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PAKISTAN: IN SEARCH OF COUNTERTERRORISM STRATEGY?

Abstract

This paper critically examines the counterterrorism strategy of Pakistan, which it adopted after the 9/11 incident, by arguing that so far, it has proved ineffective and counter-productive in uprooting the terrorist network of Pakistan-based militant Jihadi and extremist groups that also have links with Al-Qaeda. In this respect, the paper, besides defining and assessing Pakistan's counterterrorism strategy, also analyses various factors which have contributed to the inefficacy of the country's counterterrorism strategy. In the concluding analysis, the paper emphasises upon the need for formulating an effective counterterrorism strategy of Pakistan.

1. Introduction

On 14 August 2012, General Ashfaq Pervez Kayani, the then Pakistan's Chief of Army Staff (COAS), in his Independence Day speech at the Kakul Academy firmly declared that the fight against extremism and terrorism was Pakistan's own war and no state could afford a parallel system of governance and armed militias. He also called for national unity to fight this 'just war' against the rising militancy in the country.¹ General Kayani's remarks reveal the gravity of the threat, which Pakistan has been facing amid the rising spectre of militancy in the country in the form of a persistent wave of anti-state terrorism² and sectarian violence,³ including suicide terrorism, and growing apprehensions across the international community over Pakistan's seriousness to root out terrorist network, as "many, if not most, of the Islamist terrorist conspiracies disrupted or executed in Europe (as well in the US) have had linkages in Pakistan's tribal belt."⁴

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¹ For full text of General Kayani's speech, see ISPR Press Release No. PR179/2012-ISPR, Rawalpindi, 14 August 2012, available at http://www.ispr.gov.pk/front/main.asp?o=t-press_release&date=2012/8/14, accessed on 10 March 2013.

² Although terrorism is one of the most controversial terms in the contemporary world, the anti-state terrorism mainly refers to the terrorism committed by non-state actors against the 'established authority' or government.

³ Sectarian violence is mainly perpetrated by extremist Sunni Deobandi groups against the Shiites, who are the largest minority sect, comprising 15 to 20 per cent of the total 180 million population of Pakistan.

⁴ C. Christine Fair, "Pakistan's Own War on Terror: What the Pakistani Public Thinks", *Journal of International Affairs*, Vol. 63, No. 1, Fall/Winter 2009, p. 39.

In order to dismantle the home-grown terrorist network of militant Jihadi and sectarian groups, Pakistan has adopted several counterterrorism measures, including the launching of various military operations in its Federally Administered Tribal Areas (FATA) and Provincially Administered Tribal Areas (PATA),⁵ the signing of peace agreements with the militants, and introduction of various anti-terrorism laws. However, all these measures have remained half-hearted and inconsistent, making Pakistan's counterterrorism strategy ineffective and counter-productive to yield significant results.

Although General Kayani's speech exhibited a solemn resolve of the military to combat terrorism, the lackluster track record of Pakistan's counterterrorism strategy adopted since its joining of the US-led "war on terror" in the wake of the 9/11 incident, is rampant with intrinsic ambivalence, wedged between a commitment to combat the home-grown Taliban militants and at the same time collaborating with some to deal with the external threat from India and at times from Afghanistan. This policy is subjected to three different but interrelated factors, *viz.* Pakistan's multiple strategic requirements in the region, particularly in India and Afghanistan; the long-running civilian-military strife, often resulted in military's favour; and the lack of popular consensus in the Pakistani society on the ownership of the "war on terror", questioning the legitimacy to fight the Taliban militancy.

While Pakistan's counterterrorism strategy has so far remained incapable of eliminating the home-grown terrorist network, its success largely depends upon a major shift in its national security policy. At best, the military-defined India-centric security paradigm, which defines the country as a national security state, needs to be replaced with a civilian-dominated alternative path, which embarks upon making the country a strong democratic and welfare state, ending support for militant Jihadi groups, and promoting peaceful relations with neighbours by respecting the sanctity of their sovereignty. The need to craft an effective counterterrorism strategy in order to address the Taliban militancy is far more necessary than ever to save Pakistan from being a failed state.

Against this background, the paper critically examines Pakistan's current counterterrorism strategy, by arguing that unless Pakistan's military reinterprets its security narrative *vis-à-vis* its neighbours, particularly eastern and western and accepts the supremacy of civilian forces, an effective strategy to uproot home-grown terrorist network will remain a pipedream. This paper is organised as follows: first, the paper gives a brief overview of militant Jihadi and sectarian groups operating in

⁵ According to Article 246 of the 1973 Constitution of Pakistan the areas included in FATA are tribal areas adjoining the districts of Peshawar, Kohat, Bannu, Lakki Marwat, Dera Ismail Khan, Tank, and seven tribal agencies of Bajaur, Orakzai, Mohmand, Khyber, Kurram, North Waziristan and South Waziristan. Similarly, the PATA comprises the districts of Chitral, Dir and Swat (which includes Kalam), [Kohistan district], Malakand, the tribal area adjoining Mansehra district and the former state of Amb; Zhob district, Loralai district (excluding Duki Tehsil), Dalbandis Tehsil of Chagai district, and Marri and Bugti areas.

Pakistan in order to understand the country's militant landscape. It is then followed by an overview of Pakistan's counterterrorism strategy and its assessment by analysing various drawbacks in it and reasons for them. The paper concludes with the need for some practical approaches to formulate an effective and concrete counterterrorism strategy of Pakistan.

2. Domestic Militant Landscape of Pakistan

Pakistan has been an abode of numerous militant extremist and Jihadi groups, which have operated for decades. Some of these groups have traditionally operated in Kashmir and Afghanistan, while there are other Pakistan-based extremist groups which have conventionally focused on military and civilian targets, mainly Shiites. However, these groups have "close operational links with the Afghan Taliban and Al-Qaeda as well as with each other."⁶

There are four categories of militant extremist and Jihadi groups, which operate inside Pakistan: the sectarian groups; the Pakistani Taliban; the anti-Indian militant Jihadi groups; and the Afghan Taliban, represented by the Haqqani network.

The first set of militant groups comprises the domestic sectarian groups, such as the Sunni-Deobandi Sipah-e-Sahaba Pakistan (force of the companions of the Holy Prophet – SSP) and Lashkar-e-Jhangavi (force of Jhangavi-LJ), which have traditionally focused on targeting the Shiites.

The second category of the militant groups comprises the Pakistani Taliban, which are represented by the Tehrik-e-Taliban Pakistan (TTP), an umbrella organisation of various Pashtun militant groups, based in Pakistan's tribal areas, and the breakaway factions of militant Jihadi and sectarian groups. Established by Baitullah Mehsud in South Waziristan in December 2007, and currently led by Mullah Fazlullah, who was appointed its Amir after the killing of Hakimullah Mehsud in a US drone strike in North Waziristan on 01 November 2013, the TTP aims "to enforce Shariah and to unite against the NATO forces in Afghanistan and do defensive jihad against the Pakistan army."⁷ Recently, the TTP splits into two factions after a major group, based in South Waziristan and led by Khalid Mehsud alias Sajna, broke away by accusing the TTP leadership for involvement in criminal activities.⁸ One of the important groups, which is associated with the TTP and has a long history of battling Pakistani State for the implementation of Shariah, is the Tehrik Nifaz Shariat-i-Mohammadi (TNSM), which succeeded in getting Shariah implemented in Malakand district of North West Frontier Province, now Khyber Pakhtunkhwa (KPK), first in May 1994, and then in February 2009 under the Nizam-e-Adl Agreement.

⁶ Ayesha Siddiq, "Jihadism in Pakistan: The Expanding Frontier", *Journal of International Affairs*, Vol. 63, No. 1, Fall/Winter 2009, p. 64.

⁷ "Tribal Areas under Centralized Control", *Daily Times*, 16 December 2007.

⁸ Sailab Mehsud, "Key Group Breaks away from TTP", *Dawn*, 29 May 2014.

The third set of militant groups consists of the anti-Indian militant Jihadi groups, which are commonly known as the 'Kashmiri groups', such as, the Deobandi outfits of Jaish-e-Mohammad (JeM) and Harkat-ul-Mujahideen (HuM); the Ahl-e-Hadith groups, such as, Lashkar-e-Taiba (LeT); and Jama'at-e-Islami-linked organisations of Hizbul Mujahideen (HM) and Al-Badr.⁹ And the fourth group comprises the Afghan Taliban, mainly represented by the Haqqani Network, led by an Afghan war veteran Jalaluddin Haqqani, based in North Waziristan, and the Quetta Shura of Mullah Omar.

Pakistan's military has been denoting the first two categories as 'bad Taliban', because they perpetrate terrorism inside the country against the military installations, security forces and the civilians, and the last two categories are considered as strategic assets and termed as 'good Taliban', as they carry out its geo-strategic interests in Afghanistan and India. However, a marked change took place in Pakistan's strategic thinking, particularly after the Army Public School incident on 16 December 2014. In this fierce terrorist attack, more than 150 people, including 130 children, lost their lives.¹⁰ The TTP took the responsibility of the attack.¹¹ Reiterating his firm resolve, the Prime Minister Nawaz Sharif, while addressing the Parliamentary leaders in Peshawar after the incident, said that no discrimination would be made between 'good Taliban' and 'bad Taliban'.¹² In this context, Pakistan's across-the-board military operation in North Waziristan targets all the militant groups. This is also evidenced when the Pakistan military, which until recently has not been interested in preventing those Pakistani Taliban groups, such as Hafiz Gul Bahadur's group¹³ in North Waziristan that had signed peace deals with it and pledged not to conduct their militancy in Pakistan, has launched massive operation against the group.

Besides these home-grown militant groups, Pakistan is also home to several foreign militants such as Arabs, Uzbeks, Chinese Uighurs and Chechens. These militants came to Pakistan's FATA region during the Afghan war of 1979 and settled there. Presently, they are in alliance with the Pakistani Taliban and use the tribal areas as their sanctuaries.

In order to deal with these militant Jihadi and extremist groups, Pakistan had to formulate a counterterrorism strategy after the 9/11 incident as per the requirement of its commitment to the US-led "war on terror". The following section will deal with the evolution of Pakistan's counterterrorism strategy by giving a brief overview and assessment of both military and non-military options which it has so far adopted to exterminate the home-grown terrorist outfits.

⁹ Christine Fair, "Pakistan's Own War on Terror", *op. cit.*, p. 40.

¹⁰ "Terror Jolts Pakistan", *The News International*, 17 December 2014.

¹¹ *Ibid.*

¹² "No Discrimination be Done between 'good Taliban', 'bad Taliban': PM", *The Nation*, 17 December 2014.

¹³ Hafiz Gul Bahadur signed the peace deal with the Military in September 2006, and pulled out of the deal in May 2014 amid government's decision of launching 'operation Zarb-e-Azb'.

3. Evolution of Pakistan's Counterterrorism Strategy

Although the US-led military campaign in Afghanistan in October 2001 dislodged the Taliban regime, it expanded the threat well into Pakistan. Most of the Al-Qaeda and Taliban leaders and cadre slipped into Pakistan's tribal areas bordering Afghanistan. Initially, they had concentrated in South Waziristan and then expanded their support base in other areas of the FATA. By 2003, a loose alliance of tribal militant groups, known as the Pakistani Taliban, under the leadership of Nek Mohammad Wazir had begun to emerge in South Waziristan. It soon established links with other Pakistan-based militant sectarian outfits - the Afghan Taliban and Al-Qaeda - and launched guerrilla operations not only against the western troops in Afghanistan, but also the security forces and the people of Pakistan in the tribal areas and big cities.

In order to combat the menace of terrorism, Pakistan needed an effective counterterrorism strategy. Although it is difficult to define the concept of counterterrorism, which, like terrorism, is a very complex issue, Paul Wilkinson argues that "there is no universally accepted counterterrorism policy [because] every conflict involving terrorism has its own unique characteristics."¹⁴ However, counterterrorism strategy can be viewed as "a set of measures that states apply in response to acts of terrorism."¹⁵ The Oxford English Dictionary defines counterterrorism as, "political or military actions or measures intended to combat, prevent, or deter terrorism, sometimes (in early use) with the implication that the methods utilised resemble those of the terrorists."¹⁶

In case of Pakistan's counterterrorism strategy, it has so far employed both the military and the non-military options to deal with the threat of terrorism. The military options included the heavy-handed security operations against militants in the tribal areas, and the low intensity swift operations in the settled areas, particularly in the major cities to apprehend various leaders of Al-Qaeda and the Taliban. In addition, non-military options comprise both engagement and legislative aspects. As of engagement policy, Pakistan signed various peace deals with the militants. Under legislative aspects, different governments in Pakistan since 9/11 have introduced various anti-terrorism legislations in the form of various presidential acts and parliamentary laws as well as banned many militant groups in various phases.

3.1 Military Options

Since 9/11, Pakistan's security forces have conducted a number of small and large military operations against the militant groups in the tribal areas of FATA and

¹⁴ Paul Wilkinson, *Terrorism Versus Democracy: The Liberal State Response*, New York: Routledge, 2006.

¹⁵ Tatyana Kelman, "Definition and Dimensions of Counterterrorism", in Frank Shanty (ed.), *Counterterrorism: From the Cold War to the War on Terror*, California: Praeger, 2012, pp. 12-13.

¹⁶ *Ibid.*

PATA.¹⁷ These security operations can be divided into two phases: pre-and-post-May 2009. The pre-May 2009 security operations in FATA and PATA were intermittent and simultaneously followed by peace agreements, though short-lived, with militants. However, it was after the deepening of law and order situation in Swat and the adjacent settled areas of Buner that the Pakistan Military thought of seriously taking on militants by launching major security operations in Swat in May 2009, and then moved into South Waziristan in October 2009.

Although Pakistan's support to the US-led 'Operation Enduring Freedom' in Afghanistan required it to stop the infiltration of militants into its tribal areas, the security forces of Pakistan conducted the first major military operation, called al-Mizan (Justice), in South Waziristan, against Al-Qaeda and the Taliban militants in 2002. With an objective of clearing the area of militants, particularly foreign militants that threatened Pakistan government, it deployed around 70,000 to 80,000 forces in FATA, including army aviation units, artillery, transportation and logistics units as well as Special Services Group and command units to conduct operations.¹⁸ Failing to drive foreign militants out of the area amid strong resistance from tribesmen, the government in December 2003 announced an amnesty for foreigners.¹⁹

However, the security situation in South Waziristan deteriorated when in January 2004 militants attacked an Army camp in Wana. With intelligence information of the presence of Al-Qaeda militants in Wana, Pakistan's security forces launched a major 'search-and-destroy' operation, known as 'Operation Kalosha', in March 2004 with the same objective of clearing the area of the foreign militants.²⁰ The 13-day operation could not dislocate the foreign militants, contrary to the claim made by Pakistan Army.²¹ However, the killing of eight soldiers on the same day indicated that the operation had backfired.²²

As the security situation in South Waziristan continued to worsen with the rising of Pakistan Military's casualties, the then Pervez Musharraf's regime abandoned the military operations and opted for an appeasement policy by signing peace deals with the local militants. One of such deals was the 'Shakai Agreement', which was signed between the Military and militant commander Nek Mohammad on 24 April 2004. The deal offered the local militants a general amnesty and monetary incentives

¹⁷ According to the official website of Pakistan Army, until 2012, the Military has conducted 251 major and 735 minor operations in the war on terror. See 'The Summary of War on Terror in 2012', available at <http://www.pakistanarmy.gov.pk/>, accessed on 12 July 2013.

¹⁸ Quoted in Seth G. Jones and C. Christine Fair, *Counterinsurgency in Pakistan*, Washington: RAND Corporation, 2010, p. 46.

¹⁹ International Crisis Group, *Pakistan's Tribal Areas: Appeasing the Militants*, Asia Report No. 125, Brussels, 11 December 2006, p. 14.

²⁰ *Ibid.*

²¹ "8 Missing Soldiers Found Dead in Wana", *Daily Times*, 27 March 2004.

²² *Ibid.* These soldiers had been missing since their convoy was ambushed on the main Tank-Wana Highway on 22 March, 2004.

in return for their pledge of good behaviour and loyalty to the Pakistani state by renouncing militancy. The militants were also asked to handover or register foreign militants with the authorities and ensure that they would not use Pakistani territory for cross-border attacks.²³ However, with the killing of Nek Mohammad in a US drone strike in June 2004, the agreement collapsed.²⁴

Another peace deal which the Military signed with the local militants, then led by Baitullah Mehsud, who succeeded Nek Mohammad, was 'Sarangroha Agreement' in February 2005. Under the six-point agreement, Baitullah and his associates were given amnesty by the government, and in return they not only pledged loyalty to the Pakistani state, but also agreed to call off attacks on Pakistan's security forces as well as refrain from sheltering and assisting Al-Qaeda and foreign terrorists.²⁵ Moreover, the government also agreed to remove troops from the Mehsud-controlled areas and compensate militants for homes razed or damaged during military operations.²⁶

Ironically, the militants were not required to surrender foreign militants and lay down their arms. However, the peace deal remained short-lived, and finally ended in early August 2007 because of three reasons: firstly, the abduction of 200 Pakistani security forces in South Waziristan in August 2007 by Baitullah group had increased tension between the group and the Military²⁷; secondly, the Military's covert support to Taliban commander, Maulvi Nazir, in an attempt to evacuate foreign militants, particularly the Uzbeks from South Waziristan further deteriorated trust between the Military and Baitullah group,²⁸ and finally, the Red Mosque operation, known as 'Operation Silence', in Islamabad in July 2007, in which hundreds of militants were killed and injured, also enraged the Taliban militants, who not only started "a relentless suicide bombing campaign in cooperation with allied Pashtun and Punjabi militants,"²⁹ but also decided to join hands together to ensure their survival. As a result, they formed the TTP in December 2007 under the leadership of Baitullah Mehsud.

The security situation further deteriorated when in January 2008 the militants took control of Sarangroha Fort in South Waziristan and killed seven Pakistani security forces, as claimed by the Military.³⁰ Consequently, Pakistan Army's 14th Division launched a full-fledged security operation, 'Zalzala' (Earthquake), against Baitullah's hideouts in South Waziristan. Besides employing infantry, artillery, tanks and fighter jets, the Army also used electronic jamming devices to obstruct improvised explosive

²³ "Army Embraces Wanted Tribesmen", *Daily Times*, 25 April 2004.

²⁴ Iqbal Khattak, "Nek Killed in Missile Strike", *Daily Times*, 19 June 2004.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ Mushtaq Yusufzai and Sailab Mehsud, "Over 200 Soldiers in Captivity of Militants", *The News International*, 01 September 2007.

²⁸ Jones and Fair, "Counterinsurgency in Pakistan", *op. cit.*, p. 57.

²⁹ *Ibid.*, p. 58.

³⁰ "Operation to Retake Sarangroha Fort Soon", *Daily Times*, 18 January 2008.

devices (IEDs) and remote-controlled roadside bombs within a 100 meters radius.³¹ By May 2008, the Army cleared most of the area and began to withdraw after claiming the victory.³²

After a limited success in South Waziristan operation, the military then moved into Khyber Agency, which not only had emerged as a center of sectarian conflict, but also the major hub of the militancy of the Taliban militants.³³ As the sectarian clashes between Barelvi Ansar-ul-Islam and Deobandi Lashkar-e-Islami (LI) became fierce by mid-2008, the military launched an operation, code named Sirat-e-Mustaqeem (Right Path), in June 2008, against the militants. However, the operation could not dislodge the militants. Rather, the military brokered a deal between the two rival groups in July 2008, which collapsed within a year. In the meantime, the Hakimullah-led TTP also made its inroads into the Agency, particularly after the killing of Haji Namdar in August 2008 in a US drone strike.³⁴

In September 2008, security forces entered Bajaur and launched an operation, known as 'Operation Sher Dil' (Lion Heart), against the militant networks led by Faqir Mohammad and Zia-ur-Rehman, both of whom were believed to have links with Al-Qaeda.³⁵ Despite employing ground and aerial forces, including a brigade, four infantry battalions, one squadron, the Bajaur Scouts, and seven Frontier Corps wings,³⁶ the military engaged for several years in clearing several villages of the militants and succeeded in taking control of important arteries, particularly the main north-south corridor.³⁷ After the operation, the military signed a covert peace deal with Faqir Mohammad, who ensured not to attack Pakistan's military and civilians in return of being spared from an assault by the Pakistani security forces.

After Bajaur, the military then turned to Mohmand Agency for additional security operations. Mohmand witnessed violence when the militants took over a

³¹ Iqbal Khattak, "Army in Waziristan Better Equipped, More Relaxed", *Daily Times*, 21 May 2008.

³² Jones and Fair, "Counterinsurgency in Pakistan", *op. cit.*, p. 60.

³³ Khyber Agency witnessed a wave of religious militancy in 2003 when a Saudi-Arabia returned local resident Haji Namdar established a Taliban-styled rule. Using Tirah Valley area for attacks on NATO and ISAF forces in Afghanistan, Namdar quickly attracted the other Taliban militants to the area. Later on, Mangal Bagh emerged as a major figure in the Agency. Belonged to Sunni-Deobandi school of thought and heading a radical militant group, Lahkar-e-Islami, Bagh not only established his own Shariah courts and prisons, but also issued calls for Jihad against the West, the Pakistani state, and religious and sectarian minorities through illegal FM channels. He also claimed no allegiance to the TTP; instead identifying with the rival Muqami Tehriki- Taliban (Local Taliban Movement). See, International Crisis Group, *Pakistan: Countering Militancy in FATA*, Asia Report No. 242, Brussels, 15 January 2013, p. 6.

³⁴ "Pakistan: Backgrounder on Khyber Agency Militancy", *IRIN News*, 30 May 2011, available at <http://www.irinnews.org/report/92847/pakistan-backgrounder-on-khyber-agency-militancy>, accessed on 06 June, 2013.

³⁵ Daud Khattak, "Evaluating Pakistan's Offensives in Swat and FATA", *CTC Sentinel*, Vol. 4, Issue 10, 31 October, 2011, p. 10, available at <http://www.ctc.usma.edu/posts/evaluating-pakistan%E2%80%99s-offensives-in-swat-and-fata>, accessed on 25 July 2013.

³⁶ Jones and Fair, "Counterinsurgency in Pakistan", *op. cit.*, p. 64.

³⁷ *Ibid.*, p. 65.

mosque in Lakaro in July 2007. In order to isolate the militants, the military signed various peace deals with the tribal elders, who pledged to deny safe havens to the local militants and foreign fighters in the Agency.³⁸ However, the peace deals collapsed within a year when militants fleeing the military operations in Bajaur were given sanctuary in Mohmand, and as a result, Pakistan's security forces resumed their military operations in the Agency and cleared the area, they claimed, by March 2009.³⁹

Another region where the military launched security operations was the Swat Valley of Malakand Division in PATA. A beautiful tourist spot, Swat became a hub of militancy and political power of Sufi Mohammad and Maulvi Fazlullah, who had adopted a violent path to implement Islamic Shariah. In order to dislodge the Swat Taliban, the military launched a series of security operations, 'Rah-e-Haq' (True Path) from 2007 to 2009.⁴⁰ However, amid continued attacks on security forces, the military not only had to withdraw from the area, but also agree to militants' demand of implementing the Shariah in Malakand Division, by signing the controversial Nizam-e-Adl Agreement with the defunct TNSM in February 2009. The Agreement in effect ceded control over the territory to the TNSM by imposing Shariah through Qazi courts.⁴¹

3.1.1 *A Shift in Direction*

The imposition of harsh policies of the TNSM-led Shariah government in Swat not only had disenchanting the local population with the Taliban, but also brought a vivid change in the attitudes of the people across the country towards the militants. The public flogging of a young girl also created a severe uproar at the domestic level, as well a worldwide condemnation of such an inhuman and barbaric act. As a result, the military decided to launch a large-scale decisive security operation, the 'Rah-e-Rast' (Just Path), in May 2009, to flush out the Swat militants.

Three important factors contributed to the military's change of mind. First, huge political support played a major role in convincing the military to conduct the security operation in Swat. The All Parties Conference (APC), which was convened by the then ruling Pakistan Peoples' Party on 18 May 2009, passed a unanimous resolution for the military operation in Swat.⁴² Second, the TNSM militants' advancement into Swat's neighbouring district of Buner also perturbed the military.⁴³ Seizing control of the district for three weeks before retreating back into Swat, the militants established a Shariah-based government. Moreover, in his speech on 19 April 2009, Sufi Mohammad not only challenged the Constitution of Pakistan, but also renounced democracy by

³⁸ International Crisis Group, *Pakistan: Countering Militancy in FATA*, Asia Report No. 242, *op. cit.*, p. 6.

³⁹ *Ibid.*

⁴⁰ Rah-e-Haq-I in November 2007; Rah-e-Haq-II in July 2008; and Rah-e-Haq-III in January 2009.

⁴¹ International Crisis Group, *Pakistan: Countering Militancy in FATA*, Asia Report No. 242, *op. cit.*, p. 1.

⁴² "Nation Speaks with One Voice: Crush Militants", *The News International*, 19 May 2009.

⁴³ Buner is around 70 miles away from the capital, Islamabad.

calling it an infidel system incompatible with Islam, had compelled the military to sternly deal with the militants. Last, the TNSM's violation of Nizam-e-Adl agreement by refusing to lay down weapons and its continuous attacks on security forces in areas under its control provided enough justification to the military for commencing an all-out security operation against them.⁴⁴ By using an intensified air and ground offensive,⁴⁵ the Army had been able to vacate the area from the militants by June 2009 and establish the writ of the state. The TTP-Swat leader Fazlullah fled to Afghanistan's Nuristan province.⁴⁶

The relatively successful military operation in Swat also encouraged the military to conduct a decisive operation in South Waziristan and other tribal agencies of FATA. The security forces launched 'Operation Rah-e-Nijat' (Path of Salvation) against the Hakimullah-led TTP faction and foreign terrorists in South Waziristan in mid-October 2009, by deputing two divisions of Army, and using fighter-jets and gunship helicopters to target the militants' hideouts.⁴⁷ After fierce fighting with the militants and bearing heavy casualties, the military, as it claimed, cleared the area by June 2013, and drove the TTP out from South Waziristan to North Waziristan. However, the gruesome security situation bound the security forces to continue their stay in the Agency.

In addition, the military launched the 'Operation Koh-e-Sufaid' (White Mountain) in Kurram Agency on 04 July 2011 against the Taliban militants, who had occupied the Thall-Parachinar road, the main artery that connects the Agency to Peshawar, in order to besiege the local Shiite population of the Central Kurram.⁴⁸ With the employment of 4,000 troops, heavy artillery and air power, the operation culminated in June 2013, and the military regained the control of the area as claimed by it.⁴⁹ Moreover, by June the military also succeeded in taking over the Khyber Agency by clearing the Maidan area of Tirah Valley, a stronghold of the TTP, after launching a full-blown security operation on 05 April 2013.⁵⁰

⁴⁴ According to the ISPR, between the period from the signing of the peace deal and the launching of the military operation in May 2009, more than 30 security personnel were killed in four suicide attacks and seven ambush acts on Military convoys. Similarly, two schools, one grid station and three police stations were also destroyed by the Taliban. See, ISPR Press Release No. PR124/2009-ISPR, dated 08 May 2009, available at http://www.ispr.gov.pk/front/main.asp?o=t-press_release&id=630, accessed on 13 June 2013.

⁴⁵ Jones and Fair, "Counterinsurgency in Pakistan", *op. cit.*, p. 67.

⁴⁶ International Crisis Group, *Drones: Myths and Reality in Pakistan*, Asia Report No. 247, Brussels, 21 May 2013, p. ii.

⁴⁷ Jones and Fair, "Counterinsurgency in Pakistan", *op. cit.*, p. 67.

⁴⁸ Home of a significant number of Shiite population, who control the Upper Kurram, the Agency witnessed a severe level of sectarian violence in 2007 when the Sunni-Taliban militants entered the Agency and backed the Sunni tribesmen against the Shiites.

⁴⁹ Delawar Jan, "Officials Say 50,000 Kurram IDPs Repatriation to Complete before Ramazan", *The News International*, 02 July 2013.

⁵⁰ See, ISPR Press Release No. PR108/2013-ISPR, Rawalpindi – 20 June 2013, available at http://www.ispr.gov.pk/front/main.asp?o=t-press_release&id=2334, accessed on 27 June 2013.

On 15 June 2014, the military commenced a much-awaited security operation in North Waziristan. By using F-16s against the suspected militant hideouts, the military, as it claimed, launched a comprehensive large-scale security operation, known as, 'Zarb-e-Azb' (name of Holy Prophet's sword), against local and foreign militants in North Waziristan. The decision to launch an all-out military operation in North Waziristan came after the ferocious terrorist attack on the Jinnah International Airport, Karachi, on 08 June 2014.⁵¹

The military operation in North Waziristan continued. However, despite full-scale vigorous military operations and the military's claiming success in other tribal agencies, the militant network has not been completely eliminated. Not only are the pitched battles between the militants and security forces in the tribal areas still going on, but major cities of the country continuously witnessing the scourge of terrorism. The success of the on-going military operation in North Waziristan, where the main leadership of the TTP has been centred, and using the territory for terrorist activities in Pakistan as well as inside Afghanistan, has yet to be seen.

Besides military operations, both small and large, in the tribal areas of FATA and PATA, Pakistan's intelligence agencies with the help of Rangers and Police also carried out various swift manhunt operations in major cities of Pakistan to apprehend the leadership of Al-Qaeda and the Taliban, although their top leadership has never been captured.⁵² However, the security forces only succeeded in arresting the second and third-tier leadership of Al-Qaeda and the Taliban.⁵³

Besides the use of force in the form of launching military operations against the militants, various Pakistani governments also tried non-military options in order to curb terrorism in the country. The section below gives an overview of Pakistan's legislative and legal responses to terrorism.

3.2 Non-Military Options

Since the 9/11 incident, Pakistan has promulgated several amendments in the already existing legal frameworks, dealing with terrorism, such as the Anti-Terrorism

⁵¹ "All-out Military Operation Launched in North Waziristan", *Dawn*, 16 June 2014.

⁵² Bin Laden was killed in a covert military action by the American Seals in Pakistan's garrison city of Abbottabad on 02 May 2011. On the other hand, Ayman Al-Zawahiri, Al-Qaeda's current command after bin Laden, and Mullah Omar, the supreme leader of the Taliban, are still at large.

⁵³ Some of the key Al-Qaeda and Taliban leaders who have been arrested either in joint operations carried out by the intelligence agencies of Pakistan and the US, or in an operation singularly conducted by Pakistan's law enforcement agencies are: Ramzi Binalshibh, a Yemeni citizen and the key facilitator of the 9/11 attacks, was arrested in Karachi on 11 September 2002; Khalid Shaikh Mohammad, the mastermind of 9/11 attacks, was arrested in Rawalpindi in March 2003; the Taliban ambassador to Pakistan, Mullah Abdus Salam Zaeef, was arrested from Islamabad in January 2003; Maulvi Noor Mohammad Saqib, Taliban's former chief justice, and Maulvi Abdul Rehman Zahid, deputy foreign minister, were arrested from Quetta on 30 January 2002; and Mullah Baradar, the Second-in-Command of the Taliban movement in Afghanistan and the Deputy of Mullah Omar, was arrested in Karachi in February 2010. Notably, Baradar was released in September 2013.

Act (ATA) of 1997,⁵⁴ as well as introduced new legislations to make the anti-terrorism regime more stringent. In January 2002, the government promulgated the 'Anti-Terrorism (Amendment) Ordinance 2002', which called for targeting the entire terrorist network with severe punishment, including death penalty to the people involved in aiding and abetting terrorism. The ordinance included the military personnel, not below the rank of Lieutenant Colonel, as one of the three ATC members of the bench to ensure speedy trials.⁵⁵ In November 2002, another amendment was made in the Ordinance 2002, which authorised the police to hold a suspect for up to 12 months without filing any criminal charges.⁵⁶ The accused could only be released on presenting one or more sureties to prove his innocence; otherwise to be presented before the court within 24 hours. Another amendment in November 2004 gave right of the appeal to the victims or the legal heirs of the victim against the judgement of the ATC in the High Court within 30 days of the decision.⁵⁷ Moreover, Anti-Terrorism (Second Amendment) Act 2004, promulgated in January 2005, incorporated further modifications in the ATA 1997. According to it, the word '14-years' was replaced by 'imprisonment for life' as far as the maximum jail term for the militants was concerned. In order to hear the appeals of the victims or heirs of the victim, the Act also called for establishing 'Special Benches' of High Courts, consisted of not less than two judges. The Act also enhanced the powers of the ATCs for trying offences related to the abduction or kidnapping for ransom as well as use of fire-arms or explosives by any device, including bomb blast, in a place of worship or court premises.⁵⁸

The military operations in Swat and South Waziristan in May and October 2009 respectively, compelled the government to re-examine the ATC infrastructure. The operations caused a severe backlash from the Pakistani Taliban, who carried out attacks on armed forces, civil armed forces and law enforcement agencies. The extraordinary security situation demanded more stringent laws to ensure severe punishment for the terrorists in order to deter terrorism. This required further amendments in the ATA 1997. On 01 October 2009, the government issued Anti-Terrorism (Amendment) Ordinance, which permitted the extra-judicial confession

⁵⁴ The ATA of 1997 was promulgated in the wake of the severe sectarian terrorism in the country during 1990s. Under the Act, Anti-Terrorism Courts (ATCs) were created to ensure speedy trials within seven days. Charles Kennedy, "The Creation and Development of Pakistan's Anti-Terrorism Regime, 1997-2002", in Satu Limaye *et al.* (eds.), *Religious Radicalism and Security in South Asia*, Honolulu: Asia-Pacific Center for Security Studies, 2002, pp. 391-392.

⁵⁵ "Army Officers to be Part of New ATCs: Law Amended to Expedite Terrorism Cases", *Dawn*, 01 February 2002.

⁵⁶ For details see, Anti-Terrorism (Amendment) Ordinance 2002' on 16 November 2002, available at <https://www.unodc.org/tldb/showDocument.do?documentUid=2300&node=docs&cmd=add&country=PAK>, accessed on 02 July 2013.

⁵⁷ Anti-Terrorism (Amendment) Act, 2004, Gazette of Pakistan, Extraordinary, Part I, 30 November 2004, available at <https://www.unodc.org/tldb/showDocument.do?documentUid=9929&node=docs&cmd=add&country=PAK>, accessed on 25 July 2013.

⁵⁸ Anti-Terrorism (Second Amendment) Act, 2004, Gazette of Pakistan, Extraordinary, Part II, 11 January 2005, available at [https://www.unodc.org/tldb/showDocument.do?documentUid=9928&q=anti terrorism%20legislation%20in%20Pakistan&edit_btn=SEARCH](https://www.unodc.org/tldb/showDocument.do?documentUid=9928&q=anti%20terrorism%20legislation%20in%20Pakistan&edit_btn=SEARCH), accessed on 25 July 2013.

before the responsible investigative security personnel in the ATCs. Moreover, the remand period was extended from 30 to 90 days, and the burden of proof had been shifted to the accused.⁵⁹ The government, through a special presidential order, also extended the ordinance to the PATA, and established new ATCs in Peshawar and the Malakand region.⁶⁰

In the wake of worsening security situation, the government, in June 2011, promulgated the Regulations Action in Aid of Civil Powers – 2011 for FATA and PATA, which not only authorised the armed forces to imprison a suspect till the continuation of action in aid of the civil power, but also provided that a statement or deposition by any member of the armed forces, or any officer authorised on his behalf, would be sufficient for convicting an accused. Moreover, the regulations also gave “a set of offences, punishable with death penalty or imprisonment for life or up to 10 years along with fine and forfeiture of property.”⁶¹ Under Section 14, an oversight board comprising two civilians and two military officers was established to review cases of each person interned within a period of time not exceeding four months, from the issuance of the order of internment. The laws also allowed the authority to set up notified internment centers, which were established near the Pak-Afghan border at Landi Kotal to detain persons accused of terrorism.⁶²

On 20 December 2012, Pakistan’s National Assembly passed the “Investigation for Fair Trial Bill, 2012”, which authorised the government to intercept private communications of an individual, who is likely to or suspected of engaging in preparations to conduct an act of crime or terror.⁶³ In March 2013, the Parliament passed the Anti-Terrorism (Amendment) Bill 2013, which empowered the government to seize property of any person involved in financing terrorism.⁶⁴ It also extended the definition of terrorism through an amendment in Section 6 of ATA 1997, according to which the threat of terrorism would now include, “intimidating and terrorizing the public, social sectors, business community and preparing or attacking the civilians, media persons, government officials, installations, security forces or law enforcement agencies.”⁶⁵ It also prohibits the issuance of passport, arms licenses and credit cards to the activists of banned outfits as well as bars the leaders of the outlawed groups from travelling abroad.⁶⁶

⁵⁹ Khalid Khashgi, “Anti-terror Ordinance may be Extended to Malakand”, *The News International*, 06 November 2009.

⁶⁰ Huma Yusuf, “Pakistan’s Anti-Terrorism Courts”, *CTC Sentinel*, Vol. 3, Issue 3, March 2010, p. 23, available at <https://www.ctc.usma.edu/v2/wp-content/uploads/2010/08/CTCSentinel-Vol.3Iss3-art1.pdf>, accessed on 25 January 2013.

⁶¹ “New Regulations Give Legal Cover to Detentions in Tribal Areas”, *Dawn*, 12 July 2011.

⁶² Nasir Iqbal, “Swat Taliban, Afghan Govt. Nexus May Give Rise to Terrorism, SC told”, *Dawn*, 26 March 2013.

⁶³ “Agencies Get Sweeping Powers: National Assembly Adopts Investigation for Fair Trial Bill”, *The Business Recorder*, 21 December 2012.

⁶⁴ “Senate Passes Anti-Terrorism Amendment Bill”, *Dawn*, 05 March 2013.

⁶⁵ “Senate Passes Anti-terrorism Second Amendment Bill 2013”, *Pakistan Today*, 14 March 2013.

⁶⁶ “NA Adopts Anti-Terrorism Amendment Bill 2013”, *The News International*, 13 March 2013.

Moreover, in March 2013, the Parliament passed a bill for the formation of a new independent body, National Counter-Terrorism Authority (NACTA), with functions 'to receive and collate data/information/intelligence, and disseminate and coordinate between all relevant stakeholders to formulate threat assessments; to formulate comprehensive counterterrorism and counter-extremism strategies; and to establish links with the international entities for facilitating cooperation in areas related to terrorism and extremism.'⁶⁷ Headed by the Prime Minister, the authority would comprise Chief Ministers of all the provinces including Gilgit-Baltistan, the Prime Minister of Azad Jammu and Kashmir, the Minister for Law and Justice, one senator to be recommended by the Chairman of the Senate, one Member of National Assembly to be recommended by the Speaker of the National Assembly, the Secretary Ministry of Interior, the Director General Inter-Services Intelligence (ISI), the Director General Intelligence Bureau (IB), the Director General Military Intelligence (MI), the National Co-coordinator, the Director General Federal Investigation Agency (FIA) and the Inspector Generals of Police of all provinces, AJK and Gilgit-Baltistan.⁶⁸

On 02 July 2014, the National Assembly passed the Protection of Pakistan Bill, which was previously promulgated as an ordinance by the President Mamnoon Hussain in October 2013. The Senate unanimously passed the bill on 30 June 2014. The bill aims to give law enforcement agencies more power to counter terrorism and with legal backing to increase conviction. The bill designates a person an 'enemy alien' if his identity is not ascertained and is involved in waging of war or insurrection against Pakistan deprecation on its territory. An amendment to the bill authorises a law enforcement official, not below the grade 15, to shoot-on-sight a terror suspect, to search any premises and make non-bailable arrest, without any warrant, a person who has committed or is likely to commit a scheduled offence,⁶⁹ which is punishable with imprisonment for up to ten years. The bill also empowers the law enforcement agencies to keep the suspect under preventive detention for up to two months without presenting him before the court for trial. An accused facing the charge of a scheduled offence would have the obligation to prove his innocence. An appeal against the final judgement of a special court shall lie to the High Court.⁷⁰

⁶⁷ See National Counter-Terrorism Authority Act 2013, available at http://www.senate.gov.pk/uploads/documents/1363071845_127.pdf, accessed on 30 July 2013.

⁶⁸ *Ibid.*

⁶⁹ Scheduled offences include: waging war or threatening the security of Pakistan; crimes against ethnic, religious and political groups or minorities, including offences based on discrimination, hatred, creed and race; use of arson, fire-bombs, suicide bombs, biological weapons, chemical weapons, nuclear arms, plastic explosives on public places, government premises, historical places, business concerns; killing, kidnapping, extortion, assault or attack of members of Parliament, judiciary, executive, media, and government employees, including the armed forces and law enforcement agencies, foreigners or internationally protected persons, welfare workers; attack on communication and interaction lines, energy facilities, aircrafts, airports, flight crew, gas or oil pipelines, national defense installations; cyber crimes; attack on mass transport systems, maritime navigation; hostage taking; and violence transcending national boundaries. See, Protection of Pakistan Ordinance 2013, Gazette of Pakistan, Extraordinary, Part-I, 31 October 2013.

⁷⁰ Available at http://www.na.gov.pk/uploads/documents/1391322775_795.pdf, accessed on 03 July 2014.

As an immediate response, the government not only ended the moratorium on death penalty in terror-related cases⁷¹ and executed several terrorists, but also launched a National Action Plan (NAP), which was announced by the Prime Minister, Nawaz Sharif, in his televised speech to the nation on 25 December 2014.⁷² The main aspects of the 20-point NAP include the establishment of military courts,⁷³ to be headed by Military officers; the setting up of a special anti-terrorism force; prohibition of the armed organisation and disallowing to operate the banned groups under another name; and strengthening and activation of National Counter-Terrorism Authority (NACTA).⁷⁴ In order to give legal cover to the military courts, the Parliament, on 06 January 2015, unanimously passed the 21st Constitutional Amendment Bill.⁷⁵

As far as banning terrorist groups is concerned, since 9/11 Pakistan has outlawed 45 militant organisations in different phases. To begin with, the Musharraf regime banned JeM, LeT, SSP, Tehrik-e-Ja'afaria Pakistan (TJP), TNSM and Tehrik-e-Islami on 14 January 2002 in the wake of regional and international pressure after the terrorist attack on the Indian Parliament in December 2001. Al-Qaeda was outlawed on 17 March 2003 followed by Millat-i-Islamia Pakistan (former SSP), Khuddam-ul-Islam (former JeM) and Islami Tehrik-e-Pakistan (former TJP) on 15 November 2003. In 2008, the government banned Lashkar-e-Islami, Ansar-ul-Islam, Haji Namdar Group and TTP. In 2012, the government banned Ahl-e-Sunnat Wal Jama'at (former SSP).⁷⁶ Interestingly, the government has not yet proscribed Jama'at-ud-Dawa (JuD – former LeT), despite its alleged involvement in Mumbai incident in 2008.

Although the anti-terrorism legislation in Pakistan (since 1997) is a “bold departure from the normal legal system”,⁷⁷ it has proved insignificant to prevent terrorism. Not only has it failed to undertake speedy trials of the suspect terrorists, but also remained less successful to ensure the enforcement of the ban on the militant groups, which have resurfaced with new names, exposing the weakness of the state to establish its writ.

The following section assesses Pakistan's counterterrorism strategy by analysing various factors, which have impeded its effectual functioning.

⁷¹ “Ban on Death Penalty in Terror Cases Lifted”, *The News International*, 18 December 2014.

⁷² For details see, “Special Courts led by Military Officers to be Set Up”, *The News International*, 25 December 2014.

⁷³ It must be noted that the military courts were banned in Pakistan by the Supreme Court in February 1999

⁷⁴ Headed by the Prime Minister, the function of NACTA is ‘to receive and collate data/information/intelligence, and disseminate and coordinate between all relevant stakeholders to formulate threat assessments; to formulate comprehensive counter-terrorism and counter-extremism strategies; and to establish links with the international entities for facilitating cooperation in areas related to terrorism and extremism.’ See National Counter-Terrorism Authority Act 2013, available at http://www.senate.gov.pk/uploads/documents/1363071845_127.pdf, accessed on 15 November 2015.

⁷⁵ “Parliament Approves Military Courts to Try Terrorists”, *The News International*, 07 January 2015.

⁷⁶ “45 Organisations Banned in 11 years”, *Dawn*, 10 September 2012.

⁷⁷ Kennedy, “The Creation and Development of Pakistan's Anti-terrorism Regime”, *op. cit.*, p. 390.

4. An Assessment of Pakistan's Counterterrorism Strategy

It is noted that Pakistan's counterterrorism strategy has been swinging between two extremes – either the use of military force against the terrorists or the policy of appeasement towards them. There is no grey area where a policy could be devised to formulate an effective counterterrorism strategy, which could result in curbing terrorism. The military operations not only have remained inconclusive and incomplete, followed by negotiations and ceasefires with the militants, but also discriminatory as they singled out those elements of the TTP (Fazlullah-led faction), which fight against Pakistan's security forces; while sparing those groups (such as Haqqani network) which have pledged not to carry out attacks on Pakistan's security forces, but have focused on the NATO/ISAF forces in Afghanistan. In other words, Pakistan is satisfied as long as the militant groups carry out terrorist activities in Afghanistan, ignoring the fact that it has a blowback affect on Pakistan's security as the largest and the most powerful TTP faction (now led by Fazlullah) is also in alliance with the other Taliban groups for carrying out attacks in Afghanistan. The formation of the Shura-e-Murakeba (Observation Council) is an example of such an alliance of Taliban groups.⁷⁸

With reference to the appeasement policy, the government's signing of peace deals with the militants significantly failed to end militancy and establish long-lasting peace in the tribal areas as well as across the country. According to Marvin Weinbaum, "Pakistan's approach to finding a political solution had one basic fallacy: all the agreements were reached from a position of government weakness rather than strength."⁷⁹ Under the agreements, "the government released militants, returned their weapons, disbanded security check posts and agreed to allow foreign terrorists to stay if they gave up violence."⁸⁰ Also, the terms of the agreements did not establish any mechanism, which could bind the militants to lay down arms and renounce militancy as well as handover the foreign militants to the government authorities. Amid huge trust deficit and mutual suspicion on both sides, there were only verbal commitments to implement the terms of the agreements. In addition, peace deals brought the militants on equal footing with the military, and allowed them to establish a Taliban-style parallel policing and court systems in the Waziristans as well as in Swat, thus, challenging the writ of the state. This accommodation facilitated the "growth of militancy and attacks both in Pakistan and Afghanistan by giving pro-Taliban elements a free hand to recruit, train and arm."⁸¹

⁷⁸ Established on 02 January, 2012, the Observation Council is an alliance of five Pakistani and Afghan militant organisations – the TTP; Afghan Taliban, led by Mullah Omar; the Haqqani Network; and the militant outfits of Hafiz Gul Bahadur and Mullah Nazir. According to Amir Mir, "The militant circles in Pakistan say the moving spirit behind the formation of the Observation Council was Mullah Omar with a view to resolve differences among various factions of the Pakistani and Afghan Taliban and garner support for the ongoing battle against the US-led forces in Afghanistan." See, Amir Mir, "Siraj Haqqani Exposes Military-Militants Peace Deal", *The News International*, 14 February 2012.

⁷⁹ Marvin Weinbaum, "Hard Choices in Countering Insurgency and Terrorism along Pakistan's North-West Frontier", *Journal of International Affairs*, Vol. 63, No. 1, 2009, pp. 73-88.

⁸⁰ International Crisis Group, Asia Report No. 125, *op. cit.*, p. i.

⁸¹ *Ibid.*

Pakistan's tedious performance to uproot the terrorist network of militant Jihadi and extremist groups by using both the military and non-military options reflects ineffectiveness in its counterterrorism strategy. There are three different but interrelated factors which have contributed towards the inefficacy of Pakistan's counterterrorism strategy to strictly sort out the home-grown terrorism. These are: Pakistan's strategic interests in the region; skewed civil-military relations; and lack of national consensus on the ownership of the "war on terror".

First, Pakistan's counterterrorism strategy is preoccupied with its strategic interests in the region, particularly in India and Afghanistan. In the case of India, Pakistan's strategic interests rest mainly in Kashmir,⁸² which the latter considers an 'unfinished agenda' of the Partition Plan of June 1947. Pakistan's failure to achieve Kashmir's independence from India through wars and bilateral negotiations compelled the former to adopt the policy of engaging the latter in a low intensity conflict by using militant Jihadi groups as its proxies. It is true that Pakistan has dealt with the domestic sectarian terrorist groups, such as SSP and LJ, heavy-handedly "through arrests, targeted assassinations, and aggravated intergroup massacres"⁸³, several members and leaders of these outlawed Deobandi sectarian outfits have escaped the wrath of the state as they also enjoy the overlapping membership of "Pakistan-friendly" militant groups, which are fighting in the Indian-held Kashmir and are considered as 'strategic assets' by Pakistan's Military. They also use the same training camps, resources and to a large extent same ideological inspiration.⁸⁴ These multiple linkages have made the government's task difficult to identify the enemy.

As far as Afghanistan is concerned, Pakistan embarks upon the policy of establishing a pliable government in Kabul, which would fulfill twin tasks of its security policy. First, such a government in Kabul may not raise the issues of Durand Line⁸⁵ and Pakhtunistan,⁸⁶ thus, help secure Pakistan's western borders. Second, such a government would also deter the growing Indian influence in Afghanistan, which is a major concern of Pakistan. Pakistan's vulnerabilities enhanced when India signed 'Strategic Partnership Pact' with Afghanistan in October 2011.⁸⁷ Pakistan's security

⁸² Water is also the most pressing threat between India and Pakistan as reiterated by General Kayani during his interaction with media persons in February 2010. According to him, "A reality will not change in any significant way until the Kashmir issue and water disputes are resolved", quoted in Cyril Almeida, "Kayani Spells out Threat Posed by Indian Doctrine", *Dawn*, 04 February 2010.

⁸³ Ashley J. Tellis, "Pakistan's Record on terrorism: Conflicted Goals, Compromised Performance", *The Washington Quarterly*, Vol. 31, No. 2, Spring 2008, p. 9.

⁸⁴ Amir Mir, "Sectarian Monster", *South Asia Intelligence Review* Vol. 3, No. 47, 06 June 2005, available at <http://www.ict.org.il/Article.aspx?ID=920>, accessed on 12 December 2012.

⁸⁵ Established in 1893 under an agreement between the British India and the Amir of Afghanistan, Abdul Rehman Khan, the Durand Line is a porous international border between Pakistan and Afghanistan.

⁸⁶ The issue has been related to setting up of an autonomous Pakhtun state of the Pushto-speaking tribes in northwestern Pakistan.

⁸⁷ The Pact, which is Afghanistan's first with any country, outlined areas of common concern including trade, economic expansion, education, security and politics. Moreover, under the Pact, India also trained the Afghan National Army.

agencies view that the growing Indian “influence can only be neutralized by building links with elements that encounter India-friendly Kabul.”⁸⁸ In order to achieve these goals, Pakistan has been yearning on the policy of supporting friendly groups, which would ensure its strategic interests in the future Afghan political set up, particularly after the scheduled withdrawal of American and NATO forces. For this purpose, the military has avoided targeting the Afghan Taliban, particularly the Haqqani Network, during the security operations in the FATA region, despite intense American pressure.

Second, the skewed civil-military relations in Pakistan have also undermined the efficacy of Pakistan’s counterterrorism strategy. It must be noted that Pakistan’s political history is rife with a continuous tussle for supremacy between the military and civilian forces, where most of the time, not always, the balance of power has remained in favour of the former. Therefore, it is the military which defines Pakistan’s national security policy, and whenever the civilian forces have tried to act independently, the former has pushed the latter back very hardily. This resulted in the civil-military standoff, as could be seen in the cases of Kerry-Lugar Bill in October 2009,⁸⁹ the memo-gate scandal in 2012,⁹⁰ and until recently the formation of NACTA.⁹¹

Similarly, in case of formulating Pakistan’s counterterrorism strategy, it is also the civil-military strife which has made the task of devising an effective strategy very difficult. Both actors, civilian forces and the military, have different perspectives on making policies to counter terrorism. The civilians link the formulation of counterterrorism strategy with the country’s law and order problem, particularly to deal with the sectarian violence, which occurred mainly in the civilian domain. In civilians’ view, this could be handled through administrative measures (Pakistan’s anti-terrorism laws can be seen in this context). The military, on the contrary, sees formulation of the strategy from the country’s national security problem, which is India-centric, and for which it needs proxies. It is because of this Indian-obsessed security approach that the military has continuously followed the policy of raising and supporting those groups which accomplish its strategic objectives in India and Afghanistan.

⁸⁸ Ayesha Siddiq, “Jihadism in Pakistan”, *op. cit.*, p. 69.

⁸⁹ The bill was a non-military aid package proposed to Pakistan by the US in October 2009. Under the agreement, Pakistan would have received an American aid of US\$1.5 billion annually for five years. Pakistan’s civilian leadership supported the bill, while the military opposed it because of stringent conditions attached to it.

⁹⁰ The scandal refers to an alleged letter sent to Admiral Mike Mullen, then Chairman of the Joint Chiefs of Staff, by Hussain Haqqani, then Pakistan’s Ambassador to the US, to seek Obama Administration’s help to avert a possible military takeover in Pakistan, particularly after the killing of bin Laden in a covert military action by the American Seals in May 2011. The issue was made public when Mansoor Ejaz, an American national of Pakistani origin, wrote an article in the *Financial Times*, revealing that Ambassador Haqqani asked him to handover the confidential letter to the American high command. Later, the Supreme Court of Pakistan took up the issue and formed a commission, which in its findings, released on 12 June 2012, held Haqqani responsible for writing the letter and charged him of high treason.

⁹¹ Promulgated in 2009, the NACTA Ordinance was subjected to the controversy between the civilian and the military leadership. The then Interior Minister, Rehman Malik, wanted to bring the authority under his control, while the military leadership was reluctant to serve under civilians. As a result, the NACTA remained dormant until the Parliament passed the bill in March 2013.

Moreover, on the issue of talks with the Pakistani Taliban, both the military and civilian forces have until recently contradictory views, whereas the former vehemently rejected any 'unconditional' talks with the Pakistani Taliban on the grounds of their involvement in terrorist activities against the Pakistani state's institutions and its people; while the latter supported to commence negotiations with the militants without any conditions.⁹² It is, here, noted that Prime Minister Nawaz Sharif, while addressing the Parliament on 16 June 2014, announced the launching of military operation in North Waziristan.⁹³ Previously, Mr. Sharif in his first televised address to the nation on 19 August 2013 after assuming the Office offered a dialogue process to the militants. Although the PML-N sponsored APC on 9 September 2013, attended by all the major political and religious parties, offered 'unconditional' peace talks to the Pakistani Taliban,⁹⁴ the military gave a very careful response. The recent row between the civilian and military leadership on affirming their supremacy, ascertains that the gulf in civil-military relations is too deep to be bridged instantly through any consensus between the two institutions. The Chief of Army Staff, General Raheel Sharif's statement in reaction to Defence Minister, Khuwaja Asif's remarks on the supremacy of the Parliament over other institutions clearly shows the widened civil-military divide. During his visit to the headquarters of Special Services Group (SSG) at the Ghazi Base, Tarbela on 07 April 2014, General Sharif said, "while our country is faced with multiple internal and external challenges, the Pakistan Army upholds the sanctity of all the institutions and will resolutely preserve its own dignity and institutional pride."⁹⁵ The very next day, while addressing the National Assembly, the Defence Minister said, "Parliament is a supreme organ of the state and it would preserve its dignity besides having a respect for all other institutions."⁹⁶

Various Pakistani governments since the 9/11 incident have also failed to develop a consensual narrative in the society on the ownership of the US-led "war on terror." The Military denotes the "war on terror" as nation's war and calls for public support to win the war against terrorism, as is evidenced from General Kayani's 14 August 2012 speech. On the other hand, a majority of the Pakistanis do not support Military's view. A 2011 Pew Survey shows that only 37 per cent Pakistanis support the Military to fight militants in the tribal areas.⁹⁷ Similarly, the major political parties, such as the incumbent PML-N⁹⁸, Pakistan Tehrik-e-Insaaf (PTI and JI⁹⁹, which are ruling in

⁹² The 157th Corps Commander meeting held on 14 February 2013, the Military rejected any unconditional talks with the TTP. Amir Mir, "Talks with TTP Means Talks with LJ, Say Khakis", *The News International*, 03 March 2013.

⁹³ "Pakistan Will no Longer be Terrorist Heaven: PM", *Dawn*, 17 June 2014.

⁹⁴ "APC Backs Peace with Taliban", *Daily Times*, 10 September 2013.

⁹⁵ "Army to Preserve its Dignity Come What May: COAS", *The News International*, 08 April 2014.

⁹⁶ "NA Session: Defence Minister Asserts Parliament's Sovereignty", *The Express Tribune*, 09 April 2014.

⁹⁷ The Pew Survey on "Support for Campaign against Extremists Wanes: U.S. Image in Pakistan Falls no Further Following Bin Laden Killing", released on 21 June 2011, available at <http://www.pewglobal.org/files/2011/06/Pew-Global-Attitudes-Pakistan-Report-FINAL-June-21-2011.pdf>, accessed on 22 June 2012.

⁹⁸ Talking to media persons in Quetta, the Federal Interior Minister, Chaudhry Nisar Ali Khan said, "The current war is not war of Pakistan, rather it was imposed on our country", *Dunya News*, 11 August 2013.

⁹⁹ In an exclusive interview to Radio Pakistan in April 2013, then JI Amir, Syed Munawar Hassan, said, "The JI from the very first day opposed the alliance in war on terror, saying that it not our war." See, Pervaiz Akhter Zia, "JI Fears Terrorist Attacks on Political Leaders During Elections", *Radio Pakistan*, 21 April 2013, available

KPK, as well as the JUI-F¹⁰⁰, have clearly stated that the “war on terror” is not Pakistan’s war and that it is an American war, which has been imposed upon Pakistan. In the absence of the popular support, the military’s resolve to fight the internal threat not only has questioned its determination, but also hampered effectiveness of Pakistan’s counterterrorism strategy.

5. Concluding Analysis

An analysis of Pakistan’s counterterrorism strategy reveals that it lacks a tangible strategy and has so far relied on “ad hoc, reactive, moment-to-moment, incident-to-incident based approaches”¹⁰¹, based on both the military and non-military options to combat the menace of terrorism. It is clear from these observations that the existing counterterrorism strategy of Pakistan has failed to stamp out the terrorist network of home-grown militant groups. The militant network has rather strengthened and expanded not only across Pakistan, particularly its urban centers, but also has its reach regionally and globally. Consequently, the terrorist syndicate not only has endangered the internal security of Pakistan, but also made the regional and international security vulnerable.

Although the incumbent PML-N government has decided to begin a military operation in North Waziristan after the failure of talks with the militant groups, it is unrealistic to expect the Taliban militancy be ended either through negotiations or the use of force. There are two major factors to substantiate this argument: first, peace talks might not result in ending militancy of the Pakistani Taliban, who, in turn, have to oblige to Pakistan’s constitution and political system, which according to them is un-Islamic. They stringently view that the objective of their struggle is to establish Shariah in Pakistan. Hence, it seems less likely that the Pakistani Taliban would renounce militancy and withdraw from their religious agenda of ‘Jihadism’. Second, with reference to the on-going military operation in North Waziristan, it is more likely that this option would also remain unsuccessful as the military would continue to distinguish between ‘good’ and ‘bad’ Taliban, as per requirement of its strategic interests in the region and its dominant role in the domestic politics of Pakistan, where the weak civilian forces are in no position to challenge the powerful military establishment. It means that Pakistan’s counterterrorism strategy would continue to oscillate between intermittent military operations against the militants and short-lived peace talks with them.

Therefore, it is concluded that an effective and result-oriented counterterrorism strategy of Pakistan requires a substantial overhauling in its military-defined national security policy. This needs Pakistan to take four major measures: one, to build national

at <http://www.radio.gov.pk/newsdetail-42610>, accessed on 06 July 2013.

¹⁰⁰ In a statement issued by his spokesman Jan Achakzai, the JUI-F Chief, Maulana Fazlur Rehman, said, “Owning a war imposed by a dictator is against the national interest, and the solution lies in quickly getting out of this war.” Also, “Owning the terror war is against national interest: Fazl”, *The News International*, 17 August 2013.

¹⁰¹ “Counterterrorism: Focus on a Workable Plan, Says Mushahid”, *The Express Tribune*, 07 July 2013.

consensus on the ownership of the “war on terror”; two, to create balance in civil-military relations; three, to identify the enemy against which it has to launch the military operation; and last, to reinterpret its security policy *vis-à-vis* its strategic interests in the region, particularly in India and Afghanistan.

First, in order to formulate a national strategy with consensus, the government needs to mould public opinion in its favour by taking all stake-holders on-board in order to create an impression that this is Pakistan’s war, and that it is not fighting an American war in the region. It is true that a “favorable public opinion made it possible for the Army to launch the operation in Swat”, according to Maleeha Lodhi, Pakistan’s former ambassador to the US, as quoted by Ayesha Siddiqi.¹⁰²

Second, a relentless civil-military friction has severely affected the state’s ability to counter the Taliban militancy. Therefore, an effective counterterrorism strategy necessitates a balance in civil-military relations. Moreover, there needs to be a strong civilian control over the military in order to have public support and legitimacy to the counterterrorism strategy.

Third, a key problem in Pakistan’s counterterrorism strategy is that it has also not been able to identify the enemy, against which the security operations have been carried out since the 9/11 incident. Pakistan denotes those militant groups as terrorists which attack on its security forces and people; while it has soft corner for those groups which pursue its strategic interests in the region. Pakistan’s security operations since 9/11 have locked into the good Taliban/bad Taliban dichotomy. Therefore, an effective counterterrorism strategy requires Pakistan to abandon the concept of favourites, and launch an evenhanded military operation against all the militant groups, which are involved in terrorism within and outside Pakistan.

Finally, an effective counterterrorism strategy needs a complete shift in Pakistan’s strategic thinking. It is a fact that Pakistan’s strategic interests in its eastern and western neighbours led to its reliance on militant Jihadi groups without realising its repercussions for its domestic, regional and international security, especially in the post-9/11 scenario, which required it to go along with the demands of the changing international environment. Therefore, there needs to be a reinterpretation of Pakistan’s national security policy, which should focus on improving relations with its neighbours, particularly India, by increasing economic ties. In case of Afghanistan, Pakistan needs to abandon its cherished dream that the former has to be its client state, providing it strategic depth to be used to wage low intensity war through proxies against India. Such a policy shift will also squeeze the space for the militant groups at the domestic level.

¹⁰² Ayesha Siddiqi, “Pakistan’s Counterterrorism Strategy: Separating Friends from Foes”, *The Washington Quarterly*, Vol. 34, No. 1, Winter, 2011, p. 152.