found a much more powerful option to control the elected government. He changed the constitution to give unabated power to the president to sack an elected government without giving the Prime Minister a chance to prove the cabinet's support in the parliament. Having such a tight grip on the government using this legislation, the need for an NSC was hardly there. In the ensuing decade, even though Gen Zia was no longer in power, elected governments in Pakistan were dismissed for supposed corruption 5 times, with none of their majority being tested in the parliament. In 1998, Nawaz Sharif repealed the clause curtailing presidential power to dissolve the government.

A National Security Council was brought to life again by General Musharraf in 2004. As military was directly establishing control over many facets of the administration, the formation of NSC institutionalized the power of military. From offering "advice" to the national assembly to forming its own laws via official gadget notification, NSC in Pakistan has been given sweeping power, expressed

in its mission as:

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;

In a country where military has played a dominant role in politics, this almost gives them a free reign on poking their collective nose on virtually any internal matter where they see fit.

The difference here from Indian NSC is clear. While the Indian NSC clearly focuses on external threat, Pakistan's NSC has been given free license to indulge in internal state affairs. Indeed, we can see such differences in NSCs of two other countries — the United States and Turkey.

The United States

National Security Council (NSC) in the United States is considered the ideal example of how such a body should function under a democratic system. While security is the Council's area of concern, the three key features of the US NSC are its restrictive role as an advisory body, its focus on external, not internal, issues, and its mechanism to assert civilian control over security affairs in a democracy. Under the strict authority of the civilian President who is also the commander-in-chief of all armed forces of the United States and who is responsible for executing the national security policy of the country, an advisory group called the National Security Council was created in 1947 by a law passed by the US Congress. National Security Act of 1947 was a consequence of lessons learned during the military campaigns of World War II and an anticipated need to coordinate the different dimensions of security during the Cold War. Like its economic counterpart (the National Economic Council), the NSC is part of the Executive Office of the President. To help coordinate national security policy and response among the different departments of the government, the President appoints a National Security Advisor, who acts as White House's top analyst and focal point on security-related issues. Its role is to purely deal with external threats and coordinate USA's response to various international security issues that the country has to deal with. The role is purely advisory and eventually the decision to implement the recommendations solely rest with the President and the members of Congress.

Turkey:

The creation of the MGK (as NSC is known in Turkey) was an outcome of the military coup in 1960, and has been a part of the constitution since 1961. In this way the 1961 constitution created what the Turkish scholar Sakallioğlu labels "*a double headed political system: the civilian council of ministers coexisted with the National Security Council on the executive level, and the military system of justice continued to operate independently alongside the civilian justice system.*"¹

MGK's role was further strengthened with the 1982 constitution which was adopted by the military junta in the aftermath of the 1980 military coup, before transferring power to civilian politicians. From then on, its recommendations had to be given priority consideration by the cabinet. Furthermore, the number and weight of senior commanders in MGK increased at the expense of its civilian members.

¹ Reference. [http://en.wikipedia.org/wiki/National_Security_Council_\(Turkey\)](http://en.wikipedia.org/wiki/National_Security_Council_(Turkey))

Turkey's military has often seen itself as the guardian of the country and has not hesitated to interfere whenever it deemed such interference was necessary. In 1980, the National Security Council directly intervened and took over power by suspending the constitution and implementing a provisional Constitution. Currently however, in order to get entry in EU, MGK is reforming to give more power to the politician and strengthen the democratic institutions.

NSC’s role in different countries around the world

	NSC recommendations	Threats	Law making ability	Traditional civil-military relationship
USA	Advisory	External	None	Subordinate to civil admin
India	Advisory	External	None	Subordinate to civil admin
Turkey	Binding	Internal/External	None	Military as Guardian
Pakistan	Binding	Internal/External	Yes	Military as Guardian
Bangladesh	?	?	?	Military as Guardian

From this discussion, a pattern is clear. In countries where strong democratic institutions exist and where military has never offered any threat to take over the state machinery, NSC has been used to deal with external threats and coordinate defence strategies. However, in countries where military has been a dominant force in internal politics, NSC has been used to institutionalise military's role in politics. The side effect of it has been disastrous. The democratic institutions, as a result, have also not prospered. In countries where institutions are weak and politicians are fearful of the armed forces, NSC is used by military to exert its authority and parental role over the politicians. Keeping that in mind, let's look at Bangladesh and the justification to form NSC.

Bangladesh

The main reason that is being touted for NSC is crisis management: we need coordinated strategy to encounter internal threat to stability like that of pre 1/11 reality.

This runs the risk of being a direct call to army to get involved in politics whenever they would see it fit. This risk is too high to bear if we want democracy to flourish and mature in our country. If, however, we are talking about natural disaster management, experience shows that the army is ever ready to help the civilian administration, and hardly has had an issue with coordination in the past. In cases of law enforcement issues, we can not and should not forget enforcing law enforcement in a country is the job of the police and the judiciary and not that of the armed forces. The armed forces are trained to handle external threats only.

There is another reason that is sometimes suggested which is the argument of having checks and

balances in the power structure. The idea is to provide a countervailing power to that enjoyed by the elected prime minister under our constitution. While the idea of checks and balances to the power of the prime minister is important in its right, given the side effects of NSC, it's not clear that this is a particularly good way of ensuring such checks by giving such a power to a group of unelected individuals with no mandate or accountability. In the history of military's involvement in internal politics of a nation, there is hardly an example where the military has wanted to remain a junior partner for long. Their involvement through NSC runs the risk of undermining the civilian government.

No matter how free and fair the election, there is a risk that it will not be meaningful as the government will constantly be dictated in the name of "advice" by NSC. The risk is there that democratic institutions will always remain subservient and weak, leading to prolonged de facto military rule in the country. This concern about military's increasing role in the administration already is widely shared as the Amnesty International in its recent statement expressed its concern about the "*the creeping role of the armed forces in a range of functions, with no clear rules of accountability, that should rightly be carried out by the civilian administration*".²

Most importantly, such important policy decisions need to be left to be decided by the elected representatives of the parliament. Caretaker government without any mandate should not take such a major policy decision. For the sake of maintaining army's professionalism and image, army needs to say no to NSC. For the sake of the growth of democracy in Bangladesh, we all must say no to National Security Council.

Asif Saleh, executive director of Drishtipat - a global human rights organization, recently visited Bangladesh as part of High Level Mission from Amnesty.

² <http://www.amnesty.org/en/for-media/press-releases/one-year-human-rights-bangladesh-under-state-emergency-20080110>