



PAKISTAN'S STABILITY PARADOX

Domestic, regional and international dimensions

Edited by Ashutosh Misra and Michael E. Clarke

Pakistan's Stability Paradox

Pakistan, with the second largest Muslim population in the world, is a crucial country in the international system. It is an ally of the United States in the global 'war on terror' but is also regarded as a bastion of some of the most active jihadist organisations. This book highlights and explores the paradoxes that characterise contemporary Pakistan, ranging from the civil–military struggle between the military dictatorship, democracy and Islamism; rising extremism; and a schizophrenic relationship with the US, India and Afghanistan.

The central theme of the book is Pakistan's stability paradox. Commentators and analysts, over recent years, have often suggested that Pakistan was on the verge of state 'failure' or collapse resulting from a number of dilemmas. Yet, remarkably, the Pakistani state has proven to be more resilient. This book identifies not only the factors that contribute to Pakistan's perceived instability, but also those factors that contribute to the state's resilience. The book analyses the drivers of Pakistan's chronic instability and addresses the implications of its current political and security predicaments for regional, international and its own security.

Ashutosh Misra is Research Fellow at the Centre of Excellence in Policing and Security at Griffith University. He is the author of *India-Pakistan: Coming to terms* and *Pakistan: Engagement of the extremes*.

Michael E. Clarke is an ARC Research Fellow at the Griffith Asia Institute. His most recent publication is *Xinjiang and China's Rise in Central Asia, 1949–2009: A history* (Routledge 2011).

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Arjun Guneratne

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Adrian Athique and Douglas Hill

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Dennis B. McGilvray and Michele R. Gamburd

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Critiquing the Kerala model of development

K Ravi Raman

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Sharmistha Gooptu

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Patrick Kilby

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S. Janaka Biyanwila

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Edited by Jonathan Goodhand, Jonathan Spencer and Benedict Korf

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Amunui Faraizi, Jim McAllister and Taskinur Rahman

40 South Asia in the New World Order

The role of regional cooperation

Shahid Javed Burki

41 Explaining Pakistan’s Foreign Policy

Escaping India

Aparna Pande

42 Development-induced Displacement, Rehabilitation and Resettlement in India

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45 Islamic Revival in Nepal

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Megan Adamson Sijapati

46 Education and Inequality in India

A classroom view

Manabi Majumdar and Jos Mooij

47 The Culturalization of Caste in India

Identity and inequality in a multicultural age

Balmurli Natrajan

48 Corporate Social Responsibility in India

Bidyut Chakrabarty

49 Pakistan's Stability Paradox

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Contents

[List of contributors](#)

[Acknowledgements](#)

[Preface](#)

[PART I](#)

[Domestic dimensions](#)

1. [Pakistan's triadic politics and chronic political instability: Is democracy the panacea?](#)

ASHUTOSH MISRA

2. [Judicialization of politics and governance in Pakistan: Constitutional and political challenges and the role of the Chaudhry Court](#)

TASNEEM KAUSAR

3. [What are they teaching them at school nowadays?: Understanding hybrid seminars and Pakistan's social revolution](#)

ANEELA BABAR

4. [Women, media, equity and equality: The](#)

Pakistan context

TASNEEM AHMAR

5. The militants' landscape: Pakistan's Islamist organizations and their impact on the body politic

MUHAMMAD AMIR RANA

PART II Regional dimensions

6. The India–Pakistan peace process

HAPPYMON JACOB

7. The state of jihadi organizations in Pakistan and their regional and international links

ASHOK K. BEHURIA

8. Pakistan–Afghanistan relations

WILLIAM MALEY

9. The evolution of the Pakistani Taliban

CLAUDE RAKISITS

PART III International dimensions

10. Pakistan–US relations: An inconvenient partnership of convenience

MOEED YUSUF

11. Testing China's rise: China–Pakistan relations

SRIKANTH KONDAPALLI

12. [Pakistan and the 'four faces' of nuclear terrorism: A preliminary assessment](#)

MICHAEL E. CLARKE

[*Index*](#)

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Ashutosh Misra and Michael Clarke
Brisbane, 14 December 2010

Preface

Pakistan is a country enmeshed in myriad challenges ranging from political instability to economic fragility, rising unemployment, sectarianism, ethno-nationalism, jihadism upsurge and a humanitarian crisis of mammoth proportions. In 2010 the country was hit by an unprecedented deluge that affected more than 20 million people, killing more than 3,000 and submerging almost one-fifth of the country, destroying houses, infrastructure, livestock and crops in the area, resulting in economic damage at a staggering US\$43 billion. The economy is in a shambles and with a 2.5 per cent GDP growth rate, double-digit inflation and US\$56 billion foreign debt, Pakistan faces the most daunting challenges to its stability and future. The continuing military operations in the tribal areas are placing an added burden on the national exchequer, and although the International Monetary Fund (IMF) has provided US\$7.6 billion for economic stability, Friends of Pakistan have provided US\$5.3 billion and the United States US\$7.5 billion over a period of five years, it is a paltry sum considering the economic fragility of the country. Relations with neighbours, primarily India and Afghanistan, are troublesome and its ties with the US are constantly being stretched to breaking point over the continuing drone attacks and US concerns over the alleged Jihadi-ISI nexus in sustaining militancy and attacks on the International Security Assistance Force in Afghanistan.

International opinion is divided over Pakistan's ability to deal with its chronic instability, but is unanimous on the point that the failure of the state would have a catastrophic effect on international security and must be prevented at all costs. Pakistan's stability concerns us because its instability will affect all as well. In the context of the importance of Pakistan's

strategic position, possession of nuclear weapons and critical role in the 'war on terror', the Griffith Asia Institute organized an international workshop on 25–27 November 2009 in Brisbane, Australia, in which security experts from Pakistan, India, Australia and the United States participated in wide-ranging discussion on some of the most pressing challenges facing the country. This volume is a result of the papers which were presented during the workshop. The book is broadly divided into three dimensions – domestic, regional and international.

The domestic dimension includes chapters by Ashutosh Misra, Tasneem Kausar, Aneela Babar, Tasneem Ahmar and Muhammad Amir Rana on Pakistan's chronic political instability, judicialization of politics, Pakistan's social revolution and seminary education, status of women in media and militancy landscape of Pakistan, respectively. Ashutosh Misra posits that the interplay between the three main political forms of government – military dictatorship, democracy and Islamism – is a constant interdependent cycle lying at the core of Pakistan's political instability. He argues that for Pakistan to become stable, this triadic and cyclical nature of politics must cease, which is possible only when one of the three FOGs (forms of government) becomes self-reliant and does not align with the other two forces to stay in power. Tasneem Kausar, in analysing the judicial movement of 2007, answers the following questions: what are the factors responsible for this judicial and political empowerment of superior judiciary of Pakistan? What would be the relationship between this politically empowered judiciary and other constitutional organs of the state? And what are the major constitutional and political challenges faced by this judiciary? Aneela Babar's chapter identifies how seminaries and their justification of militancy are a natural corollary of the religiomilitary nexus in Pakistan and pinpoints at the emergence of a social revolution and how the youth is coming to grips with religious identity, political violence and influencing Pakistani politics. Tasneem Ahmar's chapter examines the portrayal and representation of women in the Pakistani media and discusses how a culture of dialogue with and within the media has been initiated to analyse, review and provide solutions for the role and status of

women in the media. This section concludes with a chapter by Muhammad Amir Rana, which presents an account of the militancy landscape in Pakistan. He argues that the Pakistani militant organizations pose a major threat to the country's internal security by weakening the state–society relationship, disturbing an already fragile sectarian, social and cultural equilibrium and slowing economic development.

The regional dimension section begins with a chapter by Happymon Jacob, who discusses the India–Pakistan peace process and India's concerns with Pakistan. The chapter answers four basic queries: what were the various state motivations, *modus operandi*, forums, negotiating strategies, breaking points and areas of consensus within the peace process; what did the peace process actually achieve, if anything; what went wrong with the peace process; and what are likely to be the major contours of a renewed India–Pakistan peace process? The second chapter, by Ashok Behuria, traces the structure and activities of jihadi organizations in Pakistan and analyses their linkages with the Pakistani state, sources of funding and links with global terror groups such as Al-Qaeda. The third chapter, by William Maley, traces the historical context of the Afghanistan–Pakistan relationship and identifies some of the costs that have been associated with the approaches to the management of the relationship on the part of the two states. Maley argues that the Taliban phenomenon poses a serious challenge to stability in both countries, and that this should be a central focus for actors in the wider world when they engage with Islamabad diplomatically. The regional dimension section concludes with Claude Rakisits' chapter, which traces the historic evolution of the Pakistani Taliban. He argues that the growth of Pakistani militancy and religious extremism in the tribal areas is the result of the confluence and the mutual reinforcement of internal and external factors, such as the poor governance of Pakistan's Federally Administered Tribal Areas (FATA) and the establishment of Al-Qaeda and Taliban safe havens after the US invasion of Afghanistan post-9/11.

The third and final segment of the book covering international dimensions of Pakistan's instability includes

three chapters on the much-debated Pakistan–US relationship, the Sino–Pakistan ‘all weather’ partnership and concerns surrounding the safety of Pakistan’s nuclear weapons. Moeed Yusuf, in his chapters on the Pakistan–US ‘transactional’ relationship, argues that it hinges on US satisfaction with Pakistan’s assistance to its efforts in Afghanistan. Yusuf suggests that to extract better performance from Pakistan, the US needs to change Islamabad’s cost–benefit equation by altering the incentives and addressing Pakistan’s concerns towards India’s role in Afghanistan. Srikanth Kondapalli then traces the contours of the Sino–Pakistan relationship and argues that while the challenges facing China in Pakistan are complex and complicated, if not insurmountable, a shift from a balance of power approach to an alliances/semi-alliance approach is in the making. The section and the book conclude with the chapter by Michael Clarke on the international concerns surrounding the safety of Pakistani nuclear weapons. Clarke discusses the likelihood of theft or diversion of nuclear weapons/materials by analysing the vibrancy and weaknesses of Pakistan’s nuclear complex comprising nuclear doctrine/strategy, command and control, the safety/security of the nuclear arsenal and delivery systems, and the safety/security of civilian nuclear facilities.

Part I

Domestic dimensions

1 Pakistan's triadic politics and chronic political instability

Is democracy the panacea?

Ashutosh Misra¹

Introduction

Pakistan is a vital country in the international system and its elusive stability is a concern for regional and international security. Its political situation continues to be fragile and neither the international community nor the Pakistani leadership has any substantial idea of how to stabilize it. Since its birth in 1947, a regular cycle of military coups and failed democratic governments has underpinned Pakistan's chronic political instability. To make matters worse, the country has also drifted into extremism with serious risks to not only its own stability but also that of the wider region. Pakistan, under significant pressure from the United States, has thus far adopted a largely military approach to restore stability. However, this has merely treated the symptoms rather than the root causes of the country's chronic instability. This chapter suggests that the interplay between the three main political forms of government (FOG) – military dictatorship, democracy and Islamism – is a constant interdependent cycle lying at the core of Pakistan's political instability. The chapter introduces a stability–instability model (SIM) comprising three competing forces which are compelled to co-opt each other and yet are simultaneously deeply destabilizing of one other to explain Pakistan's instability. The chapter argues that this triadic and cyclical domestic politics must cease in order

for Pakistan to experience long-term stability. However, this may only be possible when one of the three FOGs becomes self-reliant and does not have to align with the other two in order to stay in power.

Explaining Pakistan's instability through the stability–instability model

Analysts have predominantly studied Pakistan through the prism of a trilogy comprising 'Allah, Army and America'. In retrospect this approach appears to be flawed as it ignores the role of democracy in influencing developments in Pakistan. Since 1973, in particular, democracy has come to be recognized as a potent alternative and competitor to military dictatorship. Islamism, on the other hand, enjoys comparatively lesser influence in politics but its presence is by no means insignificant. Therefore, the resultant triad hinges on military dictatorship, democracy and Islamism.

The SIM suggests that each FOG must possess three characteristics to ensure political longevity – power, authority and legitimacy. However, as none of the three FOGs have historically possessed all three characteristics, they have often been compelled to form periodic alliances with one another, which in turn has exposed them to numerous exploitations and pressures at various levels. Before moving further, it is necessary to briefly outline the fundamentals of each characteristic. Power is one of the core concepts in political science and has understandably been contested by thinkers for centuries. Power is categorized into various types – political, economic, ideological and military – and regarded as an element which makes the social system coherent and stabilizes relationships between people.² Max Weber defined power as the 'probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests'.³ In another context, Weber defined power as, 'the chance of a man or a number of men to realize their own will in a social action even against the resistance of others who are participating in the action'.⁴ It is this Weberian conception of power which is

most appropriate in the Pakistani context. Indeed, Hannah Arendt has argued, 'Power corresponds to the human ability not just to act but to act in concert. Power is never the property of an individual; it belongs to a group and remains in the existence only so long as the group keeps together.'⁵ This is an apt description of the Pakistani military, which has always acted in unison and derived its power from the unity and fraternity within the force. Such a power trait cannot be identified with the democratic or Islamist forces, which on countless occasions have been too mutually distrustful and deeply divided to act as a unified force.

For power to be effective it must be backed by authority which carries legitimacy. According to Dennis Wrong 'the essence of authority is the issuance of commands'.⁶ Stein, however, maintains, 'Authority is the untested acceptance of another's judgment.'⁷ Therefore, 'authority' which induces compliance can be said to rest on the perceived status, resources or personal attributes of the communicator and not on the content of the communication itself. Authority is successful ordering or forbidding and the way it is exercised determines its typology. It could be a coercive authority, legitimate authority, competent authority, personal authority and authority by inducement.⁸ In Pakistan, these different typologies of authorities have existed from time to time. The military is largely seen as a coercive authority, whereas the democratic regimes have been regarded as a legitimate type of authority, although not as effective as the military in affecting changes and securing compliance.

Legitimacy of the authority, rule or decision means that people treat them as beneficial to the society as well as for themselves and therefore willingly abide by it.⁹ In sum, power is exercised from a position of authority and whether that authority is legitimate will be determined by the compliance of others, who then will adjudge if the command given by the authority is 'right', 'good' or 'beneficial'. Therefore, an effective and stable power must possess the capacity to secure the will of the people without force or coercion, failing which sanctions may be enforced to compensate for the loss or absence of legitimacy.¹⁰ In the Pakistani parlance this implies

that power can derive from the brute force of the gun and fear of the military itself but the legitimacy of a military regime will hinge on respect and willing compliance of the people. Likewise, if people refuse to comply willingly with democratic or Islamist rule, their legitimacy would certainly be questionable. Therefore, for Pakistan to be politically stable, all three FOGs need to possess not only power but also authority which enjoys legitimacy.

The military possesses *power* and *authority* but lacks *legitimacy*, especially *popular legitimacy*, because it relies on force rather than constitutional means (elections) to acquire power. Since it lacks *popular legitimacy* it is traditionally predisposed to co-opt the Islamists to benefit from their *ideological legitimacy*, the best it can achieve in terms of gaining *legitimacy*.¹¹ On occasions when the political situation was not conducive for such an alliance, as witnessed in the run-up to the 2008 elections, the military drifts closer to the democratic forces to attain *popular legitimacy*. The façade of ‘guided democracy’ under General Pervez Musharraf between 2002 and 2007 is another instance of the military using democracy to sustain its power and legitimize its authority. On the other hand, the democratic forces, comprising the Pakistan People’s Party (PPP), Pakistan Muslim League-Nawaz Sharif (PML-N) and regional nationalist parties such as Awami National Party (ANP) enjoy *popular legitimacy*, but lack *power* and *authority* and *ideological legitimacy*. They lack *power* because their ascent to power is subject to the loosening of the military’s hold on power and its authority is limited by an overbearing military and constitutionally powerful presidency. It is devoid of *ideological legitimacy* due to its opposition to Sharia-based rule and adherence to liberal democratic principles, which the Islamists consider un-Islamic. As a result democratic regimes seek to appease the Islamists by enshrining Islamic provisions in the constitution and seeking from them appropriate Islamic terminology and its ideological metaphors for policy-making purposes. The Islamist forces, or the erstwhile conglomeration of the Muttahida Majlis-e-Amal (MMA), which won over 60 seats in 2002, possessed *ideological legitimacy* but not necessarily *popular legitimacy*. It had received just 11 per cent of the vote

largely due to widespread anti-Americanism following 9/11 and support of the military and the intelligence services. Traditionally, and politically, their Islamic predisposition makes them unpopular and also explains their dismal electoral record. They possess *ideological legitimacy* but are devoid of *power* and *authority* due to a weak political base and lack of control over state institutions and government machinery. This makes the Islamists dependent on the military or democratic forces to implement their agenda and they are tolerated only to a limited extent. General Musharraf, who had for a long period ignored their Islamist agenda in the North West Frontier Province (NWFP),¹² had to put his foot down to prevent Islamization from metamorphosing into Talibanization.

Pakistan's chronic instability has been underpinned by the shortcomings of each of the FOGs in the realms of power, authority and legitimacy. The military's lack of popular legitimacy, for example, has resulted in their co-option of either the Islamists or democratic actors as the political situation dictates in order to bolster its legitimacy. The weaknesses of each of the FOGs have compelled them into a cycle of co-option, promotion and marginalization, pushing them into various combinations of alignments to achieve regime stability.

Pakistan's cyclical triadic politics

Following Pakistan's creation and the death of the 'father of the nation' (and governor general), Muhammad Ali Jinnah, and the first Prime Minister Liaquat Ali Khan – the two visionaries who were ideally suited to shape the democratic and perhaps secular character of Pakistan – the military–bureaucratic oligarchy occupied the centre-stage with little interest in establishing democracy. For nine years, there was no constitution in place and democracy remained absent from the consciousness of the political elite and the general public. The unrepresentative character of the ruling oligarchy encouraged the military to wrest power in 1958 with little to fear in terms of a public protest. General Ayub Khan, following his 1958 coup, tailor-made the 1962 constitution to

secure the military's institutional interest and concentrate all powers in his hands, who happened to be the indirectly elected president. The military relied on the powerful bureaucracy for governance and, since no real threat existed to the military's writ and control, Ayub Khan banned party-based democracy and distanced himself from the Islamist leaders.

The first significant military–Islamist partnership evolved under General Yahya Khan, who came to power in 1969 to counter nationalists in both west and east Pakistan. However, this partnership eventually failed to contain Sheikh Mujib-ur Rehman and his Awami League Party from sweeping the parliamentary seats in east Pakistan during the 1970 elections. This political failure was soon followed by military defeat at the hands of India and led to the second partition on the subcontinent and the creation of Bangladesh in 1971. The loss of credibility and standing that this entailed for the military enabled the democratic forces to eject the military from power, heralding the establishment of democracy under the charismatic Zulfikar Ali Bhutto and his Pakistan People's Party (PPP). The first representative elections were held in 1973 and political parties, including Islamist parties, jostled for seats in the parliament. In the ensuing democratic phase (1973–77), Z.A. Bhutto enshrined extensive Islamic provisions in the constitution to appease the Islamists and co-opted them as a buffer against the military but with little success. In this period Bhutto and his PPP increased their dominance considerably, which unfortunately emboldened his authoritarian ambitions. The electoral bungling and widespread allegations of rigging in the 1977 elections were a reflection of Bhutto's authoritarian ways and triggered a nationwide protest, allowing the military and Islamists to stoke public outcry against the PPP government. Both Z.A. Bhutto and the democratic government were ousted in July 1977 by General Zia-ul Haq, heralding the third phase of military rule (1977–88). This phase of military rule was underpinned by an increasingly overt military–Islamist alliance. General Zia, a devout Muslim himself, ushered in the Islamization of society and state institutions, including the military, and the military–Islamist partnership was further cemented as a result of the Soviet invasion of Afghanistan and the Iranian Revolution in

1979. These external developments gave General Zia the opportunity to create new madrassas to train mujahedeen for the Afghan jihad and also counter the growing influence of Shiite groups and madrassas in Pakistan. Squeezed hard by the military dictatorship, the democratic forces united to form a common opposition front and by 1986 the Restoration of Democracy (MRD) had begun seriously challenging Zia's diktats and demanding general elections. In response, General Zia ordered party-less elections with a powerless prime minister in the form of Muhammad Khan Junejo, who gave a stamp of approval to the draconian Eighth Amendment. The democratic opposition continued to intensify and eventually, in 1988, Zia's unexpected death in an air crash paved the way for party-based elections and the return of democracy. However, the symbiotic military-Islamist relationship remained functional as the Inter Services Intelligence (ISI) tried, although unsuccessfully, to prevent the PPP from gaining power by creating the Islami Jamhoori Ittehad (IJI), comprising the Islamists and members of the Pakistan Muslim League (PML). During the 1990s, while the PPP and PML were locked in an intense political tussle for parliamentary supremacy, the military-Islamist partnership made little impact on domestic politics and instead focused on the jihad in Kashmir and Afghanistan and facilitated the capture of Kabul by the Taliban in September 1996.

During the decade of democracy (1988–99), the military and democratic forces remained at loggerheads due to the powerful presidency and a watchful military which kept a tight leash on the Pakistani foreign, defence and nuclear policies and stonewalled any attempt by the democratic forces to interfere in the internal affairs of the military. As Benazir Bhutto and Nawaz Sharif repeatedly interfered in the appointments of the defence force chiefs and failed to rein in the rampant corruption, both leaders were dismissed before completing their terms, on each occasion indicating their inability to take on the military due to lack of power and authority.

General Pervez Musharraf's overthrow of Nawaz Sharif in October 1999 returned the military to power. Musharraf

argued that the democratic parties had brought Pakistan to its knees and that the military takeover was necessary to 'save' the country. Indeed, public sentiment against the democratic parties had reached such levels that people celebrated the overthrow of Nawaz Sharif on the streets and Musharraf's regime thus faced no credible challenge domestically. Nonetheless, the coup was challenged in the Supreme Court and under the directives of the apex court Musharraf was forced to hold elections in October 2002. However, prior to the elections he doctored a presidential referendum in April to legitimize his authority, and for this purpose he reached out to the jihadi groups and Islamist parties for support. During the October 2002 elections the military and ISI chose to favour the MMA and marginalize the democratic forces and propped up a new political party of turncoats who would be the political face of the military in the parliament, the Pakistan Muslim League Quaid-e-Azam. Consequently, what emerged was the military-Islamist (PML-MMA) 'marriage of convenience' which maintained the facade of 'guided democracy' for five years, with occasional frictions and differences.

The alliance began to strain as the 'War on Terror' intensified and General Musharraf was forced to wage a crackdown against the Islamic extremists inside Pakistan. The ensuing reversal of policy towards the Taliban and Musharraf's own backtracking on his promises to relinquish his uniform ruptured the military-Islamist alliance and intensified the democratic opposition. By 2007, General Musharraf parted ways with the Islamists, purged the judiciary to avoid any judicial activism against his plans to resuscitate his regime and turned to the democratic forces, primarily the PPP, to seek re-election as president in the 2008 elections. In 2007 Musharraf and the military's hold over power began to wane as a result of a series of key events. These included: the crackdown on the judiciary (March); the operation against the Red Mosque clerics (July); Benazir Bhutto's return (October); and the proclamation of a state of emergency (November). Due to rising domestic and international pressures, Musharraf resigned on 27 November 2007 as army chief and became a mere civilian president.

In a desperate last-ditch effort he reached out to Benazir Bhutto for a political understanding. Yet, following her assassination on 27 December, that possibility was killed off as well and he became the target of judicial, democratic and public indignation. In the February 2008 elections, after nine years, the Islamists and the PML-Q were removed from power. The MMA, which was seething with anger against Musharraf's backtracking, sided with the rest of the opposition in the elections to regain seats. Interestingly, both Musharraf and the Islamists desperately lobbied with the democratic forces, but political circumstances and widespread anti-Musharraf sentiment kept the democratic forces at a distance from them. Although the PPP-led government has the support of the Maulana Fazlur Rehman's JUI-F with six seats, the Islamists have no real influence in policy-making and they merely remain afloat as a nominal third axis of Pakistan's fluid triadic politics.

Strengths and weaknesses of the three forms of government

At this point let us analyse the respective strengths and weaknesses of each FOG to ascertain their prospects for achieving political stability.

Strengths and weaknesses of military dictatorship

In 60 years Pakistan has seen 32 heads of government, including four of 13 presidents as military dictators, and only eight of 22 prime ministers popularly elected. The country has spent half its existence since 1947 under four military dictatorships in a perfect display of power domination and political machination. The political influence of the military since 1947 has been based on four major factors: (1) civilian ineptitude; (2) the military's strength, discipline and institutional fraternity; (3) the military's close ties with the US; and (4) the military's corporate muscle.

After 1947, in a highly centralized system of governance with negligible provincial autonomy and power-

decentralization, the role of the military remained central in dealing with natural disasters, law and order, and socio-economic challenges. In 1953 the military was called in for the first time to assist the administration in implementing martial law in Punjab and Sindh in the wake of the Ahmediya riots. In 1954, General Ayub Khan was appointed the defence minister, allowing the military to enter politics and to run otherwise civilian duties. Hassan Abbas blames the civilian authorities for their ineptitude and handing over power to the military on a platter. He suggests that:

The argument that bureaucracy and military grabbed power from politicians is absurd. Government reliance on bureaucracy for the rehabilitation of migrants from India, and dependence on the military due to Indian threat were not reasons enough for political forces to become subservient to the civil-Military bureaucracy. Had there been a 'congenial constitution' in force, the political elements would have reigned supreme. The commander-in-chief of Pakistan Army was inducted in the Cabinet in 1954 to gain army's support for the ruling elite. The politicians who committed this unforgivable sin set the trend for which the nation is paying through its nose to this day. It provided army with a chance to have direct say in governmental affairs. Army never surrendered the privilege.¹³

The military was made part of the civilian administration and its success in dealing with the challenges with great professionalism and efficiency augmented its credibility in the eyes of the people as an ideal power to build a strong Pakistan.

Despite the failings of Pakistan's civilian leadership, however, the core strength of the military flows from its control of the 'barrel of the gun', its disciplined cadre and institutional fraternity. It is a voluntary service comprising 650,000 personnel, including 550,000 in the army, 45,000 in the air force and 25,000 in the navy.¹⁴ It is regarded as the only organized and disciplined institution in Pakistan. Mushahid Hussain and Akmal Hussain argue:

In the Military, unlike the civilian bureaucracy, the officer has to study, acquire new skills and pass an examination at each stage of the promotion ladder. Over the last forty years the Military has developed a sophisticated infrastructure of education from Military public schools, through specialized colleges for professional training in various fields of engineering, electronics, and aeronautics, to high quality command and staff training institutions.¹⁵

From such a disciplined training emanates force loyalty and, whenever its authority is challenged by the democratic forces or civilian regimes, it retaliates collectively and with brute force. The 1999 military coup of General Musharraf is a testimony to this institutional loyalty, which has no match in the civilian domain. Another factor which augments the military's strength is the clout of the Inter-Services Intelligence (ISI), its spy agency, which, since Ayub Khan's days, also monitors politicians and domestic politics in addition to its external duties. Over the years the influence of ISI has grown manifold due to its centrality in waging jihad in Afghanistan and Kashmir and its establishment of close links with jihadi groups. Its enormous clout can be judged from the failed attempt on 26 July 2008 by Prime Minister Yousuf Raza Gilani to bring it under civilian control by placing it under the authority of the Interior Ministry with the intention of smothering international criticism of its links with jihadi groups. Due to the military's and the ISI's stiff resistance, the prime minister's directive was reversed within a few hours, enabling the ISI to continue to function as an autonomous body which safeguards the interest of the military.

The supremacy of the military in Pakistan to a great extent has also been established by its alliance with the US. It has deftly exploited the 'Indian threat' to build its military muscle with US and Chinese military and financial assistance. By joining the South East Asia Treaty Organization (SEATO) and Central Treaty Organization (CENTO) in the 1950s, the military ensured the supply of economic and military assistance on the one hand and sustained its dictatorship on the

other. Veena Kukreja considers the relationship with the US and China to be the key factor in driving the Pakistani military's adventurism domestically and in the region.¹⁶ Notably, following the 1999 coup, General Anthony C. Zinni, commander-in-chief of the US Central Command (CENTCOM) and a close friend of General Musharraf, observed before the US Senate Armed Forces Service Committee:

Because of the historic importance of the military as a source of stability within the country, I believe that isolating Pakistan's influential military establishment is and will continue to be counterproductive to our long-term interest in the region. When the US isolates the professional Pakistan military, we deny ourselves access to the most powerful institution in Pakistani society ... I know Chief Executive General Pervez Musharraf well and have spoken to him on several occasions since his assumption of power. I believe that our strategic interests in south Asia and beyond will best be served by a policy of patient military to military engagement.¹⁷

According to the US Agency for International Development (USAID), between 1954 and 2002 the US provided a total of \$12.6 billion to Pakistan, of which \$9.9 billion was granted to the military regimes spanning 24 years and with the remaining \$3.3 billion granted to civilian regimes.¹⁸ Since the War on Terror began in late 2001, these figures have multiplied exponentially. Under the administration of President Barack Obama, the military aid stands at \$300 million a year, as proposed under the Kerry-Lugar Bill, and Pakistan is expected to get another \$7.5 billion in non-military aid over five years.¹⁹

The corporate muscle of the military over the years has also grown steadily, making it financially autonomous and self-reliant. According to military analyst Ayesha Siddiq:

The Military as a serious economic actor which competes with other domestic economic players, is a phenomenon prevalent primarily in the developing

world, especially in countries ridden with the problem of political underdevelopment ... In weak polities in particular, militaries are tempted to engage in economic ventures for a number of reasons, ranging from the welfare of their own personnel to filling the financial gap in order to meet their operational and personnel need – especially when the governments cannot do so due to a resource crunch, or because the state has a poor tax base that does not allow it to generate resources – or merely to fulfil certain other objectives of the state.²⁰

Taking its cue from the British, who had acquired large tracts of land for setting up military cantonments, military farms and laying railway lines for ensuring better control and revenue extraction, the Pakistani military followed a similar strategy, popularly referred to as ‘cantonment colonialism’.²¹ The military today is the largest and richest corporate house and land owner in Pakistan, which includes scores of industries, trading houses, banking, leasing and insurance companies, transport corporations, and real and housing estates.²² Five foundations controlled by the military, including Fauji Foundation, the Army Welfare Trust, Shaheen Foundation and Bahria Foundation, are regarded as the largest business groups in Pakistan. These foundations run banks, insurance companies, fertilizer and cement companies, agricultural farms, dairies and gas stations and heavily indulge in land-grabbing practices for Defence Societies. Experts claim that the financial and political autonomy of the armed forces are interrelated in the vicious cycle and, while political power is prerequisite for the military’s exploitation of national resources, the armed forces’ financial autonomy deepens its interest in retaining control of the state.²³ Retired military officer Lt. General Talat Masood refers to it as ‘institutionalized corruption’.²⁴

Significantly, the military also suffers from significant shortcomings, which have undermined its position. Chief among these is the lack of popular legitimacy for the political role of the military. Military coups by nature are devoid of political legitimacy because they lack constitutional sanctity.

Cognizant of this major limitation, military dictators have resorted to constitutional authoritarianism by tampering with the constitution to legitimize their rule. As an alternative for political legitimacy, the military has aligned with the Islamists to acquire ideological legitimacy in the name of Islam, as practised by General Zia-ul Haq and to some extent by General Musharraf. General Ayub Khan, in contrast, instead chose to acquire political legitimacy by introducing the system of 'basic democracy', a partyless system and tailoring the president-dominated 1962 constitution. However, since the president was indirectly elected by the people under this constitution, this attempt at seeking political legitimacy proved futile.

General Musharraf for his part produced an amalgamation of the above two approaches. He devised the system of 'guided democracy' in which he created a facade of democracy by propping up his own party, PML-Q, and tampering with the constitution on one hand, and aligning with the MMA on the other. Prior to the 2002 elections he held a bogus referendum to legitimize his position as a popularly elected president, but the referendum was dismissed by the democratic opposition as unconstitutional as there existed no provision in the constitution for holding a referendum to elect the president.²⁵ The Human Rights Commission of Pakistan labelled the voters as 'captive voters'.²⁶ As a desperate president lacking constitutional legitimacy, he made false promises to his political allies in the MMA in return for their support in the parliament and for amending the constitution, which in the end ruptured the alliance with the Islamists.²⁷ The proclamation of a state of emergency and sacking of the Supreme Court Chief Justice Iftikhar Chaudhry and 80 other judges was another desperate instance of stooping to any level in pursuit of political legitimacy, which remains the prime weakness and challenge for the military.

Strengths and weaknesses of democracy

In Pakistan's politics, irrespective of its failings and the military's overbearing position, democracy has carved a niche

for itself as a credible political alternative to military dictatorship and Islamism and embodies the following strengths: universal acceptability and popular legitimacy; and resilience. However, it has also suffered from a number of weaknesses, including a tendency of the leaders of major political parties to disregard democratic norms and a failure to establish a sense of fraternity amongst democratic actors.

Constitutionalism lies at the core of liberal democracy, which is regarded by many as the most appropriate form of governance wherein freedom is balanced by the rule of law and popular sovereignty is tempered by state institutions to ensure order and stability.²⁸ Samuel P. Huntington argued in the early 1990s that the world had experienced a ‘third wave’ of democracy between 1974 and 1990, with 30 countries making a transition to democratic forms of government over this period.²⁹ Significantly, one of the factors that he identified as a major cause of this ‘third wave’ was a crisis of legitimacy amongst authoritarian regimes. He suggested that this was due to the fact that the legitimacy of authoritarian regimes tended to rest on ‘successful performance’ and that many of the countries that made a transition to democracy during the ‘third wave’ did so as a result of a failure to maintain ‘performance legitimacy’ due to economic and/or military failure.³⁰ In the Pakistani context, as we have noted above, the military’s unconstitutional approach from the late 1950s onward and the loss of East Pakistan in 1971 undermined its reputation as a guarantor of security and stability and paved the way for democracy’s ascendancy. Thus, in Huntingtonian terms it can be said that the Pakistani military by the early 1970s had failed to maintain ‘performance legitimacy’.

The subsequent democratic rule of Zulfikar Ali Bhutto, based on the 1973 constitution, was seen as an ideal system which also enshrined extensive Islamic provisions approved by the Ulema. The 1973 constitution, which was framed under the first popularly elected government, is still upheld by the democratic parties as the ideal constitution for a democratic Pakistan. Not surprisingly, the military regimes of General Zia and Pervez Musharraf amended it to suit their interests on several occasions. General Zia amended it in 1985 when he

inserted the Eighth Amendment giving the president sweeping powers through article 58(2)b over the elected parliament, which was scrapped by Nawaz Sharif in 1997 through the Thirteenth Amendment. Pervez Musharraf got the article inserted again in 2003 under the Seventeenth Amendment with the help of the MMA. In 2009, after much protest and opposition, the current PPP government amended the constitution to its 1973 form, scrapping the draconian article 58(2)b. During the military regime of 'guided democracy' under Pervez Musharraf, the charter of democracy was signed between the two exiled leaders, Benazir Bhutto and Nawaz Sharif, in 2006 demanding the restoration of democracy and the 1973 constitution to its original character. It was under the guidelines of the charter that the latest constitutional amendments were approved by the current parliament, restoring powers to the popularly elected prime minister rather than the president. According to an opinion poll conducted in 2008, the majority of the people in Pakistan preferred a greater role for both Islam and democracy. They favoured a more democratic political system rejecting 'Talibanization' and endorsed the efforts to reform the madrassa system, especially the curriculum. Asked how important it was to live in a country governed by representatives elected by the people, on a scale of 10, the mean response was 8.4.³¹ Thus democracy, considered universally as the least bad form of government, combined with Islamic provisions as inserted in the 1973 constitution, enjoys popular legitimacy because it allows the people a say in the making of governments through adult franchise and guarantees their fundamental rights.

It is an extraordinary achievement for the democratic forces in Pakistan that a system (i.e. democracy) which was described by scholars after Pakistan's creation in 1947 as an unlikely system of governance has taken root and challenged military regimes as a credible alternative system of governance. Undoubtedly, democracy was faced with several structural and socio-political impediments at the time of partition and consequently failed to take root for several decades. The Muslim League and the two constituent assemblies which were entrusted with the task of state- and constitution-building were dominated by landlords with

sweeping inherited privileges who, although yearning for democracy, were uncomfortable with the procedures of decision-making through debate, discussion, compromise and majority vote. The ruling elites were least interested in strengthening the electoral process and allowed the military under Ayub Khan to grab power on the pretexts of economic crisis, soaring prices, shortage of essential commodities, smuggling, misadministration and corruption.³² The two constituent assemblies of 1947–54 and 1955–56 spent eight long years in discussing the role of Islam, the nature of an Islamic state, distribution of powers between the centre and provinces, representation in the federal legislature, and the electoral structure. Under the first Constituent Assembly, the highest presence of 53 individuals was recorded, underlining the apathetic attitude of the leaders towards constitutionframing.³³ The deaths of Muhammad Ali Jinnah, the founder and first governor general of Pakistan, and Liaquat Ali Khan, the first prime minister, soon after Pakistan's birth, the weak political base of the Muslim League in Pakistan, virulent regional and ethnic differences, and an overbearing bureaucratic-military oligarchy made democracy a distant dream.³⁴ Describing Pakistan as born in conflict with democracy, Stephen Cohen wrote:

The difficulty of reconciling the idea of Pakistan with the requirements of a new democratic state was most evident in the failure to establish a functioning constitution or hold regular consequential elections, both requirements for democracy ... Most of the key players in Pakistan respected democracy and wished Pakistan to be democratic, but they were not willing to make it so. These included the army, which admired democracy in abstract but found it troubling in practice; civilian bureaucrats, who tended to equate democracy with civilian governments in which they played a major role; and the left, which advocated democracy in theory but also had authoritarian inclinations ... The large landowners and rural elites, so called feudals of

Pakistan, were dismissive of democracy, and many favored undivided India ...³⁵

Despite these constraints and lack of support from the dominant class, democracy has evolved as a strong system of government, produced some of the country's finest leaders, and removed the military from power on three occasions after long spells of military dictatorships. After 13 years of direct military rule, democracy first wrested power in 1971 from General Yahya Khan; then after 11 years of General Zia's dictatorship, it returned to power in 1988; and finally, after eight years of General Musharraf's rule, democracy triumphed in 2008. It must be emphasized that even under military regimes democratic forces continued with the struggle for democracy and waited for favourable internal and international circumstances to make inroads. This resilience on the part of the democratic forces is reinforced by public support, the limitations and failures of military regimes and Islamism, and democracy's own merits as the least bad form of government.

Despite its professional and disciplined force structure, the military has several limitations in addressing the many chronic problems which Pakistan confronts. For problems such as extremism, sectarianism, ethno-nationalism, corruption and economic bankruptcy, the military has failed to provide any effective and lasting remedy due to its heavy reliance on military means. It has dealt with these problems with military force, which has only addressed the symptoms and not the root causes. Similarly, on the economic front, the training and capacity of military personnel has been of little utility and therefore the country was heavily reliant on external assistance rather than strengthening the economy from within. Dictators such as General Musharraf, who realized that for Pakistan to effectively deal with its traditional and non-traditional challenges it was pertinent to build a sustainable economic plan, handpicked civilian experts such as Shaukat Aziz (who had a long and illustrious career in international banking) as finance minister in 1999 and then as prime minister in 2004. Globally, military regimes invariably have been seen as inept at resolving chronic economic, social and political problems and their sustained involvement in politics has only

undermined the coherence, efficiency and discipline of the force.³⁶ The limitation of the military in resolving Pakistan's growing internal challenges was also demonstrated by General Musharraf's rapprochement in 2007 with democratic parties, especially Benazir Bhutto and her PPP. His successor, General Ashfaq Pervez Kayani, also acknowledged the military's unsuitability for politics by distancing the force from political leaders and parties recalling all military personnel from civilian assignments and postings. Additionally, in light of growing extremism and rising anti-Americanism and anti-Western sentiments in Pakistan, the international community, particularly the US and the Commonwealth, threw their weight behind democracy and exerted pressure on General Musharraf to make way for Benazir Bhutto and democracy. It was realized by the Pakistani military as well as the international community that the nature of Pakistan's internal challenges mandated that it was best to allow a democratic government to resume charge as it would be more predisposed to devising political solutions and soothing political and religious sentiments, which had received a constant pounding under eight years of General Musharraf's military rule.

Democracy, however, particularly in the Pakistani experience, has its own serious flaws which have hampered its growth as a credible form of government and affected the longevity of democratically elected governments. Such flaws have included a tendency of the leaders of major political parties to disregard democratic norms and a failure to establish a sense of fraternity amongst democratic actors.

The tendency of the leaders of major political parties to disregard democratic norms has been an unremitting problem of the democratic forces in Pakistan and has damaged the cause of democracy more than its adversaries. Ironically, in the success of democracy lay the seeds of its destruction. Indeed, as democracy took deeper root, its leaders exhibited increasingly authoritarian tendencies, flouting the very norms they were supposed to safeguard in the first place. In the 1977 elections widespread rigging, imposition of Article 144 (banning public gatherings), use of ISI to monitor political adversaries and disregard for election results had made Z.A.

Bhutto a widely despised figure, giving the military an alibi to subsequently impose martial law. Similarly, in contradiction of her espoused democratic values, Benazir Bhutto, in pursuit of power in the 1988 elections, allotted tickets to the rich and famous and former associates of General Zia to maximize seats in the parliament, which dealt a serious blow to the Movement of the Restoration of Democracy (MRD), of which the PPP was also a part. Christina Lamb, a close friend of Benazir Bhutto, wrote in this regard that:

The ‘party of democracy’ had not practiced what it preached and, as Zia liked to point out, had never had internal elections. The issuing of tickets to newcomers meant the election of many who owed Benazir nothing and from whom she could not expect the same unquestioning loyalty ... This was hardly a basis for restoring democracy, and combined with the commitments Bhutto later made to become Prime Minister, did much to squander the legitimacy she gained through coming to power through a democratic process.³⁷

The widespread resentment against Benazir Bhutto had grown so intense that Nawaz Sharif as the alternative was seen as acceptable to all – the president, military and bureaucracy.³⁸ Unfortunately, Nawaz Sharif was no different. In the decade of democracy (1988–98), the space which was now open for democratic parties to fill pushed Bhutto and Sharif on a path of intense political vendetta, which prevented them from joining hands to repeal the Eighth Amendment, a common threat to both.³⁹ Eventually, after securing an absolute majority in 1996, Nawaz Sharif admirably repealed the Eighth Amendment, but his growing political clout and parliamentary supremacy sowed the seeds of authoritarianism in his rule. Emboldened by his political success, his party gate-crashed the Supreme Court in 1997 over the issue of the appointment of chief justice, making a mockery of the apex court. His reign lacked the system of advice, cabinet coherence and transparency in economic decision-making. Publicity was substituted for policy and his relations with the ‘troika’ – army, president and

judiciary and political allies – had become erratic.⁴⁰ The same arbitrariness resonated from the early part of current President Asif Ali Zardari's reign as president. The 2008 election presented the democratic forces, especially his PPP with 120 seats, with a colossal opportunity to consolidate democracy in Pakistan, but unfortunately they continued with the old PPP-PML-N vendetta. Zardari disqualified Nawaz Sharif and his brother Shahbaz Sharif, the chief minister of Punjab, from contesting elections and engineered the dissolution of the Punjab Assembly. He then dragged his feet on the restoration of the sacked Supreme Court Chief Justice Iftikhar Chaudhry due to old grudges, and only after a prolonged hesitation and tireless opposition and intra-PPP pressures restored Chaudhry and other judges, on the advice of Prime Minister Yusuf Raza Gilani. Zardari also vacillated on the scrapping of the Seventeenth Amendment and curtailing the powers of the president contained in article 58(2). He also pushed for the approval of the National Reconciliation Ordinance (NRO) under which he enjoys immunity, but eventually, in the face of vehement opposition, agreed to withdraw the NRO.⁴¹ Under intense pressure from the opposition and from his own party, he repealed the Seventeenth Amendment on 8 April 2010 through the Eighteenth Amendment.⁴² Infamously known as 'Mr. Ten Percent', Asif Ali Zardari alienated not only the PPP supporters, but also his own Prime Minister Yusuf Reza Gilani and cabinet ministers. Sherry Rehman, the Minister for Information and Broadcasting, resigned after Zardari imposed curbs on the media. It is encouraging that President Zardari has approved of measures which would undoubtedly strengthen parliamentary democracy in Pakistan; however, since these measures have come after much pressure from the opposition benches and from his own party colleagues, rather than his own conscience, it validates Stephen Cohen's assertion that the protagonists of democracy are themselves uncomfortable with its practices, which is a troublesome aspect of democracy in Pakistan.

The personal and political vendetta between Benazir Bhutto and Nawaz Sharif on the one hand and bitter political rivalry among various political parties across the board on the other has caused as much damage to the cause of democracy

as the military and Islamism combined. The lack of unity of purpose, which is the key for democracy to insulate itself against military misadventurism, has remained its biggest challenge and made it easier for the military to exploit the situation to its advantage from time to time. Historically, democratic forces have united temporarily to struggle against martial law regimes, but disintegrated soon after achieving the stated objectives. The Alliance for the Restoration for the Democracy (ARD), previously known as MRD, was a conglomeration of convenience lacking genuine democratic understanding underneath its public facade. A tendency to align with the military at the first sign of crisis or threat to the regime has been a common feature of the democratic parties. Bitter rivalry divided the democratic polity and kept both Benazir Bhutto and Nawaz Sharif silent over the undemocratic dismissals of each other's regimes in the 1990s. Such disunity and parochialism has been instrumental in feeding the military's praetorian ambitions in Pakistan. Even after spending half of the existence of Pakistan under the military jackboot, democrats are still a divided force which can unite to recapture power, but seemingly cannot work together on a sustainable basis to strengthen its roots. The ongoing bitter feud between Asif Ali Zardari and the Sharif brothers is indicative of such political fragmentation and lack of unity of purpose among the democratic forces at the expense of democracy itself. Democrats still defy lessons of history that just as democracy's ascent to power was facilitated by the military's loss of credibility in 1971, 1988 and 2008, the military's ascent in 1958, 1977 and 1999 too was a corollary of the failings of the civilian/democratic forces.

Strengths and weaknesses of Islamism

In the triadic politics of Pakistan, Islamism can be regarded as the weakest FOG but certainly not insignificant by any means. It is the third front, which, although it lacks power and authority due to the weak political base of the Islamist parties, possesses ideological legitimacy for its pro-Sharia beliefs. The two key Islamist parties, the Jamaat-e-Islami (JI) and the Jamaat-e-Ulema Islam-Fazlur Rehman (JUI-F), remain

influential political entities and have had a significant influence on the socio-political, religious and sectarian milieu of Pakistan. Eminent scholar Vali Nasr notes, 'The Jamaat is perhaps the first movement of its kind to develop systematically an Islamic ideology, a modern revolutionary reading of Islam, and an agenda for social action to materialize its vision.'⁴³ The political relevance of Islamism over the years has been augmented by the Islamists' success in instituting Islamic assumptions in popular political culture and developing an alternative narrative to secular politics. Their involvement in constitution-framing, policy-making, discourse on identity creation and foreign policy has given credence to Islamism in Pakistan. Although the Islamist parties have failed to win more than 18 parliamentary seats in Pakistan's history, their unprecedented electoral victory in 2002, though largely due to the military's support and anti-Americanism, showed their potential to turn the tables under favourable circumstances. Their principled opposition to liberal democracy has pushed them closer to the military on various occasions, which also helped to cement the military-Islamist symbiotic relationship during the Afghan jihad. The military too, owing to its historical detestation for party-based politics and parliamentary democracy, is inclined to align with the Islamists against the democrats. In Pakistan the strengths of Islamism include: the links between Islamist organizations and the state; the existence of a dedicated cadre and network of activists; the military-democratic rivalry; and strong links between Islamists and the ISI. Like the other two FOGs, Islamism also has its shortcomings, which impede its growth as a stable political alternative for Pakistan, including: a weak political base; internal differences; and its conservative agenda.

Islam and Islamization have remained central to the creation of the state institutions, identity, political culture and foreign policy. In the 1950s and 1960s, the JI and its student wing Islami Jamiat-i-Tulabah (IJT) had a profound influence in politics, along with JUI and Jamiat-Ulema-i-Pakistan (JUP). Their success at forcing General Ayub Khan to restore the title 'Islamic' in the nomenclature of Pakistan in 1963 and Z.A. Bhutto to declare Ahmediyas as non-Muslims in 1974

illustrated their influence in state affairs. Under Zia-ul Haq their relationship with the military grew dramatically. In this regard, Vali Nasr observes that:

... state-led Islamization has allowed the state to organise, bolster the power of, and ultimately control institutions and social organization that can allow it to use Islam in the services of state interests. Islamization allowed the state to reap the fruits of the Islamist propaganda and win the competition with the Islamist challenge from below to control the normative order, and thus construct a viable state ideology that provides for uniformity across society, as well as greater compliance with the will of the state.⁴⁴

General Zia exploited their ideological appeal to promote his Islamization agenda and gradually other orthodox Islamic leaders began to support his policies as well. According to Jamal Malik, 'Increase in state patronage of religious seminaries in Pakistan in the 1980s was not so much an effort to placate Islamist activists or to give the state greater control through clientalism, as to use them as an outlet for conveying state ideology to the masses.'⁴⁵ The Islamist ideology became enmeshed with military ideology for an Islamic state of Pakistan, which was taking shape under General Zia's extensive Islamization agenda. The Islamists also remained a key component of Zia's foreign policy towards India and Afghanistan and Islamization and, over the years, Islamic provisions which promote piety in society and have come to be accepted as a critical part of the constitution. A recent poll showed that Pakistanis want 'Islamic democracy', meaning that both Islam and democracy should play a greater role in politics and society, which keeps the Islam-state linkage meaningful.⁴⁶

The dedicated cadres of the Islamist parties graduating in large numbers from madrassas across Pakistan remain one of their major strengths and played an important role in the 2002 electoral success of the MMA. Although the MMA is now defunct with only six seats in the parliament, mainly belonging

to JUI-F, the JI and JUI-F combined, it still enjoys a sizable influence in the political, sectarian and regional domain in Pakistan and provides a bridge to both civil and military leaders in reaching out to the extremist elements. According to a survey there are 6,000 *madaris* in Pakistan; 2,333 belong to the Deobandi school of thought; 1,625 to the Barelvi sect; 224 to the Ahle Hadith; and 163 to the Shia sect. In addition, 815 are affiliated with JUI-F; 58 with Jamiat-ul-Islam-Sami ul Haq (JUI-S); 120 with Jamaat-ul-Pakistan (JUP); 67 with Sipah-e-Sahaba (SSP), 119 with Tehrik-e-Jafria (TEJ); and 2,969 miscellaneous.⁴⁷ These madrassas provided the bulk of the highly disciplined, trained and motivated foot soldiers for the MMA. Khurram Dastgir Khan argues:

These *madaris* (plural of *madrassa*) have filled a need created by rising unemployment and the collapse of state education. There is no entry test, no fees, and room and board is free. For an unemployed, indigent teenager willing to undergo the rigmarole, enrolment in a *madaris* provides an ascriptive dignity, prospect of employment in new mosques and in the burgeoning mehfil / dars industry, in addition to spiritual rewards and salvation.⁴⁸

During elections these *madrassa* volunteers organize meetings and rallies, mobilize votes, and also guard polling booths. During the April 2002 presidential referendum of General Musharraf, several jihadi outfits and cadres of the Islamist parties played an important role in campaigning and propaganda.

The inexorable rivalry between the military and democracy has also benefitted the Islamists. The Islamists oppose liberal democracy as the antithesis of Sharia, or Allah's rule, and the military exploits this abhorrence to its advantage.⁴⁹ The 1973 constitution, which enshrined extensive Islamic provisions, was aimed at appeasing the ulema, but when trouble started in 1977, the ulema became part of the Pakistan National Alliance (PNA) against the Bhutto government. The PNA proved an important tool for the military to overthrow Bhutto in July

1977. During the 1980s and 1990s the military even helped the Islamists to counter the PML-N, which commands a substantial percentage of Islamic votes in Punjab. During the 1988 elections, the creation of the IJI is a case in point and in the 2002 elections the military and the ISI's support for the Islamists against democratic parties indicates their natural affinity with each other. While Benazir Bhutto and Nawaz Sharif were barred from politics, Maulana Fazlur Rehman, leader of JUI-F, was made leader of the opposition, despite PPP being the largest single party in the parliament, to secure the MMA's support in the parliament. Since the 1950s this civil-military clash has underpinned Pakistan's political instability, which has facilitated the rise of Islamism.

The Islamist parties and the ulema developed close links with the ISI during the Afghan jihad in the 1980s, links which proved instrumental in creating the jihadi apparatus in Pakistan to further foreign policy objectives in Afghanistan and Kashmir. Over the years higher-ranking officers, namely Lieutenant Generals Muhammad Aziz Khan, Mehmud Ahmed, Muzaffar Usmani and Hamid Gul, have been considered 'fundamentalist' by many observers.⁵⁰ Even after retirement these officers have continued to provide moral support to the jihadi groups and maintained links with the Islamist parties. Both Lieutenant General Hamid Gul, the former ISI chief and the architect of the IJI, and Lieutenant General Javed Nasir are JI members and devout Islamists. Hamid Gul and ex-army chief General Mirza Aslam Beg strongly believed that Islam is an ideology and jihad its instrument, which must be followed steadfastly by Pakistan. The Indian media reported, 'Many of the religious and fundamentalist groups were initially set up by the army to keep the civilian governments of Benazir Bhutto and Nawaz Sharif off balance.'⁵¹ In 2002 the ISI was the link between the jihadi groups, Islamist parties and General Musharraf in organizing the April presidential referendum and general elections. The sway of JUI-F in Khyber-Pukhtoonkhwa (KP) among the Pushtuns was also a determining element for the military and the ISI in maintaining links with the party. The JUI-F facilitated General Musharraf's peace deal with the Taliban in Waziristan and Maulana Fazlur Rehman's influence

with the Mehsud tribe was helpful in establishing the talks in February 2005.

The foremost shortcoming of Islamism is the weak political base of the Islamist parties, unlike the democratic parties, and the Islamists' dismal electoral record, barring the 2002 elections, demonstrates this. In the 1970 elections they could win only 18 seats and on other occasions failed to reach even double figures. At the national level they are no match to PPP's popularity and in Punjab the PML-N commands a significant percentage of the Islamic votes. In the 1993 elections, after the JI and PML-N parted ways as IJI allies, the JI lost badly to the latter. In the wake of rising anti-Americanism and the War on Terror, the MMA witnessed an unprecedented rise in the 2002 elections and the JI swept the local elections in 2005 in Karachi. However, their humiliating defeat in the 2008 elections showed yet again their inability to win seats without the military's support in an unfavourable political climate. Their alliance with the military for five years and their conservative agenda made them unpopular and, with rising extremism, they lost public sympathy as well. Their main political opponent, the PML-N, again captured some of their core constituency by winning 90 seats in the parliamentary elections, whereas the MMA could win only six seats. Rising Talibanization, which had received provincial patronage during the MMA's (mainly JUI-F) five-year rule in the KP, alienated the locals, who voted for the nationalist Awami National Party (ANP) in 2008. The JUI-F suffered humiliating defeat in KP and the JI lost to the PPP and Muttahida Quami Movement (MQM) in Sindh.

Another major drawback of the Islamist parties, or the MMA, has been its bitter internal divisions. Its success in 2002 was augmented by the unity among its six-party conglomeration, which had joined hands, burying their ideological and sectarian differences. But as the MMA began to bask in the glory of its unprecedented political victory, the JI and the JUI-F – the two larger parties – began to ignore the interests and voices of the smaller constituents in decision-making. In 2005, the JUI-S (Sami-ul Haq) faction parted ways over the MMA's support to Musharraf's proposed Seventeenth

Amendment and the Jamiat Ahle Hadith (JAH) expressed serious reservations too. Later, differences also emerged between the JI and JUI-F when Fazlur Rehman was criticized by Qazi Hussein, the JI leader, for supporting General Musharraf in the creation and functioning of the National Security Council (NSC), against the wishes of the MMA.⁵² The JI also opposed Fazlur Rehman and KP Chief Minister Akram Khan Durrani for attending the NSC meetings. The JUI-F leaders on their part were concerned with completing the tenure of the government in the KP and not in favour of confronting General Musharraf on any issue. These policy differences triggered the undoing of the MMA, which had shown remarkable resolve in coming together by overcoming ideological and sectarian chasms in 2002.

In contravention of its moderate 2002 election manifesto, the MMA pushed extensive Islamization in the KP during its five-year rule. After barely eight months in office, on 2 June 2003, the KP Assembly passed the controversial Sharia bill to ban bank interest (*riba*) and reverting to Friday as a holiday. The bill also provided for the implementation of the recommendation of the Council for Islamic Ideology (CII) including tax abolition on weapons, houses and vehicles. The bill also called for segregation in education (separate seating for women); making *Hijab* (scarf) compulsory for women; ultrasound for women by female doctors only; prohibition on male coaches for women athletes; closing down cinemas and cables networks; and replacing trousers and shirts with *shalwar* and *kameez* as school uniform. The Urdu daily *Jang* reported the creation of a committee for enforcement of Islamic punishment such as stoning to death, amputation of limbs and death penalty for blasphemy and consumption of liquor.⁵³ The Assembly also passed the *Hisbah* bill on 14 July 2005 to create a Taliban-like 'Ministry for Promotion of Virtue and Prevention of Vice'.⁵⁴ However, the Supreme Court blocked the bill, saying that it (Hisbah Bill) would have further undermined the already fragile democratic ethos in Pakistan and pushed the country towards rapid Islamization.⁵⁵ The MMA legislators also approved two more bills, namely the 'NWFP Prohibition of Dancing and Music Bill, 2005' and the 'NWFP Prohibition of Use of Women in Photograph Bill,

2005' banning music and dance in public places and educational institutions, and prohibiting the use of female pictures in advertisements.⁵⁶ In the National Assembly the MMA also voted to defeat a bill proposing curbs on honour killings or *Karo Kari*. The MMA argued that any interference by the state cannot be accepted in religion, and joined the government in defeating the bill.⁵⁷ In October 2003, the PPP had moved a bill in the National Assembly calling for the repeal of the *Hudood* ordinance, but the bill was defeated due to MMA's opposition.⁵⁸ Subsequently, the ordinance was amended with General Musharraf's interference. By 2006 the MMA's radical measures had begun to upset General Musharraf, who had once ignored their Talibanization agenda. In his memoir, General Musharraf called for the defeat of the MMA in the 2008 elections, which he referred to as the 'mother of all elections'.⁵⁹ Ever since, the MMA's popularity has continued to plummet and the party seemed desperate to reach out to the democratic parties to form a joint front against General Musharraf, but in the end lost miserably.

Prospects of political stability: is democracy the answer?

From the analysis in the preceding sections, three broad conclusions emerge: first, Pakistani politics is triadic and cyclical in nature, comprising three FOGs – military dictatorship, democracy and Islamism; second, it is unstable because none of the three FOGs possess the three elements of political longevity independently – *power*, *authority* and *legitimacy*; and third, unless either of them moves past the cyclical politics and attain all the three elements independently, Pakistan will continue to be unstable. What are the chances of this occurring? This chapter contends that of all the three FOGs, democracy is most likely to move past the cyclical politics and provide political stability.

The preceding analysis demonstrates that the military possesses power and authority but lacks a critical element: popular legitimacy. In search of this popular legitimacy, the façade of democracy erected by General Zia and Pervez

Musharraf failed to hoodwink the people for long and eventually facilitated the rise of democracy. Additionally, the military has also been unable to play an effective political role due to its different style of training and structure. It can temporarily suppress the symptoms of instability, such as extremism, sectarianism, ethno-nationalism, economic bankruptcy and poor law and order, but cannot provide lasting political solutions due to its heavy reliance on military means. It is undoubtedly disciplined, professional and one of the most efficient organizations in Pakistan, but these traits are more suitable for dealing with security challenges and not for politics.

In the case of Islamism, history suggests that its symbiotic relationship with the military is based on mutual convenience and its ideological legitimacy, which is derived from its conservative agenda, undermines its support among the moderate sections and regions of Pakistan, thwarting its prospects of providing a stable political regime. Despite Islam being the core of people's faith and state identity, people are averse to Islamization taking the form of Talibanization, as witnessed under the MMA's rule in the KP between 2002 and 2007. Therefore, its political future rests on whether the Islamist parties can adopt a more moderate ideology in accordance with the 1973 constitution, which enshrines extensive Islamic provisions. After the crackdown on the Red Mosque in July 2007 by the military, the surge in suicide attacks and extremist violence across Pakistan's urban areas eroded public support for the military and Islamist parties. People hold both responsible for the current security crisis and rise in extremism in Pakistan and voted them out of power in the 2008 elections. One of the MMA's previous key strengths was its unity, which played an important role in its 2002 electoral victory. Since that time, however, its unity has been eroded. Deep sectarian divisions among the former constituents of the MMA and the political hegemony of the JI and JUI-F in the MMA's decision-making has ruled out any long-term political understanding in the party and weakened its standing in politics. The military too has distanced itself from the party.

Democracy, on the other hand, notwithstanding its shortcomings in the Pakistani context, is most likely to achieve political stability. As the survey suggested, people have a strong preference for a greater role for both Islam and democracy in Pakistan's political life, and the 1973 constitution provides an ideal amalgamation of both. In contrast to both military regimes and the Islamists, where strictures are simply imposed on society, democracy's strength as an FOG is based on the universal acceptability of the principle of democracy and the perception of it as the least bad FOG which guarantees a maximum level of individual rights. However, major challenges such as corruption in the civilian government, maladministration, nepotism, political authoritarianism of democratic leaders and intense political vendettas between parties and their leaders have to be minimized, if not rooted out, to enhance people's support and faith in democracy. All military dictators have held the country's democratic governments responsible for a variety of maladies, such as social and sectarian unrest, economic bankruptcy, lack of political accountability, bad governance, failed nation-building and anti-Pakistan foreign policy, and used these to justify coups. It is, however, ironic that the same set of charges caused the downfall of military regimes too. Ayub Khan's presidential authoritarianism and neglect of public opinion, Yahya Khan's mishandling of the East Pakistan crisis, and Zia's highly Islamized agenda and disrespect for the moderate sections of Pakistan dwindled public support for military regimes. Similarly, political machinations of General Musharraf, his alliance with the MMA and trampling of the constitution damaged the credibility of his military regime. Subsequently, General Musharraf's own popularity had plummeted to 15 per cent by 2008. The more desperate he became to stay in power, the more anti-democratic acts he introduced. The sacking of the chief justice and 80 other judges and the proclamation of an emergency in 2007 made him 'public enemy' number one and, after his resignation in November and Benazir Bhutto's assassination in December, any chances of his political revival disappeared.

Current internal and external circumstances have presented democrats with an invaluable opportunity to consolidate democracy in Pakistan. Herein, two key paradigm shifts auger well for democracy's future. First, the US, which due to strategic compulsions traditionally has been predisposed to working with military regimes, lost faith in the military's suitability to curb rising anti-Americanism and favoured the return of democracy and Benazir Bhutto. And second, the successor of Pervez Musharraf, Pervez Ashfaq Kayani, not only distanced the military from his predecessor and politics, but also recalled all military personnel from civilian duties back to the military fold to focus on their fundamental duty, dealing with the security challenges facing Pakistan.

With a supportive Washington, apolitical army chief and demoralized Islamists, democracy now possesses its best chance in years to consolidate its hold over *power* and *authority*, the two elements it lacks. There is a growing realization on the part of the PPP and PML-N that the 36-point charter of democracy signed in June 2006 between Nawaz Sharif and Benazir Bhutto needs to be implemented in letter and spirit. The charter consists of four parts, namely constitutional amendments, code of conduct, free and fair elections and civil-military relations, with an emphasis on making prime minister the real chief executive with full powers and authority; clear rules and guidelines for the selection of chief election commissioner and chief justice and judges of the superior courts. The charter calls for the restoration of the 1973 constitution, the repeal of the Legal Framework Order (LFO) and the Seventeenth Amendment barring the provisions related to the creation of a joint electorate, reserving seats for women and minorities and the lowering of the voting age.⁶⁰ To prevent horse-trading and political turncoats from acting against the interests of democracy, the charter debars the signatories of the charter from joining the military regime or any military-sponsored government, a clause which could become instrumental in promoting institutional loyalty among democratic forces as insulation against military misadventures. The charter also recommends making the intelligence agencies, the ISI and

Military Intelligence, accountable to strengthen and stabilize democratic regimes and governance in the long run.⁶¹

Regarded as Pakistan's Magna Carta, the provisions of the charter have begun to be implemented by the PPP government, although after much delaying on the part of President Asif Ali Zardari. Initially he had been reluctant to surrender his presidential powers, annul the National Reconciliation Ordinance (NRO) under which he enjoyed immunity from court cases, and reinstate Chief Justice Iftikhar Chaudhry, who he considers to be unsympathetic to him while hearing corruption cases. In March 2009, under extreme public and political pressures, especially from his own party, Zardari approved the annulment of NRO and reinstatement of Chaudhry.⁶² The Pakistan National Assembly passed the historic Eighteenth Amendment with the thumping approval of all the parties. The amendment excised the draconian article 58(2)b, which gave the president the powers to dissolve elected national and provincial governments at will; rechristened the North West Frontier Province as Khyber Pukhtoonkhwa; streamlined the appointment process of judges of the superior judiciary; granted greater autonomy to provinces by abolishing the concurrent list; mandated the appointment of the chief election commissioner in consultation with the opposition leader; and removed the bar on the prime minister to hold the office for only two terms, among other changes.⁶³ At one point the president appeared to be on a potentially dangerous collision path with the judiciary, which would have undermined a critical component of democracy – an independent judiciary. Chief Justice Chaudhry, who questioned the Musharraf regime over the 'missing persons' issue, was regarded by Musharraf as the greatest obstacle to his continued rule and political agenda, which spurred him to sack the chief justice and others. His reinstatement, along with that of 80 other judges, will strengthen the judiciary's independence and strengthen democracy in Pakistan. Chief Justice Chaudhry has maintained that the judiciary is not in confrontation with the government and that there was a need for a stronger democracy.⁶⁴ The appointment of the chief justice of the Supreme Court has invariably been mired in controversies and both civilian and military regimes are guilty

of making arbitrary appointments in the past. Taking lessons from history, the constitutional reforms committee of the parliament under the Eighteenth amendment mandated the creation of a Judicial Commission headed by the Supreme Court chief justice, which will now appoint judges in the superior and higher judiciary.

The Eighteenth Amendment is an encouraging development for democracy as it has restored parliamentary supremacy and the independence of judiciary. The president of Pakistan can no longer dismiss democratically elected governments, which will grant considerable autonomy to the elected legislature in policy-formulation and decision-making. These developments indicate that democracy now possesses parliamentary *power* and executive *authority* and all that the elected governments need to do is to provide a clean and effective governance to improve the public image of democracy. A strong parliament, an independent judiciary and a clean government would effectively discourage the praetorian ambitions of the military and compel Islamist parties to adopt a more moderate approach to garner greater public support for their ideology.

Notes

- [1](#) The author thanks Dr Stephen McCarthy for his invaluable comments and suggestions for improving the analytical content of the chapter.
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- [4](#) Guenther Roth and Claus Wittich, *Max Weber, Economic and Society, Three Volumes, Volume Two*, New York: Bedminster Press, 1968: 926.
- [5](#) Dennis H. Wrong, *Power: Its forms, bases and uses*, New York: Harper Colophon Books, 1979: 39.
- [6](#) Ibid: 35.
- [7](#) Carl J. Frederick (ed.) *Authority, Nomos I*, Cambridge: Harvard University Press, 1958, cited in Wrong, *Power: Its forms, bases and uses*: 35.
- [8](#) Ibid.
- [9](#) O.P. Gauba, *An Introduction to Political Theory*, New Delhi: Macmillan: 249.

- [10](#) Ibid: 250.
- [11](#) At this point, it is important to note the distinction between *ideological legitimacy* and *popular legitimacy*. While *ideological legitimacy* is associated with Islamism, which abides by the 'rule of god' regulated by the Sharia, *popular legitimacy* is associated with liberal democracy wherein the government and its representatives are chosen through free and fair elections by the people, and required to govern as per the constitution.
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- [23](#) Siddiq, *Military Inc*: 140.
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- ³¹ Anwar Iqbal, 'Pakistanis want "Islamic Democracy": Poll', *Dawn*, <<http://www.dawn.com/2008/01/08/top11.htm>>. Accessed on 9 January 2008.
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- ³³ Abbas, 1997: 18.
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- ⁴⁰ Maleeha Lodhi, *Pakistan's Encounter with Democracy*, Lahore: Vanguard Books, 1994: 244–247.
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2 Judicialization of politics and governance in Pakistan

Constitutional and political challenges and the role of the Chaudhry Court

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Historically, Pakistan's judiciary is not known for its independence. Over the previous half century it has frequently played a consequential role in Pakistan's politics. It has been intimidated or induced to support military coups and other acts of authoritarian regimes contrary to rule of law.² The rulings such as validation of military takeover under 'law of necessity'³ and 'the law of legal revolution' have earned Pakistan's judiciary a major share of responsibility for the failure or destruction of democracy in the country.⁴ The years 2005–07, however, marked the beginning of a change in this historical collaboration between military regimes and judiciary when the then Supreme Court challenged the governmental policies as well as the military dictator himself on a number of occasions. The events that followed this challenge are now part of Pakistan's constitutional, political and judicial history. The outcome of these events has been an unprecedented rise in the political and judicial power of the superior judiciary of Pakistan. It has been the most comprehensive empowerment of a judiciary in the recent history of constitutional regimes. While Pakistan is deeply engaged in a war against terrorism, this profound shift in her political dynamics has become important to analyse.

This chapter advances in three stages. I begin by overviewing the political history of the Supreme Court of

Pakistan and then comparing it with the performance of the Supreme Court headed by the Honourable Chief Justice Iftikhar Muhammad Chaudhry (hereinafter referred to as the Chaudhry Court). In this part I find that the Supreme Court of Pakistan has always performed a political role, though prior to 2005, this political role was persistently favouring the forces of the status quo. The Supreme Court, with a singular exception of the Chaudhry Court, has never placed any constraint upon authoritarian regimes. Despite the lack of a tradition, the Chaudhry Court has made great strides in establishing its own institutional identity, securing its legitimacy and winning its independence. The second part of the chapter is significant as it determines the theoretical framework for explaining judicial empowerment. Here, I argue that the existing scholarship on judicial empowerment does not provide a full understanding of the Pakistani case. I outline my explanation by dividing the judicial empowerment process of Pakistan into two phases: first, a struggle against the authoritarian regime of Musharraf; and second, a struggle against the democratic government of the People's Party. I argue that the pattern of empowerment for both of these phases has been different. This part further lays out the contents of empowerment, i.e. judicialization of governance and politics as main vectors behind the concentration of political power from legislature and executive to the Chaudhry Court.

In the third part, the theorizations made in earlier parts are used as tools of analysis in order to reflect properly upon the challenges facing the present Supreme Court of Pakistan. It is submitted that, at present, the Supreme Court of Pakistan is facing multiple challenges, originating from within and without. These challenges range from the preservation of the court's independence, furtherance of democracy, overseeing governance, to issues of human rights violations emanating from the ongoing war against terror. These challenges, in one form or another, inevitably touch upon the limits of judicial activism and the limits of the role and power of the judiciary in a context of its relationship with other organs of the state in a parliamentary democracy. Finally, alongside the enhancement of an understanding of process of judicial empowerment in Pakistan, another important objective of this

chapter is to offer recommendations as to the course that may be advisable to adopt in order to respond to the current judicial as well as political demands upon the institution.

Supreme Court of Pakistan: the institution, its political context and transformation

Institutional structure and powers

The 1973 constitution provides the institution of the judiciary as one of the three limbs of the state⁵ and subscribes solemnly to the concept of independence of the judiciary. Although there is no single provision stating it, however, in theory, the functional and structural independence of the judiciary may be ascertained from various provisions of the 1973 constitution. Beginning from the statement in the preamble that the ‘independence of judiciary shall be fully secured’, the appointment, tenure and removal of judges has been designed in such a way that within a constitutional regime the independence of the judiciary will be inviolable.⁶

The Supreme Court’s constitutionally mandated jurisdiction is remarkably wide and varied. In addition to appellate jurisdiction from the high courts, and advisory jurisdiction, the Supreme Court of Pakistan is vested by the constitution with original jurisdiction to issue writs in defence of the fundamental rights listed in the constitution.⁷ Furthermore, the Supreme Court’s jurisdiction is reinforced by an explicit grant of power under article 8 to invalidate any ‘law’ that contravenes an enumerated fundamental right.

For the elevation to the position of chief justice, the seniority principle devised under the judges’ case is followed.⁸ All other elevations to the Supreme Court are made by the president upon the advice of the chief justice. Under the constitution of 1973, the chief justice can also take *suo motu* actions and can also approve of the *suo motu* actions taken by other judges of the Supreme Court upon the matters concerning public interest and human rights. The chief justice also assigns cases to the judges of Supreme Court by forming

benches. As the assignment of a case to a particular judge can shape the outcome in the case, the chief justice plays a defining role in the jurisprudence of the court.⁹

The political history of the Supreme Court

The political history of the Supreme Court, prior to the Chaudhry Court, has not been more than a series of elaborate jurisprudential efforts to vindicate and facilitate military interventions into democratic politics. The courts' acquiescence to executive authority antedates the initial adoption of a constitution in Pakistan in 1956. In the *Maulvi Tamizuudin* case, the apex court overruled the judgment of Sindh Chief Court, favouring the then executive, Governor General, revealing its weakness and malice to succumb to the pressures of the executive authority.¹⁰ This first intervention by the judiciary into politics in 1955 yielded a pivotal trilogy of cases¹¹ that continue to provide a jurisprudential justification in the form of a 'doctrine of necessity' for executive overreach.¹² Subsequently, Pakistan had four military coups led by Generals Ayub Khan, Yahya Khan, Zia-ul-Haq and Pervez Musharraf. The Supreme Court, when confronted with the question of the legality of these coups, challenged none. Instead, it repeatedly favoured executive supremacy over the democratic legislative processes by endorsing and re-endorsing the doctrines of 'state necessity' and 'revolutionary legality'. Under the theory of 'revolutionary legality', the court would endorse a coup that 'satisfies the test of efficacy and becomes a basic law creating fact'.¹³ The court thereby 'equated force, efficacy and legality'.¹⁴

Consequently, the Supreme Court repeated the same performance in favour of General Musharraf when he took over from civilian rule in 1999. Although none of the parties in the *Zafar Ali Shah*¹⁵ case had queried whether the military government had authority to alter the constitution, the court nonetheless posited that General Musharraf, like General Zia before him,¹⁶ had authority to amend the constitution. The court did not even explain how articles 238 and 239 of the constitution, which purport to vest that amendment power in

the Parliament, and which contain no reference to the executive, let alone to the army, could be read to support that conclusion.

In short, Pakistan's Supreme Court has followed the path of least resistance and least fidelity to constitutional principles. From *Tamizuddin Khan* to *Zafar Ali Shah* and *Qazi Hussain Ahmed*,¹⁷ courts have been the military's handmaiden in extra-constitutional assaults on the democratic order.¹⁸

The transformation of the Chaudhry Court: from a regime court to a people's court

The Chaudhry Court, however, broke away from the previous path of historical collaboration with military regimes. The transformation of the Chaudhry Court from a regime court to one challenging the regime has been less than a gradual process, though not almost as sudden. In fact, Chief Justice Iftikhar Muhammad Chaudhry was among the judges appointed to the Supreme Court to replace the six judges who refused to take oath under Musharraf's Provisional Constitution Order (PCO). Similarly, Justice Chaudhry was on the benches that validated the coup on grounds of necessity,¹⁹ and upheld General Musharraf's extra-constitutional referendum to become the president.²⁰ Finally, Justice Chaudhry was also one of the five judges who handed Musharraf an unsought licence to amend the constitution²¹ and then stood by while the procedures for the presidential election were cast aside.²²

However, Justice Chaudhry, who consistently sided with the authoritarian regime, soon confronted the same regime when he was sworn in as the Chief Justice of the Supreme Court of Pakistan. This change from collaborator to confronter may seem puzzling to analysts. Although one may deem this change to have been relatively sudden, an analysis of the major cases decided by the Chaudhry Court during 2005–07, and Justice Chaudhry's tenure as Chief Justice of Baluchistan High Court, suggests otherwise.²³

After becoming chief justice, Justice Chaudhry expedited the judicial disposal of pending cases, which increased almost threefold,²⁴ and established a reputation for efficiency and hard work. Furthermore, he brought an expansive notion of public interest litigation to the court by establishing a Human Right Cell in the Supreme Court to deal with the matters of public interest and violations of human rights.²⁵ This expanding exercise of public interest litigation and *suo motu* actions contributed positively to the otherwise ever-eroding political capital of the court.²⁶ Amidst this, the presence of liberal media and press acted as a catalyst. Therefore, when the Supreme Court issued popular decisions, involving construction safety, urban development, price controls, privatization, illegal detentions and missing persons, the print and live media thoroughly covered them, making it almost impossible for the executive functionaries of the government to ignore their stances.²⁷

Hence, the decisions taken by Chief Justice Chaudhry during his tenure from June 2005 to March 2007 effectively judicialized the governance function, exposing the inefficiency and *malafides* of the government functionaries. The activism of Justice Chaudhry presented the option of constitutionalism to the general public, an option that they had thought was lost forever.

The public and media appreciation gave further confidence to the Supreme Court and, alongside Justice Chaudhry, a few other judges of the Supreme Court and Higher Courts started taking initiatives in the favour of public interest and human rights. Counting on the proactive stance of the Chaudhry Court, the media further encouraged the court to address more complicated and politically sensitive issues, including the competency of Musharraf for the presidential election.²⁸ With the Supreme Court taking an activist posture, Musharraf no longer trusted the bench to perform a constitutional manoeuvre to legitimize his eligibility for presidential elections. On 9 March 2007, Musharraf suspended Chief Justice Chaudhry.

The suspension of the chief justice resulted in the so-called ‘lawyers’ movement’, whereby the lawyers of the country instigated and led anti-government protests and

demonstrations. This movement for the reinstatement of Justice Chaudhry built its conceptual core around the slogans of ‘independence of judiciary’ and ‘rule of law’ and was supported vehemently over the next two years by the lawyers, students, political parties and the public at large. The movement ended successfully in March 2009 when the present democratic government finally reinstated the judiciary to its pre-emergency position of 2 November 2007. In Pakistan’s political and constitutional history, the lawyers’ movement is perhaps the most successful political and social movement. It has been a movement that sustained itself for two long years and stood steadfast in the face of both authoritarian and democratic regimes, and achieved its goals, not once but twice.²⁹

Political and judicial empowerment of the Chaudhry Court

In Pakistan’s judicial history, the Supreme Court, with the exception of the Chaudhry Court, has always been subservient to the authoritarian regimes. The cost of repeated judicial ratifications of extra-constitutional actions has been borne by the constitutional fabric and by the courts’ legitimacy – both increasingly threadbare. Despite the lack of a tradition, the Chaudhry Court made great strides in establishing its own institutional identity, securing its legitimacy and winning its independence. This section divides the Chaudhry Court’s struggle for independence into two phases: first, where Justice Chaudhry was fighting against the authoritarian regime of Musharraf; and second, where the Chaudhry Court was struggling against the democratic government of the People’s Party. The Chaudhry Court’s successful emergence from both these phases has immensely enhanced the power of the Supreme Court.

Phase one: Chaudhry Court v. Musharraf’s authoritarian regime

The question of how the Chaudhry Court expanded its judicial power, leading to a confrontation with the military regime, constitutes a valid inquiry in mainstream constitutional politics scholarship. The major existing theories assume the existence of a constitutional framework, in the backdrop of which judicial empowerment has resulted mainly as an outcome of the constitutionalization of rights.³⁰ In Pakistan, however, due to continuous subjugation of the judiciary and legislature by the authoritarian military regimes, such theories are not much help. More relevant are models that explain the development of independent courts in authoritarian regimes.³¹ According to these models, authoritarian regimes need compliant judiciaries to maintain the continuity of their economic policies and credibility of their commitments. Therefore, when the judiciary realizes its bargaining power, it renegotiates the terms for the delivery of regime-desired decisions. In this process the equilibrium point for the division of power changes, enabling the judiciary to become more influential and independent.³²

In Pakistan, contrary to the above models, the Chaudhry Court enhanced its power by activating the public interest litigation.³³ This judicial activism in public interest litigation and human rights issues not only increased the judicial power of the court but also reflected positively on the public image of the court, an image that twice rescued the court in both reinstatement crises of July 2007 and March 2009. While the models of North, Weingast and Silverstein reflect upon the enhancement of judicial powers, Pakistan's case is that of enhancement of considerable political power, where the Chaudhry Court each time found broad-based and persistent support in all sections of society.

The model of the empowerment of the Chaudhry Court in the first phase appears to have progressed as follows. As the political choices made by the judiciary in past 60 years had rendered it devoid of any moral credibility and legitimacy, the Supreme Court was viewed as nothing more than an instrument of authoritarian regimes, a collaborator and facilitator. Incidentally, the authoritarian military regime was also at its lowest in terms of political capital after eight years

of promises and little deliverance on social, economic and political accounts. The Chaudhry Court's activation of judicial review in public interest matters and human rights issues at first softened anti-court perceptions. The Chaudhry Court continued challenging the government on matters of public interest, such as prices of oil, gas and food items, the construction safety rules, privatization, etc. Meanwhile price hikes implicated federal ministers and the privatization of steel mills implicated the Prime Minister.³⁴ In the absence of active and credible political opposition to feed off and capitalize on the anti-regime sentiment, the relationship between the regime and court became inverse, where the loss of credibility by the regime directly resulted in the political gain of the Chaudhry Court.

Phase two: Chaudhry Court v. democratic government

The theoretical framework applied to understand the Chaudhry Court's continued empowerment in the presence of a democratic government has been a slightly varied form of Barzilai's analysis.³⁵ In the increased presence of liberal values in a political culture (for example, a greater awareness of individual political rights or independent media and newspapers), and the lack of consolidated rules of the democratic game, if the legislative and executive institutions are more or less aligned with the public will, the judiciary becomes perceived as the most reliable civil institution, and it accumulates more institutional power. In a highly divided setting, more judicial activism gets stimulated. As a result, courts can endeavour to consolidate a hegemonic position.³⁶ The pattern of success for the Chaudhry Court in the second phase can be viewed from the determinants of this position.

The fact that soon after the general elections of 2008 the lawyers' movement found itself in opposition to the long-awaited democratic government of the country was the result of a serious misreading by the political parties in power of the dynamics and political lessons of the first phase of the movement. To say that the lawyers' movement was as much for the ousting of Musharraf from power as much as it was for

the restoration of the Chaudhry Court would be a substantive misunderstanding of the facts. That was the misreading committed by the democratic government when it came to power.

By the time the new democratic government came in, the two determinants of liberal political culture were considerably settled in: the increased understanding of individual political rights and an independent media. The lawyers' movement initiated a dialogic culture where force and power could not replace the force of reason and logic. Amongst other things, the lawyers' movement gave a serious political education to the people which made them analyse and question the political choices that they had made in the past. Consequently, the public at large showed a general wariness against the lethargy embedded in Pakistan's political culture. There was a clear realization by the masses that beyond the ideological romanticism, the option of constitutionalism had now become a hard-core necessity. Amidst this, the democratic government could not align itself effectively with the public will. The judicialization of governance and politics by the Chaudhry Court was not as much a voluntary adventurism as much as it was an enforced phenomenon. In the Musharraf regime, the continuous failures of governance by the executive and shying away of Parliament from issues³⁷ enforced the judicialization of governance and politics upon the court. The democratic government also did not do much to shift this concentration. Their limited ability to address the fundamental issues, such as parochial rifts, the deteriorating economy and the security situation of the country, and continuous non-alignment with the popular will, enhanced the demand for the restoration of the Chaudhry Court, a further deposition of political confidence. The argument becomes self-revealing when we see that the then present Dogar Court, as a replacement of the Chaudhry Court, was dangerously negative on the political capital index.

Judicialization of governance

The judicialization of the governance function of the state is an important part of analysis since it constitutes the originating point for the amassing of political capital for the Chaudhry Court. After swearing in as Chief Justice in 2005, Justice Chaudhry established a Human Rights Cell of the Supreme Court and started exercising *suo motu* powers of the court actively, whereby he received thousands of complaints from poor victims across the country. The entire police hierarchy, bureaucracy, politicians from the ruling as well as opposition parties, feudal lords and several incumbent rulers directly or indirectly admonished, when Justice Chaudhry either gave decisions against them or passed stern directions for them to comply with. In the Pakistan Steel Mills (PSM) case, Justice Chaudhry headed a larger bench and ruled that the Cabinet Committee on Privatization grossly violated the law in the PSM sell-off. Ultimately, before Justice Chaudhry's first suspension in March 2007, the Chaudhry Court began hearing 11 human rights cases brought by family members of missing persons. The court ordered the government to produce the detainees or provide information about their whereabouts. Even if the court's orders were not far-reaching, the fact of the hearings was nonetheless significant. They represented a long overdue challenge to the government's practice of detaining people secretly and arbitrarily. In short, Justice Chaudhry's activism of less than two years from June 2005 to March 2007 exposed the quality of governance being delivered in the country. In the presence of a seriously flawed system of governance, and gross violations of human rights, the public found a much-sought solace in the judicial governance of the Chaudhry Court.

In constitutional theory, the term 'judicialization of governance' may seem fraught with judicial ambitiousness and invite all the cautions applicable to judicial activism. However, one might argue here that, like independence, judges and courts may display 'more' or 'less' activism at different times and in different places.³⁸ Though, the activism of the Chaudhry Court has no parallel in Pakistan's judicial history and has appeared as the most ambitious judicial project of all time, but it can only be fully understood in contrast to the corresponding executive structure, which is dangerously overgrown and

heavily maligned with corruption, inefficiency and illegitimacy.³⁹ Though judicial review is recognized as most proper when employed to protect the rights of minority groups whose access to the political process is compromised by their political isolation,⁴⁰ when authoritarian regimes make political process inaccessible for the masses or the half-hearted democratic regimes become non-aligned with the public will, some justifications may be traced.⁴¹ Hence, with no access to political process, and no political opposition and choice in sight, the reception of more than 1,000 complaints a day by the chief justice from aggrieved people from around the entire country makes judicialization of governance look more of a necessary action than a voluntary choice. Furthermore, in a democratic regime, the continuity of governance failure has not done much to shift this concentration of judicial governance.

Judicialization of politics

‘Political questions’ which were meant to be out of bounds for the courts have often been thrown into the laps of judges. In Pakistan’s case, the judicialization of politics came as much enforced as the judicialization of governance. Firstly, the major issues – such as privatization of steel mills, PTCL, PSO and the sugar price hike cases, which were taken up as matters of public importance – turned out to be fully laden with the political issues. The implication of federal ministers and ultimately the prime minister in gross mis-governance, in fact corruption, of course had a sheer political streak.

Secondly, distinction may be drawn between decisions that make substantive policy judgments and those that simply protect access to the political process.⁴² The Chaudhry Court’s decision in the Sharif brothers’ petition against their exile agreement with the Musharraf regime only levelled the electoral playing field as Benazir Bhutto was returning to contest election under the protection of a National Reconciliation Ordinance (NRO), bargained in a deal whereby in return she would accept Musharraf as president for another term of five years. The court decided that the Sharifs ‘have an

inalienable right to enter and remain in country, as citizens of Pakistan'.⁴³ Furthermore, the court's decision to block the effect of NRO gave a whole new strategic look to the political alignment. Lawyers were unhappy with Bhutto since her deal with Musharraf was a betrayal to their struggle for political liberalization. The alliance of media and civil society, as new pillars of state, with the Chaudhry Court further entrenched the judicial support structures that were again put to use after Musharraf imposed a state of emergency on 3 November 2007.

Hence, prior to the imposition of a state of emergency (which was authoritarian regimes' extra-constitutional answer to a constitutional question), when the constitutional question as to Musharraf's eligibility for presidential election arose, it was completely fraught with political consequences. While deciding whether a serving army general was competent to contest presidential elections, the Chaudhry Court, at first, dismissed the petitions on procedural grounds,⁴⁴ however, upon appeal, the court decided that Musharraf may contest the election, though the official results of presidential elections would not be announced until the final disposal of appeal. Not ruling against Musharraf at first was a good political strategy, rather a typical *Marbury* move.⁴⁵ 'On the one hand, the Court got the opportunity to calculate the effects of abandoning the lawyers .|. [o]n the other hand, since Musharraf publicly accepted and welcomed the decision it [was] politically difficult for Musharraf to defy the Court'⁴⁶ if the case is decided against him in appeal. This strategy of the Chaudhry Court can be compared with its strategy in the *Sindh High Court Bar Association*⁴⁷ case where the court, without deciding the constitutionality of NRO, has sent it back to the Parliament. And, apparently, a similar political question may again come before the court challenging the competency of the current president of Pakistan, Mr Asif Ali Zardari, when the constitutional time limit of NRO would expire on 28 November 2009.

In Pakistan's judicial history, the dilemma of the Supreme Court has been the serious overlapping of political and constitutional questions, in the same way as the governance

issues in front of the Chaudhry Court, examined earlier in the chapter, were fraught with political implications. After its reinstatement in March 2009, the Chaudhry Court was faced with the question of the constitutionality of Musharraf's actions on and after 3 November 2007, whereby he imposed emergency in the country. Preferably, this question should have been decided by the Parliament, which, unfortunately, could not go beyond a few lame resolutions of condemnation. On the contrary, and on a rather sad note, there were active attempts from the government side to give constitutional protection to the emergency of 3 November.⁴⁸

Therefore, even if the court may have liked to avoid political issues, the constitutionality of Musharraf's actions was a legal question and, therefore, well within the jurisdiction of the Chaudhry Court. In the absence of any active attempt on the part of Parliament to resolve the political crisis, the Chaudhry Court delivered its judgment invalidating the emergency of 3 November 2007;⁴⁹ however, it did not nullify two categories of actions of which President Zardari has been the main beneficiary. First, the Chaudhry Court ruled that although Justice Dogar had never been a lawful chief justice, judgments given by his court were nevertheless valid with the exception of judgments upholding the imposition of emergency. This way, the Dogar Court's ruling of April 2008 invalidating the graduation requirement for holding elective office was protected, clearing the way for Zardari, who was a 'non-graduate', to remain president. Second, the court decided that for ordinances in force on 3 November, of which NRO was one, the maximum constitutional period of 120 days (after which a federal ordinance stands repealed) would start running from the date of the court's ruling, that is, 31 July 2008, and not from the date of its promulgation, 7 October 2007. This way, once again, the Chaudhry Court returned an important political question back to the Parliament, where it should belong.

The Chaudhry Court has received accolades for this judgment, which has been remarked on as sagacious, constitutionally sound and politically astute.⁵⁰ To appraise this judgment as the Chaudhry Court's judicialization of politics

will be a less defensible position, mainly because the court only supplied what parliament failed to deliver. This failure of parliament and government to identify and exploit the huge political opportunity has further added to their political deficit. Hence, in Pakistan's political milieu, even in the presence of democratically elected government, the equation of political capital between legislature, executive and judiciary remains inverse: parliament and government's loss is the court's gain. And as for now, when all governmental efforts to get NRO passed from the Parliament have failed,⁵¹ it is yet to be seen, which new challenges, political and constitutional, it will bring for the Chaudhry Court.

Challenges to the Chaudhry Court

The account of Justice Chaudhry and his court's empowerment does not follow any hard-core paradigmatic principles, though it has been the most comprehensive empowerment of a court in the recent and distant history of constitutionalism.⁵² This empowerment that now ranges from judicial and political to moral domains has its own challenges, some imminent and some relatively distant.

Challenging dynamics of the Chaudhry Court's empowerment

The success of the judicial movement and the political empowerment of the Chaudhry Court question our conventional assumptions about the position of the judiciary as the weakest of the three organs of the state. Since the judiciary has a non-majoritarian character and it has no power of sword or purse, therefore, in constitutional politics, its relationship with the other two organs, legislature and executive, is that of reliance upon the goodwill and respect of these organs for the enforcement of its orders.⁵³ The recent Pakistani experience has added an unusual dimension to the relationship grid of these three organs and, at least for now, it has answered an intricate and pending question of constitutional jurisprudence that if the judiciary revolts against a dissenting executive and legislature, how would the orders of the judiciary be executed?

⁵⁴ The adoption of judicial decisions and political stances of the Chaudhry Court by the public and then its transformation into a successful political movement is a sufficiently unique answer. Though it remains ironic that the judiciary of Pakistan, known for its subservience, has been able to add this dimension to the constitutional politics experience.

Another unusual streak of this new understanding given by the Pakistani experience is the public's identification of the court with the constitution, where the challenges to the courts' judicial authority are tantamount to challenging people's hope in constitutionalism itself. In this way, Chief Justice Chaudhry, from being a justice of the Supreme Court, has become a symbol of justice and his court has transformed into an institution directly reflective of the general will of the public. This newly found understanding substantively redefines the constitutional relationship of all three organs of state. However, this arrangement remains an oddity amongst the established norms of constitutional balance of power between different organs of state. The context urges that some conventional understandings may give way to these newer constitutional paradigms where judicial power is not perceived as fixed or natural, but rather a social construct of an institutional form. This reinventing of judicial power in a constitutional system will ultimately start redistributing resources, both judicial and non-judicial.

Adding further to the empowerment theses presented in the previous part of the chapter, and the new constitutional balances pointed out above, another important pretext has been the emergence of media and civil society as pillars of state. When Justice Chaudhry assumed the role of public benefactor, the media embraced him and presented a positive image of him, which was in serious contrast to the popular image of the judiciary as an institution. This media presentation, first of Justice Chaudhry and then of the Chaudhry Court, bound the court and the public in a relationship of open reciprocity which diluted away the conventional nonresponsive face assigned to both judiciary and public by the previous regimes.

The challenges ‘from within and without’

Alongside serious political challenges from other organs of state, the Chaudhry Court is also facing multiple inner stresses emanating mainly from its onerous judicial legacy. The nature of these challenges is constitutional, political and institutional, ranging from the preservation of the court’s independence and furtherance of democracy to the overseeing of governance where it conflicts with public interest.

On a different note, however, this perception that the Chaudhry Court is facing some constitutional challenge from other organs of state,⁵⁵ I submit, is an erroneously founded position. Within the constitutional framework, the position of the court is secure and sufficiently independent. The process for an appointment and removal of a judge of superior judiciary has been designed in such a way, that judicial independence cannot be easily undermined unless such efforts are collaborated from within the court. Therefore, when Musharraf wanted to remove Chief Justice Chaudhry, he had to suspend him, which was an unconstitutional action as was decided ultimately by the Supreme Court.⁵⁶ Hence, within the constitution, the position of Supreme Court is well guarded. However, the constitutional history of Pakistan is not one of subscription to constitutional ordains, rather it overflows with the plethora of extra-constitutional, *supra*-constitutional and unconstitutional actions. The fact that the Chaudhry Court has successfully emerged from the latest extra-constitutional onslaught, and that the military’s capacity of political manoeuvrability is at its lowest, have, at least for time being, postponed any such near future crisis.

Therefore, the present challenges to the Chaudhry Court are more that of constitutional politics than of pure constitutional nature; though, some upcoming constitutional questions may put the court in a difficult political situation; and, one such question may be the competency of President Zardari when the NRO will become ineffective. Furthermore, the issues of human rights violations that are emanating from the ongoing war against terrorism can constitute some hard real-world questions for the court. These challenges, in one

form or another, inevitably touch upon the limits of judicial activism and the bounds of the role and power of the judiciary in a parliamentary democracy.

Challenges emanating from the constitutional politics

Trust deficit between the court and government

At present, the relationship between different organs of state in Pakistan suffers from a serious trust deficit, which poses a question about how the Supreme Court will maintain its own authority and power along with judicial activism without colliding with other branches of government to the degree that the conflict can undermine the court's institutionalization and country's democratization.

The decision of 31 July 2009 and the decision of the court in the case of the 'levy tax' on petroleum prices show the restraint of the judiciary from indulging in legislative issues. In its 31 July decision, the court returned the NRO back to the Parliament, and in the petroleum prices case, the court did not react when the 'levy tax' rejected by the court was again imposed through presidential ordinance just two days later.⁵⁷ However, these measures have not so far reduced the apprehensiveness of other organs of state, especially that of the executive. The core of the problem can be traced from the history of the executive and judiciary relationship in Pakistan. The age-old habit of dealing with subservient judiciaries is difficult to break.⁵⁸ A specific element of executive behaviour in Pakistan is its little or no respect for the rule of law. Within any legal system, officials of that system must regard laws 'as common standards of official behavior and appraise critically their own and each other's deviations as lapses'⁵⁹ in order for that system to work. In present-day Pakistan, it cannot be said that the most senior executive officials *in practice* accept the Constitution of 1973 as a common standard of official behaviour and treat their deviations as lapses,⁶⁰ especially when matters of their own authority are at stake. Furthermore, the culture of political corruption and criminality further

enhances the cautions that the executive and legislative branches hold against the judiciary, which in the present case they find hard to manage favourably.

Another important aspect of this executive and legislative apprehensiveness comes from the culture of governance and politics. In Pakistan, the democratic regimes of the past constituted only short intervals between the long and continuing military rule. The major politicians, one way or another, have been the outcome of the military regimes. Examples can be taken from that of Zulfikar Ali Bhutto and Nawaz Sharif.⁶¹ The political training by authoritarian military regimes has further distanced these politicians from the concept of rule of law. Therefore, when a democratic government comes in power with these politicians at the helm of affairs, instead of governing, they try to rule in a typical authoritarian manner, directly undermining the rule of law. In Pakistan, the military as well as democratic governments have treated the constitution and law as instruments for the facilitation of their rule and not sacred documents to uphold and protect. It has become a consistent practice that the governments, instead of improving their governance, would rather like to rule via misusing and distorting law. Hence, presently, there is a gap between the understanding of the Chaudhry Court and the public on one side, and the democratic government on the other side, regarding the concept of 'rule of law' in a constitutional democracy. As long as the government does not substantively alter its perception of rule of law and does not pull out the governance issues from the lap of the judiciary by practising good governance, this apprehensiveness will continue.

Constitutional supremacy or parliamentary supremacy: problems of institutional hegemony

The dynamics of the relationship between the court and parliament are not much different from that of the court and executive. The primary reason for this uneasy relationship is the misconception and interchangeable use of the concepts of constitutional supremacy and parliamentary supremacy as one

and the same. The frequent political use of the term parliamentary supremacy against military regimes in order to denote their non-representative character is now being broadly applied to the constitutional democracy. It is submitted that in Pakistan, the term parliamentary supremacy cannot have the same import as in the British parliamentary system since there is no written constitution in Britain. In the presence of a written and enforced Constitution of 1973, the applicable constitutional principle is, in fact, that of constitutional supremacy whereby the three branches of state do not have any position of superiority against each other. The numerous attempts from the side of government to popularize the concept of parliamentary supremacy have assumed the shape of a political effort to create an institutional hegemony otherwise unfounded in the constitution. The argument that parliament is superior since it can amend the constitution does not fare well when put next to the judiciary's power of judicial review. Under the Constitution of 1973, the Supreme Court can invalidate any legislation by the Parliament that is in conflict with the constitution itself. Furthermore, the degree to which the court has the authority to engage in constitutional interpretation of an amendment passed by the Parliament is again well within the jurisdiction of the Supreme Court. Twice has the Supreme Court referred to the 'Basic Structure Doctrine' in its judgments;⁶² it may further build on it in order to constrain the breadth of powers of Parliament to amend the Constitution, as has been done effectively in India.⁶³

Apparently, the written Constitution of 1973 endeavours to produce a governmental process in which judicial power significantly tempers, and is tempered by, the political power bestowed on the other two branches by the workings of elective democracy. In Pakistan, current debates on the powers of court are emphasizing the degree to which it shares with other institutions the authority to engage in constitutional interpretation. Whatever little experience we may have of legislative response to the judicial review, in modern democratic systems, 'statutory revision of judicial interpretation is commonplace'⁶⁴ and, hence, should not be taken as one essentially with a reactive streak intending to establish the hegemonic position of one institution against the

other. Furthermore, the court's work of statutory construction may well be even more important for the process of governance than its exercise of judicial review.

New political dynamics and the role of political parties

One huge impact of the judicial empowerment, however, is the creation of new political dynamics, which have a far lower tolerance level for political adventurism of military or civilian government. With an active media, lawyers and civil society acting together as the fourth and fifth pillars of state, it has become ever so important to reach a newer demand–supply equation between the public and politicians. The media's active role as a catalyst has rendered the policies, decisions and actions of all political parties to a close scrutinization by the public. In this midst, the political parties need to change their lethargic political performance. When authoritarian regimes are stuck in political crises, the role of political parties becomes central, as they are the ultimate negotiators as well as beneficiaries of any consequential redistribution of power in the system.

However, during and after the political crisis of 2007, the mainstream political parties of Pakistan have consistently shown a lack of leadership and poor handling of political opportunities. When lawyers had almost cornered Musharraf, Benazir Bhutto made a deal with him and further fortified his position by opting for a backdoor channel of NRO to come into power. Similarly, there had been allegations of agreement between Nawaz Sharif and Musharraf also, which has seriously damaged the credibility of his political party. Moreover, after Zardari's election as the president, the PPP embarked on dismantling the lawyers' movement. First, the PPP engineered a counter-movement against the lawyers' movement in support of the then Chief Justice Dogar; and second, the PPP offered reinstatement to the large number of judges of superior judiciary without reinstating Chief Justice Chaudhry.

Ultimately, the political parties in Pakistan are led from the top–down and suffer from serious credibility deficit. They are

populist vehicles for their leader, rather than well-rooted democratic parties with resilient local structures. Moreover, there is also no initiative from these parties to run themselves on democratic footings, as they do not have any regular internal elections. The Pakistan Muslim League (N) has dissolved all of its local and regional offices and it is still operative and going on without any elections for these local and regional offices. Hence, in this context, a number of questions may be raised in the courts. For example, the requirements imposed by law relating to political parties; the truthfulness of the tax details submitted by the top leadership of mainstream political parties; explanation of the available funds, resources and election expenses made by these parties in violation of election laws.

Institutional challenges

As against constitutional challenges, the institutional challenges are deeper and immediate. Since the scope and extent of judicial activism ultimately depends on the personal predilections of an individual judge and their own conception of what 'justice' ought to be, therefore, in effect, the result becomes personality-oriented. And, instead of delivering 'justice according to law', the courts begin to administer justice according to the propensities of the judge. Hence, the most challenging task for the Supreme Court is to develop means and methods to institutionalize the empowerment and the activist stances of Justice Chaudhry and his court. It may be noted that there are about 60 vacancies lying in the superior judiciary of Pakistan. It will be a real test for Justice Chaudhry to find appropriate and competent candidates. The deterioration of legal academy and bar culture in the last three decades has reduced the choice in this regard to the bare minimum.

Moreover, amendment of the rules for the appointment, promotion and removal of judges, either by legislative or constitutional changes, is no panacea. The government already has demonstrated its reckless disdain for constitutional norms and its willingness to deal expeditiously with judges as they

attempted to increase the number of judges in the Supreme Court through the finance bill that they passed.⁶⁵ In this context, the major challenge will be to assure a transparent appointment system that focuses on merit, not political loyalty; a promotion system mechanical in its predictability and without discretion that could be manipulated by the executive; and a removal mechanism capable of identifying and addressing financial corruption.

Finally, how can the judiciary maintain sufficient reservoirs of public and political support to ignore threats from other governmental branches? This question contains an in-built problem of the public's expectation that the court would act as a support structure for democracy. This, in turn, would naturally demand an active role by the court where the judiciary would too often be stepping out of its domain and will become an active policy-maker. However, this may trigger retaliation from other branches of government and lead to another crisis of legitimacy.

Conclusion

This chapter has been an attempt to analyse the transformation and empowerment of the Supreme Court and the challenges to the Chaudhry Court in Pakistan. It has been argued that the empowerment of the Chaudhry Court has initially come through its use of public interest litigation. However, this empowerment was retained against the interest of the government due to the non-alignment of the government with public opinion and its further failure to accumulate any political capital on account of bad governance. One may also note, however, that this judicialization of governance and politics has been mainly enforced upon the court by the continuous evasiveness of government (both authoritarian and democratic) to face the major issues. The chapter has argued that as long as the democratic government does not take effective measures to respond to the public will, its political capital will keep declining in comparison with the Chaudhry Court.

This recent rise of the judiciary in Pakistani politics is viewed with both caution and appreciation. Presently, there have been multiple challenges faced by this newly empowered or ‘independent’ judiciary. For every challenge – constitutional, political or institutional – there are a variety of arguments thrown from all sides, political and intellectual, mainly resisting the independence of the judiciary. While it is encouraging for Pakistan that it has moved on from despotic military regimes to a democratic atmosphere of dialogic orientation, the caution is even deeper. All political actors must admit that, ultimately, the judiciary is an active participant of governmental process; and in this capacity, it is susceptible, and often responsive, to democratic political pressures, though it does not or may not simply follow, or ignore, or thwart them. It interacts with the elected branches in complex ways. Finally, the court’s integration into the democratic political structure continues, not merely because it shares the same or subservient outlook with other components of an electoral democracy, but more importantly because it is a participant, though of a different sort, in the same political process. One of the greatest accomplishments of constitutional democracy, as against authoritarian regimes, is the possibility of fostering an institutional climate in which change need not be infrequent and drastic. The present empowerment of the judiciary is Pakistan’s major step towards such a democratic and political climate.

Notes

- 1 I would like to thank the Griffith Asia Institute for this opportunity to write on this issue. I would further acknowledge the contribution of Professor Humayoun Ihsan, whose invaluable comments have considerably shaped and reshaped my chapter, which belongs to him equally. I would also like to thank my husband, Afzal Khan, who read the multiple drafts and made important recommendations.
- 2 Hamid Khan, *Constitutional and Political History of Pakistan*, Karachi; Oxford University Press, 1999: 214–19.
- 3 *Federation of Pakistan v. Moulvi Tamizuddin Khan*, PLD 1955 Federal Court 240.
- 4 *Ibid*; and *The State v. Dosso*, PLD 1958 Supreme Court 533.
- 5 Constitution of Pakistan, 1973, Art. 175.

- ⁶ Ibid., Arts. 209, 81, 82 and Fifth Schedule; for appointment and tenure of a judge see *Al-Jehad Trust v. Federation of Pakistan*, PLD 1996 Supreme Court 324.
- ⁷ Constitution of Pakistan, 1973, Art. 184(3).
- ⁸ *Al-Jehad Trust v. Federation of Pakistan*, PLD 1996 Supreme Court 324 at 363–367; see also *Supreme Court Bar Association v. Federation of Pakistan*, PLD 2002 SC 939.
- ⁹ Shoaib Ghias, ‘Miscarriage of Chief Justice: Lawyers, Media and the Struggle for Judicial Independence in Pakistan’, *Law & Social Inquiry* (2010) (forthcoming), <<http://ssrn.com/abstract=1163642>> (accessed 11 November 2009).
- ¹⁰ PLD 1955 Federal Court 240.
- ¹¹ The three cases constituting this 1955 trilogy are *Federation of Pakistan v. Moulvi Tamizuddin Khan*, PLD 1955 Federal Court 240, *Usif Patel v. The Crown*, PLD 1955 Federal Court 387 and *Reference by his Excellency The Governor-General*, PLD 1955 Federal Court 435.
- ¹² Paula R. Newberg, *Judging the State: Courts and constitutional politics in Pakistan*, New Delhi; Oxford University Press, 1995: 58–59.
- ¹³ Khan, *Constitutional and Political History of Pakistan*: 214; and see also *The State v. Dosso*, PLD 1958 Supreme Court 533.
- ¹⁴ Newberg, *Judging the State*: 73–75; and for the repudiation of this doctrine by the Supreme Court, see *Asma Jilani v. The Government of the Punjab*, PLD 1972 Supreme Court 139.
- ¹⁵ PLD 2000 Supreme Court 869.
- ¹⁶ *Begum Nusrat Bhutto v. Chief of Army Staff*, PLD 1977 SC 657.
- ¹⁷ PLD 2002 Supreme Court 853.
- ¹⁸ Courts, of course, have played a role in other political cases too. See, for example, *Mian Muhammad Nawaz Sharif v. President of Pakistan*, PLD 1993 Supreme Court 473 (setting aside dissolution order); and *Benazir Bhutto v. Farooq Ahmad Leghari*, PLD 1998 Supreme Court 27 (declining to disturb dissolution order).
- ¹⁹ *Zafar Ali Shah v. General Pervez Musharraf*, PLD SC 869 (2000).
- ²⁰ *Qazi Hussain Ahmad v. General Pervez Musharraf*, PLD SC 853 (2002).
- ²¹ *Watan Party v. Chief Executive of Pakistan*, PLD SC 74 (2003).
- ²² *Pakistan Lawyers Forum v. Federation of Pakistan*, PLD SC 719 (2005).
- ²³ Oriya Maqbool Jan, Kaifer e Kirdar Tak, *Daily Express*, 17 May 2007.
- ²⁴ Supreme Court of Pakistan, Annual Report (2006); 6–7 <<http://www.supremecourt.gov.pk/web/page.asp?id=243>> (accessed 10 November 2009).
- ²⁵ Ibid.
- ²⁶ Ayaz Amir, ‘My Lord the Chief Justice takes Notice’, *Dawn*, 5 May 2006.

- [27](#) Geo TV's *Capital Talk*, Aaj TV's *Live with Talat Hussain*, ARY's *Off the Record* (TV shows, October 2006–January 2007).
- [28](#) Ibid.
- [29](#) Before being finally reinstated in March 2009, Chief Justice Chaudhry was reinstated by the Supreme Court through its 20 July 2007 judgment in *Mr. Justice Iftikhar Muhammad Chaudhry, Chief Justice of Pakistan v. President of Pakistan*, PLD 2007 SC 578.
- [30](#) There are a number of prominent theories for the explanation of judicial empowerment, such as constitutionalization of rights, evolutionists and utilitarian theories of legal change, institutional economists' approach and rational choice models.
- [31](#) Douglass North and Barry Weingast, 'Constitutions and Commitments,' *The Journal of Economic History* 49 (1989); Gordon Silverstein, 'Globalization and the Rule of Law: "A Machine that Runs of Itself?"]' *International Journal of Constitutional Law* 1, 3 (2003) at p.430.
- [32](#) Ibid.
- [33](#) See Ghias, 'Miscarriage of Chief Justice'.
- [34](#) *Watan Party v. Federation of Pakistan*, PLD SC 697 (2006).
- [35](#) Gad Barzilai, 'Between the Rule of Law and the Laws of the Ruler: the Supreme Court in Israeli Legal Culture', *International Social Science Journal* 152 (1997): 193–208 at 196.
- [36](#) Ibid.
- [37](#) Ayaz Amir, 'Comrade Stalin and the Sugar Question,' *Dawn*, 26 May 2006.
- [38](#) Rosenberg 1992, 370 (judicial independence is a positive attribute for those who favour an activist judiciary, a negative one for those who favour a more restrained one).
- [39](#) Anti-Corruption Resource Center, Overview of Corruption in Pakistan, <<http://www.u4.no/helpdesk/helpdesk/query.cfm?id=174>> (accessed 13 November 2009).
- [40](#) See John Hart Ely, *Democracy and Distrust: A theory of judicial review*, Harvard University Press, 2004.
- [41](#) Ibid.
- [42](#) Bradley C. Canon, 'Defining the Dimensions of Judicial Activism', *Judicature*, 66 (6) (1983): 244–245.
- [43](#) *Pakistan Muslim League (N) v. Federation of Pakistan*, PLD 2007 SC 642.
- [44](#) Iftikhar A. Khan, 'SC Keeps Musharraf's Fate in Hand: Go Ahead for Presidential Election', *Dawn*, 6 October 2007.
- [45](#) Ghias 'Miscarriage of Chief Justice': 44. While citing from *Marbury v. Madison*, 5 U.S. 137, the author commented that in this case Justice Marshall asserted the power of judicial review but decided the case in favour of the

executive and therefore, by accepting the decision, the executive also accepted judicial review.

- [46](#) Ibid: 44–45.
- [47](#) *Sindh High Court Bar Association v. Federation of Pakistan*, PLD 2009 SC 879.
- [48](#) Asif Ezdi, ‘Make No Mistake’, *The News*, 3 June 2008; Faisal Siddiqui, ‘Politics of Constitutionalism’, *The News*, 29 June 2008; Geo TV *Capital Talk*, aired on 20 May 2008.
- [49](#) *Sindh High Court Bar Association v. Federation of Pakistan*, PLD 2009 SC 879.
- [50](#) Haroon ur Rasheed, ‘Azadi (freedom)’, *Daily Jang*, 2 August 2009.
- [51](#) Prime Minister Gilani announced on the floor of the National Assembly that NRO would not be presented in the Parliament for voting and approval. See ‘PM Gilani defends President Zardari,’ *The Eastern Tribune*, 19 December 2009.
- [52](#) Comparison may be drawn with the empowerment of the Korean Constitutional Court and the Israeli Supreme Court.
- [53](#) *Baker v. Carr*, 369 US 186 (1962), p. 267.
- [54](#) See Arun Shourie, *Courts and their Judgments: Premises, prerequisites and consequences*, New Delhi; Rupa & Co, 2001.
- [55](#) Geo TV show, *Capital Talk*, 11 November 2009.
- [56](#) *Chief Justice of Pakistan, Mr. Justice Iftikhar Muhammad Chaudhry v. President of Pakistan*, PLD 2007 SC 578.
- [57](#) See BBC News, ‘Pakistan Petrol Tax Row Continues’, <http://news.bbc.co.uk/2/hi/south_asia/8143692.stm> (accessed 10 May 2010).
- [58](#) Some of the charges imposed upon the chief justice by the Musharraf government were that he interfered into executive functions and issued directives to senior executive officials. For detail of charges, see *Chief Justice of Pakistan, Mr. Justice Iftikhar Muhammad Chaudhry v. President of Pakistan*, PLD 2007 SC 578.
- [59](#) H.L.A. Hart, *The Concept of Law*, London; Oxford University Press, 1997: 117.
- [60](#) Building Judicial Independence in Pakistan, Report No. 86, Islamabad/Brussels: International Crisis Group, 2004.
- [61](#) See Haroon ur Rasheed, ‘Nawaz Sharif Badshah Aadmi Hein’, *Daily Jang*, 19 November 2009.
- [62](#) *Mahmud Khan Achakzai v. Federation of Pakistan*, PLD 1997 SC 426; *Wuqla Mahaz, etc. v Federation of Pakistan*, PLD 1998 SC 1263.
- [63](#) *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225.
- [64](#) John B. Taylor, ‘The Supreme Court and Political Eras: A Perspective on Judicial Power in Democratic Polity’, *The Review of Politics*, 54 (3) (1992): 345–368 at p. 366.
- [65](#) ‘National Assembly Passes Finance Bill’, *Dawn*, 23 June 2008.

3 What are they teaching them at school nowadays?

Understanding hybrid seminaries and Pakistan's social revolution

Aneela Babar

Introduction

Social anthropologists in recent times have frequently written about the globalized world and its interdependence. Just as often security specialists deliberate upon instability in Pakistan and the consequences for global security. In November 2008, the worlds of the two overlapped as gunmen belonging to the Pakistan-based Lashkare-e-Toiba held hostage Mumbai's local and expatriate population. At the end of the carnage, the lone gunman captured by the Indian security forces confessed in a televised interview:

We were told that our big brother India is so rich and we are dying of poverty and hunger. My father sells *dahi wada* (dumplings) on a stall in Lahore and we did not even get enough food to eat from his earnings. I was promised that once they knew that I was successful in my operation, they would give Rs 150,000, to my family.¹

The episode narrated above is only one amongst many other instances when 'background rumblings' regarding Pakistan's difficult history of militancy, is replaced by an all-pervasive uproar which demands closing down problematic forums such as the Pakistani seminaries that encourage and patronize terrorist networks in the region. Qasab did not study in a seminary; however, his life is representative of the cocktail of social violence, sectarianism, poverty and dispossession that pushes young Pakistanis into enrolling in problematic seminaries or adopting a life of violence.

A look at Pakistan's demography and geography clearly exhibits that there are particular regions of Pakistan that share complex

ethnic and religious division as well as economic backwardness and lack of governance. These particular complexities need to be understood in order to appreciate the pressure points that exist in Pakistani society and predict how soon they will spill over into wider regional instability and volatility. As the work of Saleem Ali² dealing with the *madrassahs* in Punjab stresses, sectarian conflict in the villages and small towns of Pakistan reflect fundamental economic deprivations. The regions with the most conflicts have landlords, no prospect of land reform, are not linked to major roads that would provide youth with easy access to urban markets and urban jobs, and lack economic diversification. Ajmal Qasab, the Lashkar-e-Toiba operative arrested in Mumbai, comes from one such community. Lashkar-e-Toiba as an organization feeds on Qasab's (and other young men such as him) economic deprivation when it continues to recruit Pakistan's youth. The organization continues to flourish in Pakistan (and beyond) in all its incarnations despite all attempts on the part of the Pakistani state to suppress its activities and the government's recent act of banning the organization.

But it is just not economic deprivation and sectarianism that is responsible for the militancy in the region. When it comes to Pakistan, one also has to recognize the particular nexus of militarism, religious revivalism and violent reading of political Islam that a generation of Pakistanis have sponsored – without doing this one cannot grasp the social transformation of Pakistan. The rapid growth of seminaries in Pakistan spell out the intricacies of Pakistan's domestic and foreign policy (particularly since the time of General Zia ul Haq and how Cold War politics influenced Pakistan's national politics); these policies have to be studied to understand the religious xenophobia of seminaries today. As I have written elsewhere, in Pakistan the growth of militaristic values and rise in numbers of non-state actors eager to usurp a democratic and secular political process has led to a world view justifying violence in the name of personal faith.³

Imagine being an impressionable teenager growing up in Pakistan and being accosted with the following Hadith (tradition attributed to the Prophet) reproduced in the public space:

And it has been said to stay awake for one night in this just war is better than to spend a thousand nights in prayer, and to stand steadfast in this war for one day is better than to spend sixty years in prayers, the fires of hell have been banned on the eyes that stay awake in this war, the feet that have grown

dusty in this war have been promised that they will never be dragged into the fires of hell. And those who have escaped war to stay at home and have hesitated at the call of war have been admonished in the sternest tone (Saheeh Bukhari practice of Prophet compiled by Bukhari).

Paying no attention to the need of coming up with a definition of the *just war* mentioned in this tradition, the words appear as part of recruitment material circulated by the Pakistan army. They also appear in the literature distributed by problematic *jihadi* groups to justify their militant struggle in Kashmir. The Hadith is quoted by religious right-wing groups as they side with martial law regimes in Pakistan and defend the decision that a larger share of resources be given to the Pakistani military.⁴ And traditions just like this one become part of the discourse of resistant groups in Swat and Waziristan – as I witnessed for myself with stickers of the *Hadith* prominently displayed in rest-houses in Swat. Therefore seminaries and their justification of militancy is but a natural corollary of the religio-military nexus in Pakistan – all the while as the Pakistani nation struggles with answers to the question ‘Who’s *just war* is this?’

As is clear from the life history of Qasab and his comrades, the *madrassahs*’ success in recruiting Pakistan’s youth is an expression of the nation’s underprivileged striking back at the state. What is more difficult to understand is how a significant section of middle and upper-middle class Pakistanis understands their violence as a vigilant action against non-Muslim forces? Why is it that a particular generation of Pakistan is growing up insular, puritanical and blind to the pluralism that was South Asian Islam? This chapter identifies the emergence of a social revolution in Pakistan with the coming of age of a particular class of young Pakistanis. It explores their articulation of Muslim identity; their understanding of political violence; and aspirations of having a voice in Pakistani politics. It unpacks the growing popularity of a particular kind of hybrid space that is offered by the ‘new’ *madrassah* – and how this silent majority has given space to a militant fringe.

Stories from the field

This chapter builds upon my ethnographic fieldwork with Pakistani seminaries; the fieldwork was conducted as part of an Ausaid consultancy which covered a broad sample of seminaries in Pakistan’s four provinces and the country’s capital. A total of 15

seminaries were contacted, involving travel to and interviews in the capital Islamabad, the city of Rawalpindi in Punjab, Khairabad and Peshawar in Pakhtunkhwa, Quetta in Baluchistan, and the cities of Karachi and Malir in the province of Sindh. The research was conducted from November 2006 to January 2007. The *madrassahs* visited during the field research (and their affiliation with the various education boards) are given in [Table 3.1](#). It should be noted that fieldwork included visiting four *madrassahs* that were not affiliated to any board: three belonged to the Deobandi sect and the fourth to the Barelvi sect.

Table 3.1 Madrassahs studied in the field and their affiliation (December 2006–January 2007)

<i>No.</i>	<i>Name</i>	<i>Location</i>	<i>Affiliation to which board?</i>	<i>Courses offered</i>
1	MADRASSAH ZIA-UL-KORAN MOHAMMADIYA (Male)	Rawalpindi	1 Tanzim-al-Madaris, 2 Rawalpindi Board for Intermediate and Secondary Education, 3 Allama Iqbal Open University	Nazera, Hifz, Dars-e-Nizami, Aama, Khasa, Aalia, Aalmia, Metric and Intermediate Exams and appearing as private students for BA examinations conducted by the Allama Iqbal Open University, Islamabad
2	MADRASSAH-ul-ARBIA, Quetta (Male but some girl students for hifz and nazera)	Quetta	Wafaq-al-Madaris al-Arabia	Nazera, Hifz, Dars-e-Nizami
3	EIDGAH MADRASSAH (Male)	Quetta	Rabitul Madaris	Nazera, Hifz, Aama
4	MADRASSAH TAJVID-ul-KORAN (Male)	Quetta	Wafaq-al-Madaris al-Arabia	Hifz, Nazera, Dars-e-Nizami
5	MODEL MADRASSAH FOR GIRLS	Rawalpindi	One of the Model Madrassahs set up by the Musharraf government in Pakistan and follows a curriculum approved by all the madrassah education boards, affiliated with the Federal Board for Intermediate and Secondary Education	Hifz, Aama, Khasa, Aalia, Aalmia, Metric and Intermediate Exams, plans for BA
6	JAMAATULOOM TAMEER MILLAT ACADEMY (Male and Female)	Malir	1 Rabitul Madaris 2 Sindh Board for Intermediate and Secondary education	Hifz, Dars-e-Nizami, Aama, Middle School, Metric exams, Coaching classes in English and Computer. Specialized diplomas and evening classes in Quran education for women.
7	RABITA-UL-ISLAM MADRASSAH (Male)	Malir	1 Rabitul Madaris 2 Sindh Board for Intermediate and Secondary education	Hifz, Middle School, Aama, Khasa, Aalia, Aalmia, Dars-e-Nizami

8	JAMIA-UL-MOHSINAT (Female)	Khairabad	1 Rabitul Madaris	Hifz, Middle School, Aama, Khasa, Dars-e-Nizami
			2 Mardan Board for Intermediate and Secondary education	
9 and 10	IQRA ROZA ITFAL TRUST (Male and Female)	Rawalpindi and Karachi	1 Wafaq-al-Madaris al-Arabia	Nazera, Hifz, Roza (play group) Metric and in Karachi classes for Intermediate and BA
			2 Federal or Provincial Pakistan Secondary and Higher Secondary Boards depending on where the branch is located	
			3 University.	
11	PESHAWAR FOREST COLLEGE MADRASSAH (Boys and pre-pubescent girls)	Peshawar	Not affiliated	Nazera, Hifz
12	MADRASSAH TAFSEERUL KORAN	Rawalpindi	Not affiliated	Nazera, Hifz
13	MADRASSAH al-BINAT (for women)	Peshawar	Not affiliated	Nazera, Hifz,
14	MADRASSAH DARUL FURQANUL KARIM (Male)	Peshawar	Did not disclose	Nazera, Hifz, Dars-e-Nizami, Aama, Khasa
15	DARUL KORAN (Male and female)	Peshawar	Did not disclose	Nazera, Hifz, Dars-e-Nizami

Aama: madrasa degree equivalent to Metric/Grade 10 for Pakistan Education Boards

Dars-e-Nizami: syllabus compiled for madrasah education in the early eighteenth century

Fiqh: Islamic jurisprudence

Hifz: memorization of Koran

Khasa: madrasa degree equivalent to Intermediate/Grade 12 for Pakistan Education Boards

Model Madrassahs: since 2004 the Pakistan government has set up three *madrassahs* in the cities of Karachi and Sukkur (for men) and Rawalpindi/Islamabad for women. They have been set up with the intention of giving an ideal education that balances religious and modern training and *Nazera* (to learn how to read the Koran)

When it came to the ‘conventional’ *madrassahs* that I had visited during my research, about 40 per cent of the student population in these seminaries were involved in religious education on only a part-time basis. In the mornings these students attended state or private schools and the late afternoon or early evening found them attending the *madrassah* for *nazera* (reading of the Koran) or *hifz* (memorization of Koran). A total of two to three hours per day are taken up in religious studies at the *madrassah*. These part-timers were typically from middle-and high-income families but as the

madrassahs also attracted poorer children, so the classrooms facilitated cross-income and cross-generational networks.

The *madrassah* administration opposed this part-time study, stressing the demanding nature of memorizing the Quran. Many families, therefore, prefer their children to undertake Quranic studies on a full-time basis – a process that takes up to four years. After memorizing the Quran, they get admission into other educational institutions and professional colleges, leaving with, as administrators explained, an introduction to the Quran and learning ‘good Muslim ways’.

The remaining 60 per cent of the *madrassah* student population was enrolled as ‘boarders’, a category that includes both local students and students from outside the urban area in which the *madrassah* is located (the non-local students could also come from other cities and not just the surrounding rural areas). After a maximum of four years of full-time study, these boarders can go back to their professional education and/or manage the family business. Many students from urban backgrounds come into this system when they already have a Grade 10 certificate. These students are likely to spend one–two years studying at the *madrassahs*. Amongst the students who were enrolled as boarders I discovered that many were from poor families of Dir and Swat (NWFP), the Northern Areas and the Tribal Agencies. They came specifically to study the curriculum of *Dars-e-Nizami* (lit. knowledge of the Books). The *Dars-e-Nizami* curriculum includes an introduction to logic, Arabic grammar, legal history, Islamic jurisprudence, amongst other subjects, but how much an individual *madrassah* follows of it is highly varied and it can take students any number of years to complete it.

My fieldwork introduced me to a smorgasbord of individuals and institutions associated with the world of seminaries. I encountered quirky characters like the founder/principal of the *Madrussah-ul-Arabia* in Quetta, who did not allow newspapers in the *madrassah* as he views reading newspapers as a loss of time. He later confessed that he was not well versed in ‘worldly knowledge’ (read literacy skills) and therefore was ashamed of not being able to read the newspapers that could have come to the seminary, even those which he claims are published by ‘decent and religious-minded’ publishing houses! A teacher at the seminary wistfully remembered his much-loved newspapers, which he misses after joining the *madrassah*. There were also the more challenging situations when I was asked to comment on audio-visual material created and distributed by a

seminary in Malir. The CDs shared with me gave the seminary's version of what *really* caused the 2005 tsunami in Indonesia and the 2006 Pakistan earthquake (namely economic corruption and leaving the true path of Islam). The administration also believed that it was the lack of religiosity in Pakistan that caused the country to be on the 'fault line' of earthquakes. In Rawalpindi and Peshawar I met students and administrators of *madrassahs* who were the 'foot soldiers' of the class and social revolution in Pakistan, doing missionary work and political rallying at the grassroots level for the religious right-wing parties.

My fieldwork corroborated all that we criticize seminaries for, as I witnessed for myself seminary students stepping out of the *madrassah* with the warped and narrow world vision of their teachers, the only skill they were being trained in was to regurgitate their curriculum with none of the analysis. They spoke of the chaos that secular education brings about, which does not bode well for any project that aspires to have a non-sectarian and non-violent political reading of Islam and national identity in Pakistan. In Khairabad, young women as young as 8 proclaimed their willingness to participate in the rebellion against the Pakistani state. It was very clear from the interviews that they were agents to the changed social demography and growing Talebanization in the Malakand valley. As later ethnographic studies in the region showed, these young women were eager to support the firebrand clerics and their challenge to the Pakistani state. As news started trickling in over the coming months of the women of Swat contributing their golden bangles to Mullah Fazalullah's cause and chastising their husbands if they shaved their beards or supported the Pakistani state, I wondered to myself how many of them had been present that particular afternoon in Khairabad.

The same project also gave me the opportunity to review the syllabus of the Jamaat-ud-Dawa schools. I was introduced to their 'alternative' primer for learning the Urdu alphabet, for instance Bay for *Bandoq* (gun), Tay for *Talwar* (sword), *Tay* for Tank, Jeem for *Jahaz* (fighter plane), Khay for *Khanjar* (dagger). I also discovered that the class teacher for grade 1 is guided to pose the following questions of the students in the classroom: How do *mujahideen* make home in jungles? How do *mujahideen* communicate with us? What happens if you listen to songs? What games can you play with a rope? The teachers are also trained to narrate incidents of *jihad* to the young minds, provide training in crossing a river with rope and shooting balloons, encouraging those who have a good aim to

develop their shooting skills and to provide them opportunities to develop their ability. Students are also asked to buy a plastic toy pistol. In grade 2 students are introduced to the life story of Gul Rahman, a 10-year-old boy who teachers claimed killed hundreds of Russians in Afghanistan. There are references in the syllabus to Pakistan being for Muslims only, that Saudi Arabia is Pakistan's friend and India the enemy. In grade 3 students read the last letters of people who have left for *jihad* and were killed performing their religious duty. In grade 4 the textbook carries letters from Abdul Ghafoor (a Jamaat-ud-Dawa alumni), who asks the children to bear news of his and his colleagues' martyrdom patiently.

I was halfway through my field research when we heard news of the bombing of a seminary in Bajaur (in Pakistan's FATA region) by drone planes hunting for militants. The Pakistani government claimed that they had received reports that there were dangerous Al-Qaeda operatives and ammunitions in the building, while the seminary faculty screamed hoarse that there were only students. The sight of shrouded bodies (including that of little boys) had many in tears as they viewed the media images. The Bajaur incident followed me as I travelled across the country speaking to seminary students. There were many who would confront me and inquire of me why 'we' (as in secular Pakistan) hated them (the students); they would question why my contemporaries could attend their educational institutions with no questions asked while they were killed for attending theirs. As a young student in Quetta asked me, '*Why do all of you hate us so?*'

Many viewed the initial pictures of the carnage as 'Our Ground Zero', perhaps those who were in charge of the site wanted to invest in connections with other pilgrimages of grief in keeping alive the memories of the day. The interrelationships between pilgrimage, grief and memory are never power-free and the vision of the building in ruins and a site contested was successful in evoking powerful emotions – an outcome that the *madrasah* administration and their affiliates were looking forward to utilize for their own purposes.

As I read news reports that narrated the visits of ordinary Pakistani citizens to the site, I could witness for myself the power of ritual, pilgrimage and politics produced by the Bajaur site. One report recounted the actions of 'a clean shaven man in ultra white' and how he was 'witnessed collecting sand from the site of the *madrasah* and graves of the victims at some distance from there and rubbing them with his neat and clean clothes. When asked why he

was doing so, the Urdu speaking man replied that he had come from Rawalpindi and wanted to go back with the gift of the sand of the graves of “martyrs” for his family.’ The media took care in pointing out his ethnicity (Urdu-speaking) in order to comment upon the pan-Pakistan support to Bajaur – bear in mind that Bajaur is in Pakhtunkhwa and so the bombing of the seminary was perceived as not an affair that concerned and had in rile actors from the Pashtun heartland alone.

I believe the Bajaur actors had been very shrewd in investing in these rituals. They had encouraged discourses dealing with the theme of the injustice their community faced from the Pakistani state and external actors such as the Coalition forces. Deliberating on a possible road map for the future, they understood that any strategic action for securing their political future could only happen by allowing visitors to the site and themselves going through the rites of grief. Assisting pilgrimages to the site, having the ritual of ‘viewing’ and keeping a memory of their community’s grief alive in the personal day-to-day life of the Pakistani citizen proved useful.

Meanwhile in Islamabad, the local population watched agog as seminary students affiliated with the Red Mosque conducted a morality drive by forcibly shutting down video and music shops in the city and by abducting women whom they believed were engaged in immoral activities. As a significant population of the seminary were from areas that were now under the sway of Talibanization, there were questions whether their particular socio-political revolution had moved to the nation’s capital. The phenomenon could also be explained as an issue of class and migration – a concern that had come up with other urban seminaries as well. Islamabad expatriate population and a cosmopolitan upper-middle and middle-class population worried these new arrivals from small town Pakistan. As Saigol has written elsewhere:

The commercial, consumerist, Westernized and, in their view depraved, morality of the cities, inclines them to react against everything perceived as Westernization and modernization. The city represents moral degradation, loss of cultural values and spiritual emptiness the fundamentalist call to return to a state of Islamic purity and clean moral values, appeals to them.⁵

That the students came from impoverished backgrounds could not be denied. As events unfolded and news came of military forces closing in on the Red Mosque, some of the *madrassah* students left the

compound. It was said that the Pakistani government gave them some money and told them to go home. However, the problem arose that many had no homes to go to, so they lingered on in a state of flux.

Most significant was that this was an instance of the empire of the fringes striking back at the centre. We had here a whole new generation, class and gender of people who had been to date disenfranchised from doing politics in Islamabad. Has there been any other occasion when a 16-year-old woman from rural Pakhtunkhwa has had a chance to have her voice acknowledged in Islamabad?

The students' relationship with the state authorities was conflicted as well. There were instances when they kidnapped police officials and defied the Pakistani government by snatching assorted rifles and walkie-talkies from the police personnel deployed near the Red Mosque. Geo, the private Pakistani TV channel, had telecast images of one of the Jamia Hafsa teachers addressing her students with 'Students! Are you ready to challenge the government, the army and the police?' The students voice their support. 'Students, will you chase away the government, the army and the police?' They all passionately reply in the positive. However, there are also instances where they address the Pakistani military personnel as brothers and ask them to side with them – perhaps in reference to a time when their institute was a protégé of certain powerful officials in the Pakistani military.

Jamia Hafsa and its benefactors put in considerable effort to build up a constituency for their socio-political movement. Emulating the very same urban Pakistani whose consumption of the computer-generated world they condemned, the seminary and its well-wishers replicated Jamia Hafsa and the Lal Masjid in cyberspace. Despite the government's crackdown of their official website and publications, or perhaps because of this censorship, their discourse appeared in a variety of ways that might have not been earlier used. During the course of my project I have come across file-sharing websites that host photographs, scanned images of their publications and daily journals. Others, such as YouTube, have videos of the infamous *Shariah ya Jihad* (Enforce Shariah Lest We Start a Holy War) conference and paeans to the Lal Masjid martyrs. I have come across 'web logs' that give updates regarding Maulana Aziz and his wife Umme Hasaan, who survived the Red Mosque operation. The Jamia Hafsa website has a ticker for a sidebar that gives a live update of 'formerly errant' video shop owners who have

given up their ‘heinous’ mode of living in addition to reports of incidents when ‘obscene’ audio-visual material have been put to fire by righteous Muslims. And concerned citizens living in Pakistan’s Malakand division have drawn attention to the distribution of CDs (despite a ban imposed on them) containing disturbing eyewitness accounts of the siege.

The articles and open letters to the Pakistan government posted on the Jamia Hafsa website pinpoint to the Pakistani government policies in the post-2001 world as the first breach of trust and the beginning of their struggle against an ‘infidel government’. Those who speak for the seminary have been very intelligent in framing the movement as a struggle between Pakistan’s weak and exploited and the powerful Pakistani establishment that controls their lives. There are references to a corrupt bureaucracy that has benefited from the lawless state of affairs, a political elite that does not welcome good governance and a power structure that fears alternate sources of authority (such as the Lal Masjid) that offers cheap and speedy justice to the people. The spokespersons for Lal Masjid build on the average Pakistani’s desire to have a system that works and if the Pakistani citizen were to view the solution to their problems coming from a space that is allegedly divine and sanctified by the Word of God, then why should they oppose it?

On Sawab and compliance to the social order

The discourse of the groups above has been picked up by forums previously never imagined – and they together form the social revolution I refer to earlier in this chapter. A far cry from the modest establishment in Khairabad and the gloomy environs of the Jamia Hafsa, a new generation and class of Pakistani students buckle down to their morning studies in cosmopolitan Karachi and the prosperous suburbs of Islamabad. They are students at educational institutions constituting the new face of the Pakistani seminary. In spaces I label as ‘hybrid’, they offer a world-class education as well as training in Quran and *Hadth*. In recent years Pakistanis have witnessed the mushrooming of billboards that publicize these institutions with their credentials superimposed on a set of scales. The image shows the Quran on one side of the scales with a globe on the other – very clichéd but basically emphasizing the institutions’ promise of offering the best of both worlds.

It is essential to study these institutions as they signify the changed mind-set of civil society in Pakistan. In addition, these

institutions challenge the statistics that Pakistan governments offer regarding enrolments in seminaries. The former Pakistani President Musharraf's statement on the issue of seminaries 'that only two percent of Pakistani children go to seminaries' can be challenged – for government statistics fail to acknowledge these particular seminaries as they are not perceived as 'conventional' *madrassahs*. They confound definitions of both conventional schools and *madrassahs* in Pakistan, particularly as they are registered with Pakistan's education boards as private schools. The emergence of such spaces have escaped any earlier research on seminary education in Pakistan, for to date any reports emerging from the region have concentrated on conventional religious seminaries, allegations of their terrorist networks, and at most profiles of the urbanized member of the Jamat ud Dawa (the patron organization for Lashkar Toiba).

What one witnesses in Pakistan today is that increasingly middle-class families such as mine, who would as a rule have sent their children to private and English medium schools, now have an incentive to send their children to hybrid institutions. They do so, so their children can learn to memorize the Quran to boost their chances of getting admission in medical and engineering colleges on reserved seats for *Hafiz Quran* (someone who has memorized the Quran) and extra marks in college transcripts.⁶ Parents are now inclined to say to their children 'start memorizing the Quran in order to get into the college of your choice'; they are not saying memorize the Quran in order to become a better Muslim! This is a paradoxical result, because from the viewpoint of a religious purist, such attitudes could be seen as undermining the very purpose of a 'religious' education. Yet despite this fine point, the pressure to implement the system of 20 additional marks is increasing, especially because right-wing political parties such as the MMA are monitoring the system to ensure that it is observed. Moreover, being a Hafiz Quran or going to a particular seminary has real clout in Pakistan these days as members of the *Jamiat-i-Islami* and other right-wing religious political parties are on the selection board of the Federal Public Services Commission, the engineering and medical universities and other institutions.

Therefore, over the past decade one has observed institutions such as Reflections, Iqra Educational Foundation and the Yaqeen Model School becoming popular choices of *alma mater* for young people in Pakistan. Khalid Bashir, who established the Reflections Model school, in an interview describes the institution he set up as

the culmination of a ‘personal journey’. He describes himself growing up as an agnostic. Though he says he was educated at the prestigious (and secular) Karachi Grammar School and colleges in Canada, he did begin to wonder whether ‘*it was wise to live my life as there is no god*’.⁷ He mentions his self-awakening leading to a new phase in his life, which coincides with one being adopted by his larger family. ‘*My family was embarking on its own religious journey. My mother already prayed regularly. My sisters were attending a course in Quran.*’⁸ The course that his sisters were attending was one organized by Al Huda – a transnational religious network instituted by Dr Farhat Hashmi. The organization started out in the cities of Karachi and Islamabad in Pakistan and now has affiliates in North America, the United Arab Emirates, the United Kingdom and Australia. Two years ago Dr Hashmi migrated to Canada and now runs *Al-Huda* from there. Bashir’s sister suggested that they set up a short lecture-based summer course named *Islamic Fundamentals* in collaboration with Al-Huda, so in 2001 he decided to set up a summer camp for teenage boys. The two hired a group of *maulvis* (clergy) to impart *tajvid*-religious commentary to the students. Upon the insistence of their students they extended the summer school as a weekly programme run for three hours in the evening. The boys are taken for ‘Islamic’ field trips to the beach so they can offer prayers there and set up in their own words a ‘thriving Islamic environment’. One of the field trips included taking a group of 20 boys on a 10-day trip to Pakistan’s Northern Areas. They were accompanied by an Islamic scholar who was given the task of offering sermons to the young men during the day. Bashir believes that the trip taught the campers to not only travel on their own and be self-sufficient, but was also useful in imparting them good Islamic morals. Therefore parents like Rukhsana Azeem, whose son studies at Reflections, are happy that their children have the opportunity to ‘study in an English medium school but one that also emphasized [sic] on Islamic teachings and moral values’.

Reflections and Al-Huda arose from the need of a certain class of Pakistani Muslims living at home and overseas who are emphatic about the fact that they make sure their family choose to speak, dress and live in a manner which demonstrated as obviously as possible to others (Pakistanis and the international community) that they did not want to follow what they saw as ‘the norms of Western culture’. Instead they hope they can advocate a way of life for their family, friends and colleagues ‘that is complete unto itself’.

The principal of one of the Iqra Roza Itfal schools in Karachi explained to me that it is not necessary that all his students (and Pakistani students in general) go on to take up life as a religious scholar or become clerics.⁹ He does see them as majoring in medicine, liberal arts and engineering. However, he feels that all Pakistani students should have a rigorous training in religious and moral education, which only institutions such as Iqra can provide. Once Iqra graduates step into professional life they will have shared religious values and a network of contacts. It is very significant to acknowledge the importance of this network of contacts, as particular *madrassah* alumni are emerging as parallel ‘old boys’ clubs’ in Pakistan.¹⁰

All the resource persons associated with the hybrid seminaries that I visited emphasized that the British as colonizer in the past, and the Americans today, have been intelligent in using education as an inducement to encourage the Muslims to belittle their own culture and particular mode of education. Their task is to challenge this new colonizer as it sets forth to ruin the current Pakistani generation in their opinion. There is an attempt towards modernization in these new seminaries – but only to the extent to master the technology and languages of teaching. One cannot find anything in the curriculum and the mind-set to celebrate as a harbinger of a non-violent reading of Islam, and their agenda remains to build new networks to usher in their particular social revolution.

The meteoric rise in the rate of success of certain right-wing groups in building a base amongst the professional, urban and upper-middle-class Pakistani groups has confused the traditional as well as the modernist/secular groups in the Pakistani community. One can borrow from Göle in analysing the ‘ambiguity of signs’ posed by the mass appeal of this particular social movement.¹¹ Göle has studied the surprising crossovers between ‘Muslim’ and ‘modernity’ and between secular and religious practices taking place in Turkey, which have unsettled the fixity of positions and oppositional categories. Göle’s work catalogues the new social imaginaries being shaped by these circulatory, transcultured and crossover performances. As her study of Islamists in Turkey shows, though these groups are in an oppositional political struggle with the modern secularists, they often mirror them and search for public representatives who speak foreign languages and belong to the professional and intellectual elite. This was reflected by a similar move in Pakistan to recruit youth icons who belonged to similar elite

backgrounds – Pakistan’s cricket team and their recent wave of evangelism is a case in point.

Junaid Jamshed, the popular singer turned devotional speaker, is a case study of this particular social revolution. Jamshed, the son of a former air marshal, is credited with ushering in Pakistan’s popular music revolution in the 1990s. While studying at Lahore’s University of Engineering and Technology he was initially pursued by the *Jamiat-Islami* and various other missionary groups. These groups persevered and a decade to the day when Jamshed first ruled Pakistan’s air waves he became the poster child of Pakistan’s new social revolution. Though Jamshed declares that since his change in life choices he has not only lost a number of friends and well-wishers but also suffered significant financial losses, a look at his personal business (of luxury Islamic goods) and paid public speaking declares otherwise. In August 2009, Jamshed participated in a televised panel discussion. I refer to the incident as it illustrates how Pakistan’s new social revolutionaries give religious licence to turning a blind eye to the problems that irk Pakistan. The panel was discussing the death of a group of women as crowds stampeded for free rations. Jamshed came up with an interesting theory of the religious merits of not challenging your social location as he chided the deceased for lining up for handouts in the first place. In the words of the social scientist Tazeen Javed, who offers a brilliant social commentary of his tirade:

According to Maulana Junaid Jamshed, it is ok if rich Muslims do not follow the religion, but if poor Muslims let go of the sacred religious teachings, the whole society would collapse. He repeatedly made references to ‘*Ghareeb ka Imaan*’ (poor people’s faith) and ‘*Ameer ka Imaan*’ (rich people’s faith) as if your class is responsible for your levels of faith and piety. He further went on and said that when poor people embrace the true values of Islam, they are endowed with the gift of self respect, restraint and integrity. His theory was that even if people are poor and hungry, their self respect – endowed only through strict adherence to Islam – will not allow them to go beg for food.... Junaid Jamshed further said that if poor people just practice restraint and stay hungry for three days, Allah will provide food for them for one whole year.¹²

Javed's words struck a raw chord with some of her readers as they reprimanded her for criticizing Junaid Jamshed and his views regarding restraint in the face of adversity – all evidence of the growing religiosity and intolerance towards dissent in today's Pakistan.

Pakistan's young do go through generational angst and feel that they lack any support networks. Reflections, like its inspiration Al-Huda and other hybrid *madrassahs* that masquerade as New Age Islamic schools, deprives its students of the will to change or challenge all that is flawed in the Pakistani society. What they do, as Riffat Hassan criticizes in her analysis of Al-Huda's *dars* (scripture reading) culture, is to maintain the status quo and make certain age-old interpretations more palatable and acceptable to young people.¹³ However there is no attempt to bring in any revolutionary change and challenge Pakistan's flawed distribution of resources. So young people enrol in these schools, willingly participate in the meetings and excursions organized, and along with their parents feel good as they think they have performed their religious duty and pleased God. These schools teach them that only their Muslim identity should become dominant in their day-to-day practices, as this alone will give them some understanding of the world. For a group that needs some kind of mandate to continue with their established behaviour of indifference towards those lesser than them, what can be better if it is coming with a religious licence? Any angst at the growing realization of the inequality of distribution of resources in Pakistani society, the skewed class structure of the Pakistani community and lack of governance and accountability in society is suppressed. Somewhere along this process is their absolution of the militant fringe for they feel that these radical groups are fulfilling their own mandate of taking on the evil West.

Conclusion

There is none of the *ijtihad* or revolutionary spirit Pakistani society badly needs as it takes on an enemy claiming to challenge the Pakistani state and kill thousands of innocents in the name of Islam. What is ironic is that both groups – those that turn a blind eye to Pakistan's challenges and those that spread terror – claim that they are ushering in the supremacy of Quran and Sunnah, and that they want to impose good Muslim practices. However, they do so in a manner that is dangerous to the Pakistani nation. The latter has a problematic reading of political Islam and God's instructions of a *just war* and the former feels Islam condones their apathy towards

Pakistan's problems with governance and class differences and their religious duty lies in subcontracting the *just war* to the militant fringe.

Today if one were to walk down the narrow lanes of Karachi's Saddar Bazaar – an area bustling with frenzied crowds jostling to get a closer look at the electronic goods, mobile phones and accessories on display – one cannot help but be distracted as I was by a colourful announcement for innovative 'Islamic' products. I share here an image of one of the products that I witnessed, which is but one in a long line of consumer items influenced by the Islamization of public culture in Pakistan (see [Fig. 3.1](#)).

Figure 3.1 Flyer in Karachi (December 2007) – how technology makes us better Muslims.

خوشخبری خوشخبری

اویس رضا قادری کی

مقبول نعشیں

میوزیکل ہارن اور گھنٹی کا نعل الہیہ

گھر، آفس، اسکول، مدرسہ کو میوزیکل نعش سے بھائیے۔
اپنی گاڑیوں، میوزیکل اور سائیکل میں میوزک ہارن کے بجائے
اویس رضا قادری کی مقبول نعشوں والے ہارن استعمال کریں۔

(۱) آبی سرخچہ
(۲) کوپہ ہارن

9v سائیکل ہارن

6v 12v گاڑی اور موٹر سائیکل ہارن

تمام آئٹم مارکیٹ میں
با آسانی دستیاب ہیں

220v فوریٹیل

2730256-4002718
03022171298 0301-2581854

(اسلام آباد کے مجلس عاملہ)

The lines from the poster read:

Khush Khabri! Khush Khabri! (Good News! Good News!)

Ovaiz Raza Qadri Ki Maqbool Naatey (Ovaiz Raza Qadri's Popular Odes to the Prophet)

Musical Horn Aur Ghenti ka Neymul Badal (In lieu of Musical Horns and Bells)

Ghar, Office, School aur Madrassah Ko Musical Ghenti Sey Bachaye (Save Your Home, Your Office, School and Madrassahs from Musical Bells)

Apnee Ghariyo, Motor Cycle, Aur Cycle May Music Horn Key Bajaye Ovaiz Raza Qadri Ki Maqbool Naato Waley Horn *Istimaal Karey* (In your cars, motor cycle and cycle use the Horn offered by Ovaiz Raza Qadri's that plays his popular hymns to the Prophet Horn instead of music).

The Naát (hymns to the Prophet) are: 1) Nabi Muhammadiya; 2) Aaya Hai Bulawa Mujhey; 3) Tamam Item Bazaar May Ba Asani Dastiyab Hain. The poster ends with the reminder that all items are easily available in the market.

The image shows that the retail firm is producing a 9V cycle horn, a 6V and 12V motorcycle and car horn and the 220V doorbell. There is also a picture of the famous Ovaiz Raza Qadri, and we are provided with the telephone and mobile contacts for the retail firm. This is a sample of the cultural change that the technicians (with Islamic minds as the principal of Iqra promises) coming from these hybrid *madrassahs* are introducing to Pakistan.

The relationship of Pakistani Muslims with consumer items distinctly Islamic is not new. But I wonder where Pakistani society will end up as they set fervently on this quest. For history is witness to the fact that the Pakistani community's experiments with identity politics have always managed to have disastrous results. It is obvious that the move towards cultural nationalism has ushered in a process of 'othering' but what scares observers is the xenophobia being unleashed, as is obvious from this poster. Is the average Pakistani now scared of being tempted towards the path of evil by the chime of a doorbell? The ring of a bicycle bell? Are the new social revolutionaries hell bent on driving away any melody from the average Pakistani life? Will they one day frown on the cuckoo as it calls out from the mango tree? And the nightingale's song?

With the paucity of debate and the Pakistani state brutally repressing dissent, it is ironic that it has been primarily the problematic religious lobby which has managed to mount a credible

challenge to the Pakistani state regarding its crisis of legitimacy. Abdul Rashid Ghazi, the former patron of the problematic Red Mosque, had declared in the midst of his confrontation with the Pakistani state: *'We are only a student protest. We do not want to overthrow Musharraf as such. We want to overthrow the entire Pakistani system, which serves only one percent of the population.'* These groups have provided a forum to critique the government's political policies and challenge global forces perceived by these groups as out to get Pakistan. *Madrassah* groups and their benefactors declare their agenda of ushering in social justice and reform in Pakistan. 'We want our rulers to be honest people' – they claim in interviews, perhaps a thought shared by many silent spectators in Pakistan who now lean towards the far right and militant groups, believing that other forces have abandoned them.

Notes

- 1 Richard Esposito, Mumbai Terrorist Wanted to 'Kill and Die' and Become Famous, <http://abcnews.go.com/Blotter/Story?id=6385015&page=1>, Accessed 1 October 2009.
- 2 Saleem Ali, 'Islamic Education and Conflict: Understanding the Madrassahs of Pakistan', Washington: Draft Report Submitted to the U.S. Institute of Peace Report, 2005.
- 3 Aneela Babar, *Texts of War: The religio-military nexus in Pakistan and India*, Bangkok: Asian Institute of Technology, 2001.
- 4 Personal interview with Maulana Saleemi (formerly Naib Amir Jamat Islami), Mansoor, April 1999.
- 5 Rubina Saigol, *Knowledge and Identity: Articulation of gender in educational discourse in Pakistan*, Lahore: ASR Publications, 1995, p. 86.
- 6 Since the 1980s, a new 20-point incentive system has been introduced into Pakistan to encourage students to memorize the Quran (*Hifz*). Those who have committed the Quran to memory receive an extra 20 points at the time of their entrance into professional colleges in Pakistan. The debate over equal citizenship as guaranteed by the Pakistani constitution aside, what is more important to acknowledge is what memorizing the Quran now means for Pakistani families and an average school student. What should be a task pursued mainly for gaining religious merit becomes a means of getting ahead in life as it is a conduit to enter professional and bureaucratic organizations in Pakistan. It is these changes that the Muttahida Majlis Amal (a major Islamic coalition that formed two of Pakistan's provincial governments and a significant influence in the National Assembly post the 2002 election) and the General Zia administration before have introduced to Pakistani society. And a cadre of seminaries today cater towards meeting the need of Pakistani students to gain this worldly 'merit'.
- 7 Maleeha Hamid Siddiqui and Zahir Shah Sherazi 'The Caste of Faith', *Herald*, Karachi: Dawn Publications, January 2009, pp. 84–87.
- 8 Ibid.
- 9 Personal interview, Karachi, December 2006.

- [10](#) The Iqra Roza Itfal Foundation was founded by Maulana Jamil, the founding patron and motivating force behind the formation of Jaish-Mohammad. The first schools were set up on land donated by his father. Maulana Jamil also belonged to the Almi Majlis Khatam Nabuwat. He gave particular attention to establish Iqra schools in Pakistan Northern Areas to counter the influence of Agha Khan Rural Support projects and the alleged 'Ismaili' missionary activities. Maulana Jamil was gunned down in Karachi by unknown assailants.
- [11](#) Nilüfer Göle, 'Islam in Public: New Visibilities and New Imaginaries', *Public Culture*, 14 (1) (2002): 173–190.
- [12](#) Tazeen Javed, 'A Reluctant Mind', <http://tazeen-tazeen.blogspot.com/2009/09/gift-of-gall-or-permanent-laps-of.html>, accessed 1 October 2009.
- [13](#) Riffat Hassan (2002) 'Islam and Human Rights in Pakistan: A Critical Analysis of the Positions of Three Contemporary Women', *Dawn Review Magazine*, Karachi, November 7 and 14.

4 Women, media, equity and equality

The Pakistan context

Tasneem Ahmar

Introduction

The media has traditionally remained male dominated. Whereas a woman's image may adorn various media outputs only as an ornament, no meaningful participation in the creation of media comes their way. Whether in the West or in the East, in the media rooms, on news desks or researchers as well as anchors have traditionally been men. Thus, men design and define media policies, priorities and agendas, including how women are portrayed and presented. As directors and managers it is, more often than not, men who make decisions about hiring, promoting and assigning staff. Invariably, the preference is for a male applicant. The ratio of male–female workers in the media, therefore, is heavily balanced in favour of men. Therefore, the blatant bias of the media when reporting on or portraying women comes as little surprise. This bias not only affects images of women in the media but also has an extremely negative effect on women's development in society, where such one-sided messages are constantly given out in the garb of news or entertainment.

Gender construction in the media is directly connected with various issues: these include sexism and under-representation in the media, and raising the number of women who work in our newsrooms. Other factors responsible for the invisibility of women in media organizations are low hiring rates and sexual harassment at workplaces, as well as lack of facilities such as transport for late night hours, crèches, day

care for infants and young children, and even basic amenities such as a toilet, etc. In general, to some extent, the coverage of women and women's issues has gradually improved, yet, largely due to the combined pressure of the different national and international lobbies and advocacy campaigns, the portrayal of women as content and personalities remains largely negative, stereotypical and biased.

Why are women and the media an issue in Pakistan?

Pakistan, today, has witnessed a remarkable media boom with more channels on air than one could ever have imagined possible. The number of news publications has also grown and radio has made a comeback with FM channels. There has also been a corresponding shift in societal attitudes and our worldview and perception of different social realities has altered drastically. And while in most cases this shift can be discerned in the projection of women, it has not yet led to a more sensitive or fair portrayal. If our state-sponsored television has perennially painted the image of the long-suffering, sacrificing and virginal woman as the definition of the Pakistani woman, the new private media has projected women as glamorous, beautiful, but, in most cases, essentially air-headed. What we have come to witness in recent years is the replacement of one stereotype with another, though both are equally off the mark in depicting the problems of the real Pakistani woman. Whereas one picture makes women invisible in the garb of respectability and holier-than-thou piety, the other reduces her to a commodity merely used to sell a product, an idea or an image.

It has also been observed that whatever the medium, whether the radio, TV or newspapers, the trend is to start with the male voice and at times forego the female voice completely. During the national budget it is a routine to solicit women's opinions strictly as housewives rather than in a professional capacity. There are women who are expert economists but their voices are grossly under-projected. So unrelenting is our lack of acknowledgement of women and

their issues that even their number is erroneously reported as being at 52 per cent of the population when the census puts it at 48 per cent. Women are still not being given their due place, either in newsrooms or in news stories. In addition, media's projection of women in a healthy and productive light is important to shift societal attitudes towards women in the field. Those who have only been exposed to the mainstream media may find it difficult to believe that in many cities/towns across Pakistan, there are no women journalists or district/local correspondents. This has been the case for several decades – and this trend is not Pakistan-specific. The doors of the media are often closed to women and although not everyone in this male-dominated media scenario in Pakistan discriminates against women (a few actually encourage and support more women entering this profession), there are men who deliberately create hurdles for women, forcing many to give up their ambitions and sometimes even their profession. One of the factors of men's antipathy towards women in the media, or only accepting them in junior positions, is their sense of pride (or ego), which prevents them from working for a woman. Furthermore, men in positions of power are more predisposed to losing to other ambitious men, as it would mean losing out to another 'powerful' colleague. In case of women, power and aggression are seen as un-womanlike and perceived as an insult to male ego.

This male domination of our newsrooms becomes overwhelmingly prominent during news coverage of disasters or crises. The 8 October 2005 earthquake in Pakistan is just another example of how the media continues to be heavily male-dominated. No wonder then that most of the news coverage was devoid of any gender sensitivity, presenting women as mere helpless victims. While men were projected or presented as brave survivors, helping others and solely responsible for ameliorating a terrible situation, the contribution of the women in the field was neither recognized nor highlighted. The media's bias in reporting sob stories of women survivors was more than obvious. Rather than portraying these courageous women as effective members of society, who were often single-handedly responsible for the care of other survivors, including children, even rebuilding

shattered lives and homes, the focus was more on establishing that women were so dependent on their biological completeness, including their eligibility for marriage and ability to procreate, that now since so many had been rendered disabled, many found it useless to live on.

In light of the self-created shortcomings that the media is so often complaining about, there is a need for making women more visible in media coverage – both in print media and electronic media, as well as on the Internet. We also realize that space for covering social issues, in particular concerning women, is shrinking in the media and there is a bias for politics, business, sports, entertainment and show business.

Women at the top

Today, when we see women journalists on our television screens, see their by-lines in news publications or hear them on the radio, we may believe that the media has opened its doors to them now. But that is not necessarily the case. It seems that some doors – specifically those leading to the top floor – are still barred to women. No doubt, many news organizations now have a fairly strong female representation in the field and at the desk, but ironically, this growth is more horizontal than vertical, and certainly more urban than rural. There are more women reporters than analysts or anchorpersons. Many write columns but very few women are editorial writers, and there are more producers than directors or editors. Still fewer are those who get access to the top management level.

We think that there must be an invisible ‘glass ceiling’ or else why would women journalists disappear when it comes to their presence at policy-making positions? Or else how would one justify that in Pakistan’s entire history, no woman has ever been the editor of an Urdu daily, and only two women (Dr Maleeha Lodhi, *The Muslim*, *The News* and Dr Shirin Mazari, *The Nation*) have been editors of English daily newspapers. And though there have been some women, such as Ayesha Haroon, Beena Sarwar, Kamla Hyat, Quatrina Hossain and, more recently, Arfa Noor, who made it as resident editors or

editors of different editions of newspapers, the Associated Press of Pakistan, the official wire agency, has had women working for it since the 1960s, but has never had a woman director general. Pakistan Broadcasting Corporation has never had women at the top positions. Pakistan Television had one woman as its managing director and one or two women as regional heads. The case is the same with respect to the majority of the private television and FM radio channels.

While many women are, thus, discouraged from joining the media in Pakistan, or from remaining steadfast in their chosen field and working their way up to the top, there are a few women who are fighting to be acknowledged for their abilities. As yet, however, women are conspicuous by their absence in the top positions in the media.

Research shows that the top management in most media houses is almost exclusively male and, once again, a male chauvinist attitude among most men ensures that the women's rights are not recognized or acknowledged. Whenever promotions are due, women, no matter what their experience and qualifications for the top jobs, are excluded almost as a matter of form. In order to see more women in top positions in the media, therefore, it is necessary for more and more men to be gender-sensitive. Encouraging men to take gender issues seriously is one of the key strategies in ensuring more women are recruited and promoted. Both top management and male colleagues must give women due respect as professionals who can handle hard news beats, such as political and economic issues, etc. These are the news beats that help journalists prove their worth and get promoted to senior positions. More women in decision-making positions in the media would mean, among other advantages, that discrimination on the basis of sex in hiring policies would be reduced or eliminated (research has shown that men tend to stick to the belief that certain jobs are for men only), and issues of sexual harassment at workplaces, which plague so many working women, would be tackled more effectively. The Urdu and regional/vernacular language press, which accounts for 80 per cent of the newspaper market, has very few women workers. The state-controlled Pakistan Television Corporation has had one female reaching a top

position as a managing director and another female as director of programmes in its entire history! Unfortunately, however, the state-owned Pakistan Broadcasting Corporation has never had a female director general. Today, there are many new, privately owned television channels and radio stations that have employed female staff as reporters and radio jockeys (RJs), but that is where it ends for most female staff. They do not reach senior positions except in very few cases, such as the radio station FM 107. At this radio station the staff consists of mostly female employees and a young woman heads the technical department.

Similarly, we have a gap between the number of female students in departments of mass communication and their visibility in the media. All major universities in Pakistan have mass communications departments with a high representation of female students. In some universities they outnumber male students, yet when it comes to entering the practical field, we find very few women in the media, especially in the newsrooms.

Gender inequality in the media is not ‘merely’ a women’s issue, but rather a question of discrimination and therefore a human rights issue. The worst elements of the media have stereotyped and dehumanized women, turning them into commodities to be voyeuristically ‘consumed’. Similarly, the excessive use of violence in the media is destroying the human/social sensibilities of the audiences. The question of how and where women are placed in order of preferences and newsworthiness is also very important. Then there are issues of stereotyping and bias and one needs to look at what, precisely, is the nature of the gender bias? In what sense are women portrayed as targets, or objects, of the media ‘eye’ rather than full participants? It is hoped that this exercise of global media monitoring and advocacy, by putting together hard data and concrete examples, will have a more profound impact on media practitioners in supporting an enabling environment for a gender-just media compared with something done on an individual basis.

Gender policies in media houses

The assessment of the content and portrayal of women by the media has remained a neglected area of research and the matter merits redress by regulatory bodies in the country. Women's portrayal is usually made to follow the interest of commercial margins. While it would be unfair to state that profit is not important, the current situation of media is one of co-modification, commercialization and consumerism. There is a lack of gender policies in media houses. It is hoped that this research will help media houses put in place policies and measures that will transform the overall work environment. Some of the issues media houses should include in gender policies for media are: a gender-sensitive environment; and recruitment policies, promotions, facilities and training.

Why are there fewer women in the Pakistan media?

Despite the fact that it is difficult to find adequate data on male and female ratios working in the media in Pakistan, we can safely say that there are fewer women working in this field as compared with men. A lot of young women in Pakistan are students of journalism and mass communications; however, when it comes to working in the media, certain constraints limit their choices and often they do not join the media at all. A few of the most important factors, as uncovered in this research, are as follows. The fact that women are missing from top positions in the media in Pakistan has a very negative impact and keeps women out of media houses. The world of media is male-dominated and is literally being run by men in Pakistan. The issue is not simply that there are men at the top and at management and policy levels, but the chauvinistic attitudes which have created an environment that discourages women from joining and working in media houses.¹

An important element in this scenario is that a sea-change in the portrayal of women in the media is required to change opinion about women within society. Simultaneously, women need better training and skills to compete with men in mainstream media. It is necessary for women to join media house, and not allow themselves to be discouraged, work their

way up and fight for their right to the top positions. Once at the top, they may bring a woman's perspective into decision-making and policy planning, which would, in turn, have a major impact on how women are perceived among the public and among male co-workers. This is, of course, easier said than done as women have a lot of constraints to deal with just because they are women. To mention a few:

- Culture and tradition in Pakistan do not encourage women to join a field such as media – families are often unwilling to let daughters or sisters take up careers in the media.
- The working conditions at media houses are not always conducive for female workers. Even basic amenities such as toilets are not provided for women.
- Women suffer higher levels of stress as they juggle the dual responsibilities of home and the workplace. With Pakistan still very much a traditional and patriarchal society, even urbanized, educated men assume responsibility for earning a livelihood for themselves and their families, but do not contribute to running the home or caring for the children.
- Men tend to form 'buddy groups' within an office and any working women in the same workplace are deliberately kept out. Thus, men who join a media house are able to find mentors among more experienced co-workers and obtain on-the-job training, which helps them assimilate and, eventually, move up the ladder to higher positions.
- Even where male co-workers may be more 'accepting' of a female colleague, cultural constraints due to Pakistan's unique traditional/conservative yet transiting towards modernity social fabric make it almost impossible for women to 'join the gang' at the same level as a man would. Therefore, women suffer a form of isolation at the workplace that can affect their progress in their careers.

The way forward

There is a need to address the factors behind the under-representation of women in the media and the impact of this

under-representation on the development of gender-just practices. It is essential, therefore, that policies aimed at increasing the number of women journalists are formulated and implemented. In addition, training programmes for women journalists should be introduced in order to equip them with the necessary skills to work in media places, and this should include an understanding of how to cope in a male-dominated set-up which is more hostile than supportive. In order to make a place for themselves in what, up until now, is a man's world, women journalists will not only have to look for opportunities themselves, but also continue to struggle against the challenges until they reach the top. Indeed an uphill task, but worth striving for.

Other actions to be taken include:

- Keep a constant watch on the media portrayal of women, and also open up channels through which the general public as well as concerned media people may voice their views about media content and policy.
- Lobby for effective and sustained implementation of the gender-sensitive code of ethics prepared and promoted by Uks, along with other media codes and guidelines and campaigns on specific issues, such as the role of the media in relation to violence against women.
- Form and promote alternative women's media along with the mainstream media.
- Work towards women's advocacy and monitoring, which have nothing to do with censorship but everything to do with freedom.
- Initiate dialogue and debate with media critics and activists as a means of eliminating and correcting stereotypical images of women, which are a result of deeply embedded social practices and interpretation, where media persons themselves play an active part in constructing these images. The advocates themselves need to understand the language and priorities of the media. Ideally they need to bring to the

debate more than just their own opinions. Facts and figures must substantiate the presentation.

- In order to monitor the media effectively and work realistically to advocate a gender-sensitive portrayal of women, it is important to put together hard data and concrete examples which will have a more profound impact on media practitioners compared with something vague or simply a theoretical presentation.
- Media monitoring and analysis should be an ongoing exercise to evaluate how women are being represented in the media. It is recommended that such exercises should be conducted by various organizations and groups with an aim to improve the image of women in the media, as well as their representation in the field.
- Regularly analyse editorials, with a focus on their take on women and women's issues, which are a reflection of a newspaper's policy.
- Similarly, business is also considered the domain of the male, despite the fact that there are many thousands of women entrepreneurs engaged in all sorts of small, medium and big businesses. It is interesting to see how gender-sensitive or, rather, insensitive, the business pages of newspapers and magazines are, as well as, of course, television programmes and channels.
- Satellite and cable television have revolutionized viewership all across the world. The world has shrunk to become a global village. For the Global Media Monitoring Project (GMMP), television monitoring should include a representation of terrestrial and satellite channels that would include English language television that is essential for a more comprehensive and complete picture.
- Again, televised 'talk shows' are an example of how women's issues are underplayed, overplayed, negatively or positively played, so these must be included in any study.

- It is essential that steps be taken to inculcate gender-sensitivity among male media practitioners, both at the national and the local level.
- Women need to be empowered and men need to be sensitized towards a gender-just society.
- Case studies, oral testimonies of struggles and achievements of women, etc. must be voiced – in fact, highlighted – in the media.
- Efforts should be made to develop a sensitive attitude towards the issues of women's development.
- Work towards women's rights as well as the broader struggle for social justice.
- Put forward the true face of women's empowerment.
- Remove gender imbalances in the media.
- Give a gender dimension to all issues.

Affirmative action

Geared towards affirmative action, and as recommended in the meeting of media managers on the subject, Uks conducted a series of meetings with women working in the print and electronic media to find out the problems and constraints faced by women at their workplace and within society. A long list of constraints and problems were identified in these meetings, which have been compiled under five main headings.

Environment at the workplace

Women in many (not all) media organizations complained of a wide range of issues regarding the environment of their offices. The common complaints were:

- unfavourable and unfriendly environment at the workplace;
- sexual and emotional harassment by managers and male colleagues;

- the failure of most male colleagues to treat female co-workers with respect; and
- the tendency amongst many male anchors to undermine the abilities of females rather than recognize the worth of their female colleagues.

Facilities at the workplace

Most women in all the offices visited by Uks complained of a lack of certain basic facilities for women, due to which a lot of women were discouraged from working at the organization, and some even left because they found it impossible to continue working in such an unfavourable environment. The common complaints were:

- lack of facilities for women to continue working after marriage or after giving birth, such as maternity leave, night shifts, crèches or childcare facilities, etc.;
- the employer's reluctance to allow flexible timings, especially for married women and those with children. It is certainly possible for female workers to adjust their timings according to the needs of their families, and yet ensure that their work does not suffer and they fulfil the demands of their job;
- again, the reluctance on the part of employers to offer transport facilities to females, especially when they work until very late in the night. Some of the ladies suggested that there be separate vehicles for women only, as when they were dropped off at their homes late at night, neighbours and relatives view them suspiciously and harass them when they see other men in the vehicles;
- strangely, and very sadly, employers fail to provide a facility as basic and essential as separate toilets for men and women in the workplace. Thus, in some media organizations that did not have separate toilets for women, females had to use the same facility as the males. And where they did have separate toilets, male colleagues continued to use both the

ladies' and gents' toilets. When female workers sought to restrain the men from using the ladies' toilets, male colleagues just laughed it off and refused to take the issue seriously;²

- reluctance to provide facilities for the disabled, as there are no ramps or washrooms that can be easily used by disabled persons;
- extremely congested and cramped seating arrangements to the extent that it is difficult for male and female workers to avoid bumping into each other around the office each time they sit at, or get up from, their desks; and
- need for a women's staff room where they can have some privacy to recite their prayers. Unfortunately, many offices have made some space available for the male workers to pray in, but no such benefit is offered to female workers.

Training for employees

There are two types of training that are needed at media offices: gender sensitization trainings and training regarding work assignments. Among the issues that need to be addressed through training are:

- Lack of mentoring for women who thought that they would feel much more confident if there was someone to show them the ropes and guide them when they are new at the job: male colleagues, invariably being a majority, had the advantage of finding mentors among the more experienced male workers because there were no cultural barriers getting in their way. However, experienced male staff tended to ignore women who needed mentoring; in fact, the women were made to feel inferior and even kept away from certain work assignments due to their sex, which obviously impeded their progress in their chosen careers.
- Gender sensitization and awareness of women's rights and women's issues: in fact, this training should be held for both male and female employees, as many women are unaware

of their own rights and do not even know when they should take a stand for themselves.

- Improve the performance of all employees, both male and female, through short courses either in-house or elsewhere.

Improving women's profile in the media

The media is often thought of as an inappropriate career path for women in conservative countries such as Pakistan. There is a certain mindset in our society regarding women who work in media organizations, which needs to be changed. This can only happen if more women come into the profession and work hard to reach top-level positions, so that they are in a position to improve women's profile in media organizations. If there were women in top-level positions, they would bring with them a woman's perspective and would be able to help bring favourable changes for women in the workplace.³

Most of the time women journalists are not assigned any important beats involving politics, the economy or even sports. This is because women are not thought to be capable of handling such important topics. This is a misconception, which has been ingrained into the minds of the male community in our society through cultural norms and the media. Media plays a very important role in shaping our concepts about male and female roles. This mindset needs to be changed, starting from the grassroots level, in media organizations. The common needs are:

- need to improve women's profile in media;
- need to have women in top management positions;
- recognizing media as an appropriate field of employment for women; and
- need to improve the nature of beats assigned to women: women have an equal right to be assigned topics such as politics, economy, sports, etc.

Employee evaluations/ACRs

Unfair employee appraisals/evaluations can create a lot of frustration and demoralization among workers. It can create bad feelings, which hinder their productivity. It seems to be a common practice in media organizations in Pakistan for managers to ask for favours from female employees in order to award them a good evaluation. This is easy to do because of a lack of proper terms of reference (TORs) for employees and standardized criteria of evaluation. There is a need to improve the whole appraisal process, especially in state-owned media organizations. Annual confidential reports (ACR) should not be written on the whims of people, but should follow proper criteria, which is the same for all employees.⁴

Also, men and women should be treated equally when being offered salary packages. Discrimination should not take place based on the sex of the employee. They should be evaluated on their skills and experience before they are offered higher salary packages than their colleagues in the same position. After hearing the complaints of most female employees in most of the media organizations visited by Uks, it seems men are getting paid more than women for the same set of skills and the same jobs. The common issues were:

- the lack of equal salary packages for men and women in similar positions;
- an ineffective and biased appraisal system, especially in state-owned media organizations;
- lack of standardized criteria for ACRs for both men and women; and
- terms of reference that should be, but were not, awarded to all employees so they may be evaluated on standardized criteria.

Derogatory language for women in the media

The impact of the media today on listeners, viewers and readers is immense and can change how people perceive issues. Thus, there are many aspects of the media that need to be improved so that negative images and information is not

disseminated either due to ignorance or even deliberately. One area of controversy is the kind of language used in reporting incidents and events involving women. The use of derogatory language, misleading connotations, slang, etc., is quite common when reporting on women. In many cases sexist and sensational language is particularly used when reporting news related to women. In the print media, editors offer the excuse that such sensationalism is what readers want, therefore, the newspaper uses language derogatory to women simply as a marketing tool, that is, to push up its sales graph. Through this excuse, such editors pass on the responsibility of the adverse effects of such reporting onto the reader, which is not acceptable.

Derogatory language, when referring to women, has an enormous social impact on women's status, their development and dignity. Using derogatory language for women in news stories and news reports is against the code of ethics that requires that journalists should aim for good, clean and healthy reporting, using impartial, unbiased and decent language. It is relevant to mention here that in 1998 research conducted by Uks, titled *Impact of Newspaper Language and Reporting on Women's Status and Development*, it was observed that the derogatory terminology was often used by the print media and that it reflected negatively on women. Ironically, there were no examples of specifically defined derogatory language when reporting on men or on neutral issues. More than a decade later, it is pleasing to note that there has been a positive change in terminology regarding women yet there is a lot of room for improvement. In order to continue to promote cleaner language when reporting on women, it becomes essential for concerned media persons to conduct ongoing analysis of news items in terms of gender sensitivity and a code of ethics, and monitor newspapers, magazines, etc., for the use of derogatory language, as the media has the power to influence readers, listeners and viewers of media, and to catalyse changes in society. During research conducted for this chapter, it was calculated that out of 4,155 news items on women, approximately 90 news items did not follow the code of ethics and approximately 70 news items used derogatory language.

Media bias and women in the world of sport

The media in Pakistan is a key factor in overcoming the barriers to women's participation in sports and progressively achieving gender equality. However, the media has generally ignored women in the world of sport. There is almost no coverage of women in sports at the lower levels of local competition, and in team sports such as football, netball, handball, hockey, table tennis, etc., despite a relatively high participation of women in these sports. Media bias is also sustained by assumptions that have gone unchallenged, such as:

- Women are not involved in 'serious' sport.
- Women are not interested in sport.
- Stories about women in sport will not attract high sales or ratings.
- Consumers are not interested in women in sport.

An overview of both print and electronic media publications during this research has shown that due coverage is not given to women in sports in Pakistan. For the purposes of this research, the news reports of seven television channels were monitored and it was found that negligible space is provided to women in sports. Only 9 per cent of the total news items on women are sports news. It would be fair to say that in general the women's ICC World Twenty20 cricket preparation and series was not given due importance on television or radio as compared with the news about men in sports.

Media advertisements

Cultural stereotypes are ingrained in both men and women through the media and these stereotypes are a possible factor for gender inequality and the resulting gender wage disparity. Women have traditionally been viewed as caring and nurturing, and therefore roles that require such skills have been designated to women. While these skills are culturally valued, they are typically associated with domesticity, so occupations requiring these skills are not always economically

valued. On the other hand, men have traditionally been viewed as the breadwinners or the workers in the family; therefore, jobs held by men have historically been economically valued. Even today, occupations held by men continue to be economically valued and pay higher wages.

Creative and biased roles of TV commercials include discrimination against women, which play a huge role in shaping gender roles in society. Media bias is evidenced in several ways and some of these have been highlighted in this research. In the mass media, through the means of advertisements in newspapers, billboards, magazines, TV commercials and programmes, women are mostly depicted in feminine situations. For example, ads with women tend to put them in beauty (modelling, make-up, fashion) and household (cooking appliances, cleaning appliances, food) themes. The media encourages the general population to judge women by their physical attributes, portraying their self-esteem as being based on their beauty (furthering their worth as sex objects) or portraying them mostly in housewife roles. On the other hand, the mass media tends to portray men in so-called 'manly' roles in advertisements, to be judged primarily on what they do and not on their looks. Research and analysis of advertisements has shown that women are:

- happy when housekeeping;
- preoccupied with their appearance;
- looking for more ways to be a consumer;
- desperate to please their children with processed food and toys;
- not knowledgeable about technical things; and
- girls are portrayed as working hard in order to look pretty and cool.

On the other hand, men are shown as:

- motivated to relax;
- strong and powerful;
- the users of mobile phones, cars and computers;

- unable to do laundry or to cook;
- overjoyed when served food; and
- boys who will do anything to be seen as tough and manly.

The print media presentation of the celebrity body has a single unifying thread, regardless of the specific job title of a given celebrity. Celebrity bodies are desired, both subjectively and objectively. The media, without question, shapes this public response. It can be argued (and has been, on many occasions) that, because the media portrays celebrities' bodies as attractive, desirable and 'good', they become national symbols of these characteristics. Conversely, bodies that do not meet this lofty goal frequently are, consciously or unconsciously, regarded as 'bad', worthless or ugly.

Pakistan's response to international commitments: the Beijing Platform for Action

The public in most developing countries depends for most of its information on the media. If the media is neither capable nor interested in following issues of development, the public will be left without any information. It is the responsibility of the media to provide a forum for public debate on the Millennium Development Goals (MDGs) and Beijing +15, and the policies adopted by the individual governments must be conveyed to the people. Access to information is an issue linked to governance. If governments are to be held responsible for failures (or given credit for their successes), people must have access to information.

The Beijing Platform for Action (BPFA) adopted by the United Nations in 1995 outlines the issues around women and media under Section J and points to key strategies and actions that address the media concerns of women. While the BPFA recognizes the advances made in communications technology, it is important to emphasize the continued stereotyped media portrayal with a significant increase in media images that perpetuate violence against women, and also women's lack of access to expression and decision-making in and through the media. The recommendations to governments, NGOs and

media organizations are made under two specific strategic objectives: 1) increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication; and 2) promote a balanced and non-stereotyped portrayal of women in the media.

The BPFA calls for action to be taken in the areas of media policy on gender issues, women's portrayal in the media and the relatively low-ranking positions of women in media organizations. The BPFA underscores the importance of a gender perspective in media policies and programmes. It also emphasizes advocating for change within mainstream media that is based on sustained monitoring of media content and intent towards gender sensitivity.

Tracking Pakistan's progress made towards Section J of the BPFA highlights five key points on women and the media through:

- the advances made in information technology, particularly the scope for communication networks to transcend national borders, that have benefits as well as disadvantages for women;
- the increase in the numbers of women who work in the communications sector: however, this has not translated into increased access to power and decision-making in media organizations; women are also not able to influence media policies;
- the lack of gender sensitivity in media policies and programmes; increased promotion of consumerism; and the need to create self-regulatory mechanisms for the media;
- the continued stereotyped portrayal of women in the media and the increase in violent and pornographic images of women; and
- the obstacles to women's ability to access the expanding electronic information highways; and the need to involve women in the development and dissemination of new information technologies.

It can be said that in Pakistan, not much has been either debated or achieved in this regard. The media is far from discussing Beijing +15 except for some occasional features/articles in the English press. The Urdu and vernacular media – print and electronic – are far from making any effort to take up the issue of women's development.⁵

Conclusion

Increased media representation of women requires that the way society represents women, as reflected in the media, be analysed. Particularly in Pakistan, research shows that there is intentional as well as unintentional reinforcement of social stereotypes about women in our society by the media. In many cases, women themselves are unaware of their own biased attitudes. Women's access to and growth in media organizations has not been supported in Pakistan at any level. The openings for women within the media industry, especially in decision-making positions, are severely limited. In fact, women are missing from top management positions in all media houses in Pakistan. Studies show that due to the environment of media houses in Pakistan, women often become so frustrated or find themselves so harassed or shunned where issues affecting their career path are concerned that they are forced to move away from the media industry and find other work.

Efforts by women in the media in Pakistan to prove their worth and show courage to enter a field which, until a couple of decades ago, was almost exclusively considered a man's prerogative have borne fruit. Although things are changing slowly, they are changing – and for the better – both for women working in the field and in the representation and portrayal of women in the media.

Advocacy and awareness campaigns must remain ongoing, and both women and men must support gender equity in the media. An essential element in encouraging women to join and establish themselves in the media are training courses, and a general recognition that women can contribute positively and immensely so long as certain facilities such as those

mentioned above are provided to them. The media must be monitored and aberrations in how women are portrayed in the media must be noted and taken up with the relevant media groups or persons. Age-old taboos must be lifted and women who choose to work in the media must be permitted to direct their career paths upwards through selection for important news beats such as politics, the economy, etc. Mindsets must change to include women in achievements made by society, such as women in sports, science, medicine, etc.

Advertising agencies should also be approached for a positive change in how advertisements usually portray women, either as sex objects or only as housewives. Advertisements must also project women as builders of society, as engineers, doctors, etc., in the same way as men are projected. As the media takes steps to stop the negative portrayal of women in the media, and more women join the media, reaching top positions, readers and viewers in Pakistan will also change their perceptions of working women, and women in general. This will lead to a greater balance in how society perceives women.

Notes

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- 3 Tasneem Ahmar (ed.), *From Classrooms to Newsrooms: Promoting media as a career option for women in Pakistan*, Islamabad: Uks Research Centre, 2009: 12–15.
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5 The militants' landscape

Pakistan's Islamist organizations and their impact on the body politic

Muhammad Amir Rana

Introduction

One would be shocked to learn that there are 246 religious-based political parties and militant groups operating in Pakistan. Divided on sectarian basis, these politico-religious parties are working for a change in the political, social, economic, cultural and ideological system according to their own version of Shariah. The militant groups ideologically are in line with politico-religious parties and have expanded the scope of their agenda from local to global, while developing the nexus with regional and global terrorist networks. The militant groups are widely networked across the country with major pockets in Federally Administrative Tribal Areas (FATA), South Punjab and Karachi, where they have bases for recruitment, infrastructures and ideological and militant training facilities.

These three pockets have developed a power triangular model militant structure, which not only causes losses of public lives and damages to public/private properties, but also poses a serious threat to internal security on three levels: 1) weakening the writ of the state and state–society relationship; 2) disturbing the sectarian, social and cultural equilibrium of the society; and 3) slowing down economic development. Its regional and global implications for Pakistan are more catastrophic as it damages the legitimate strategic interests of the country, creating a hostile regional atmosphere and providing a major irritant to relations with neighbouring countries, including not only India and Afghanistan but also China and Iran. Despite the harbouring scenario, the support base of these militant groups is not extensive. However, global, regional and domestic conditions put them in vulnerable and equally demanding situations. The state has the capacity and willingness to wipe out the militants and to dismantle their networks but it requires careful strategic planning,

learning from best practices – both local and international – and, most importantly, a long-term comprehensive policy.

Pakistan gradually came into the grip of terrorism following the 11 September 2001 attacks in the US. From October 2001 to date, terrorist attacks have increased at a phenomenal speed. The number of terrorist attacks in the country since 2005 had increased by an alarming figure of 746 per cent.¹ In 2008, a total of 2,148 terrorist, insurgent and sectarian attacks were reported across the country. These attacks killed 2,267 people and injured 4,558.² In 2009, the casualty figures had doubled when compared with the previous year. The terrorists are mainly focusing on the political, financial and military power centres such as Peshawar, Kohat, Nosehra, Dera Ismail Khan and Bannu in North West Frontier Province (NWFP), Lahore and Rawalpindi in Punjab, Karachi in Sindh and the Federal Capital Islamabad. Their targets do not distinguish the common man from the politicians, security and state officials, which raises resentment against them among the masses.

It took more than five years for the masses to have a change in attitude as ambiguity was looming across the country about the intentions, objectives and targets of the terrorists. Although Pakistan faced two decades of intense sectarian violence before 9/11, the increase in the strength and attacks by the terrorists were conceived as reactions to the US invasion of Afghanistan, which were linked with the ‘aggression of the West against the *Ummah*’.³ This perception hindered effective counter-terrorism responses and engendered public opinion in favour of a political solution. But when the political discourse failed to address the Talibanization in Swat valley, it impacted on public opinion and favoured the use of security options against the militants. A Pew Research Center survey in August 2009 found that 82 per cent of the Pakistani respondents declared the Taliban and militants as a critical threat.⁴ But the question is whether it is a permanent shift or consequence of circumstances.

It is noteworthy to mention the fact that the state had a policy to promote jihadist groups in Afghanistan and Kashmir. At the same time, when the right-wing political parties and religious movements are politicizing the issue, social, cultural and religious values have already come under the influence of radicalization and the state has failed to evolve a comprehensive counter-extremism strategy. In order to find proper answers, one might need to search for the backgrounds of the rise of the religious movements in Pakistan and need to study the history of Pakistan. Since the focus of this chapter

is on the profiling of militancy in Pakistan, only a brief note on the historical background will be sufficient to understand the historical sequence of the prevailing militancy in the country.

Historical context

Pakistan was faced with religious conflict at the time of its independence. Though it vied to transform into a secular state, with the passage of time religious tensions started to emerge. The Muslim League, before partition, had sought the support of religious circles and scholars to win the elections and had promised voters that Pakistan would be an Islamic state. The Constituent Assembly passed the Objective Resolution in 1949, which said that Muslims would be enabled to mould their lives in accordance with the teachings and requirements of Islam. However the ruling elites, who established and run the state, consisted of Westernized politicians and civil servants, most of whom, according to the religious elite, were not good Muslims. During 1952–53, religious groups in Punjab launched demonstrations and propaganda against *Ahmadis*.⁵ Their demands were to declare *Ahmadis* a religious minority and dismiss Zafarullah Khan, the then foreign minister, and some other civil and army officers who belonged to *Ahmadis*.⁶ It was during the Z.A. Bhutto regime that *Ahmadis* were declared non-Muslims under the pressure of religious groups.

Later, General Zia ul-Haq, who enforced martial law in 1977 and ruled the country until 1988, courted popularity by introducing aspects of Shariah law into the country's judicial system. He argued that he favoured a more radical Islamic state with personal piety and scripturalism above social-liberalism. Unrest in the 1980s between the Sufis of Sindh, who followed a humanistic and spiritual branch of Islam, and the mainstream Sunni Muslims was typical of the heightened sectarian tensions caused by the religious emphasis of the military government.

Zia's Islamization converged with the *jihadi* sentiment during anti-Soviet war in Afghanistan. Thousands of recruits from Pakistan, mainly from religious seminaries and refugee camps, were trained and sent to Afghanistan to fight against Soviet forces. In parallel *jihadi* media was promoted to spread the messages of *jihad* and in order to attract human and financial resources for '*jihad*'. These '*mujahideens*' were encouraged to establish their base camps along the Pakistan–Afghan border areas during the Soviet–Afghan war (1979–89) as Pakistan and the US were supporting Afghan

mujahideen in their war against the Soviets. Abdullah Azzam established his Maktab ul-Khidmet (Services Bureau) in Peshawar and Osama bin Laden's Masida tul-Ansar was located in Kurram Agency in FATA. Centres of Ittehad-e-Islami (Afghanistan) were situated close to Jaji Cantonment of Alikhel, around 10km from the Pakistani border. Hizb-e-Islami, Jamiat-e-Islami and Hizb-e-Islami (Khalis) also established their training centres in this area. The Hizb ul-Mujahideen (HuM) militants from Miranshah, capital of North Waziristan Agency in FATA, used to cross Ghulam Shah check-post to enter Afghanistan. They used to report to Chochi camp, one of the training camps established by Jalaluddin Haqqani, a prominent Afghan commander whose network is still intact across the Pakistan–Afghan border and a prime Taliban supporter in Afghanistan.⁷ The ultimate outcome of this pro-*jihad* scenario was religious violence in Pakistan that commenced spreading during the 1980s.

Religious seminaries played a key role in recruitment and training of *mujahideen*. This trend continued even after the disintegration of the Soviet Union, and students from religious seminaries – particularly those in the Pakistani tribal areas and the frontier province – kept adding to the Taliban's strength. Having surfaced in Afghanistan as a group named the Taliban when they captured Kandahar in 1994, these students of religious seminaries, mostly from refugee camps inside Pakistan, were not a completely nascent phenomenon for the world at that time. They had been a key part of the anti-Soviet *jihad* in Afghanistan backed by the US and Pakistan. The Afghan war had already put many of the students in seminaries along the Pakistan–Afghan border, and some from as far as Karachi, out of place not only geographically between the two countries – Afghanistan and Pakistan – but also psychologically from studentship to *jihad*. Osama bin Laden had donated plenty of funds for this purpose and Jalaluddin Haqqani and Fazl ur-Rehman Khalil's Harkat ul-Mujahideen took the responsibility to train the new recruits from Pakistan on a short-term basis.⁸

Mapping the militant organizations in Pakistan

Pakistan has been infested by religious extremists, sectarian and *jihadi* groups. The growth of Taliban groups operating in Pakistani tribal areas and frontier provinces has mushroomed. Many banned *jihadi* groups simply resurface by changing their names. In 1970, there were only 30 religious organizations in Pakistan, which were not very active.

Among them, seven were Deobandi groups, five Bareilvi, four Ahl-e-Hadith and three Shia.⁹ From 1980 onwards, new religious organizations began surfacing while the old ones experienced splinter groups. Now the total number of religious organizations has reached 239 (see [Table 5.1](#)). One reason for this phenomenal increase was the increase of the number of *madrassas* whose administrators started forming their own organizations. The religious organizations and groups established during 1979–90 were mainly *jihadi* and sectarian in nature. The growth rate of *jihadi* organizations was around 100 per cent, whereas that of sectarian organizations was 90 per cent. All major *jihadi* and sectarian organizations emerged during this period. Religious sentiments pervaded the atmosphere in the country and these organizations took advantage of the situation.

Table 5.1 Religious parties in Pakistan (2002)¹⁰

<i>Sect/school of thought</i>	<i>Political</i>	<i>Sectarian</i>	<i>Militant</i>	<i>Educational/other</i>	<i>Total</i>
Deobandi	4	33	5	3	45
Bareilvi	6	22	13	2	43
Ahle-Hadith	4	10	3	3	20
Shia	3	16	3	1	23
Jl and its factions	3	–	4	7	17
Others	4	1	76	10	91
Total	24	82	104	26	239

The 9/11 catastrophe changed the global political environment and Pakistan opted to be a prominent partner of the international coalition against terrorism. The Pakistani government initially banned 13 militant organizations in the country¹¹ (see [Table 5.2](#)) and militant organizations' offices and camps were closed down and hundreds of militants were arrested. However, despite all efforts by the government to stamp out militant groups in Pakistan, they continue to remain at large successfully by thrashing out new plans and tactics and consistently changing their identifications in order to avoid restrictions imposed by the government. Militant groups – in a bid to build their images among the masses – have established subsidiary public welfare wings or transformed themselves into charity organizations. This tactical move not only helps them retain

acceptance by society but also makes them capable of expanding their support bases. This ultimately adds to their financial and logistical resources.

Table 5.2 Banned organizations in Pakistan

<i>No.</i>	<i>Name</i>	<i>Date banned</i>	<i>Current status</i>	<i>New name</i>
1	Lashkar-e-Taiba (LeT)	12 January 2002	Active	Not changed
2	Jaish-e-Muhammad (JM)	12 January 2002	Active	Tehrik-e-Khuddam ul-Islam
3	Lashkar-e-Jhangvi (LJ)	14 August 2001	Active	Using different names
4	Sipah-e-Sahaba Pakistan (SSP)	12 January 2002	Active	Millat-e-Islamia Pakistan
5	Sipah-e-Muhammad (SM)	14 August 2001	Active	Not changed
6	Tehrik Nifaz-e-Shariat-e-Muhammadi (TNSM)	12 January 2002	Active	Not changed
7	Tehrik-e-Ja'afria (TJ)	12 January 2002	Active	Tehrik-e-Islami
8	Hizb ut-Tehrir (HT)	20 November 2003	Active	Not changed
9	Jamiat ul-Ansar (JA)	20 November 2003	Active	Not changed
10	Jamat ul-Furqan (JF)	20 November 2003	Active	Al-Furqan Trust
11	Millat-e-Islamia Pakistan (MIP)	16 November 2003	Active	Sunni Action Committee
12	Tehrik-e-Islami (TI)	16 November 2003	Active	Millat-e-Ja'afria Pakistan
13	Jamat Khuddam ul-Islam (JKI)	16 November 2003	Active	Al-Rehmat Trust

Apart from the pre-9/11 militant organizations, more than 60 local Taliban groups have emerged in FATA and NWFP; 40 Taliban groups were initially part of the Tehreek-e-Taliban Pakistan (TTP) alliance, which has now further expanded. As many as 14 Taliban groups are in *Waziri* Alliance being led by Maulvi Nazir and

Commander Gul Bahadur. There are many other small Taliban groups in NWFP's settled districts including Karak, Lakki Marwat, Bannu, Kohat, Peshawar, Mardan, Dera Ismail Khan, Nowshera and Dir, etc. These Taliban groups made the militant landscape of the country complex because of their multiple agendas and their nexus with the global jihad outreach – Al-Qaeda. The Afghan Taliban groups and Pakistani militant groups have developed operational links. At the same time, banned *jihadi* and sectarian groups are becoming active in Punjab, Quetta, Karachi and FATA along with Taliban groups.

Despite the two consecutive ban decrees, Maulana Masood Azhar's Jaish-e-Muhammad (JM) is still surviving under the cover name of al-Rehmat Trust. After the first ban in January 2002, JM continued its activities under a new name – Tehreek Khuddam ul-Islam – and the Pakistani government banned the new outfit on 16 November 2003. The group had also been banned by the Government of Azad Kashmir (southernmost political entity within the Pakistani-controlled part of Jammu and Kashmir). Its breakaway faction Jamat ul-Furqan or Al-Furqan Trust is active in Rawalpindi and adjoining areas.

Another *jihadi* group-cum-welfare organization, Jamat ud-Da'awa, led by Hafiz Saeed, was banned after the Mumbai attacks in 2008. Its *jihadi* wing, Lashkar-e-Taiba, is freely functioning in Azad Kashmir. In Pakistan, many offices of Jamat ud-Da'awa are operating as offices for Lashkar-e-Taiba. Some people belonging to Lashkar-e-Taiba and Jamat ud-Da'awa were arrested during the operation against *jihadi* and sectarian organizations but they were mostly non-combatants. The network of Lashkar-e-Taiba, along with that of Jamat ud-Da'awa, is still operational in Pakistan.

Lashkar-e-Jhangvi (LeJ), the new face of the sectarian militant group Sipah-e-Sahaba founded by Maulana Azam Tariq in Jhang, is increasingly becoming active in terrorist activities. It has actually been transformed into a violent militant group from a sectarian outfit after it got annexed to Al-Qaeda and Taliban groups in Afghanistan and Pakistani tribal areas. Its operational activities have increased to such an extent that some of the recent major attacks, such as the Marriott blast in Islamabad and the attack on the Sri Lankan cricket team in Lahore, have been attributed to them.

Another lethal militant group active in Karachi is Jundullah. The founder of Jundullah, Atta ur-Rehman, commonly known as Ibrahim and Tahir, has had close association with different political and

religious organizations. During 1987–88, Tahir was a student at the Karachi University where he functioned as a member of Mutahidda Qaumi Movement's (MQM) political wing, All Pakistan Muhajir Students Organisation (APMSO). Later, when he joined Jamat-e-Islami's student wing, Islami Jamiat Talaba, he adopted extremist and radical ideas and formed a separate group. When he was arrested in June 2004, the literature, books and CDs found with him contained messages and appeals for *jihad* against America, Israel and the West.

The Jundullah has links with local Taliban and Al-Qaeda in southern Waziristan. Its organizational structure is based on three levels of ranks, i.e. militants, administrators, and preachers and trainees. The use of varying tactics by Jundullah has always made it difficult for law enforcement agencies to identify or recognize the group following a terrorist attack. The deputy superintendent in the anti-violent crime unit, Karachi, Mr Wasif Qureshi, was quoted by media as saying that terrorist groups active in Karachi mostly use traditional tactics; for example Lashkar-e-Jhangvi (LeJ) is considered an expert group in combat operations and explosives, and investigating agencies can easily trace LeJ involvement in attacks. But this is not the case with Jundullah. This group tries to change its combat tactics more frequently. On 10 June 2004, Jundullah used the tactic of target firing to kill the core commander Ahsan Saleem Hayat. They had used the same tactic on 19 March 2004 in the area of Ferozabad in attacking a ranger mobile. But in between these two similar attacks, they used explosives in attacking PACC on 26 May 2004 and the Marina club on 10 April 2004. It is also believed that Jundullah is an expert in conducting attacks by using hand grenades – a specific skill that needs spontaneous response and perfect accuracy. On 15 January 2004, Jundullah attacked the Pakistan Bible Society using hand grenades. After Lashkar-e-Jhangvi's Qari Zafar group, Jundullah is considered another expert group in Karachi in suicide bombing.¹²

Also in Balochistan, not only the religious militant groups are consolidating their position but insurgent groups, too, are expanding and increasing their influence. Until 2006, five major insurgent groups – Baloch Liberation Army (BLA), Baloch Liberation Movement (BLM), Baloch Resistance Army (BRA), Baloch Liberation Front (BLF) and Baloch National Army (BNA) – were active in different parts of the Province. Now the number of groups has increased to more than a dozen.¹³ Balochistan Tigers, Lashkar-e-Balochistan, Bugti Tigers, Bugti Lovers, Mir Baba Voice Movement

and Baloch Liberation United Front (BLUF), etc., are the new players who have joined the insurgent movement. Yet it is not clear whether these are splinter groups of the major outfits or new and independent ones. They, however, indicate the growing insurgent sentiments in the province. All of these organizations claim to be heirs to the once powerful Balochistan People's Liberation Front (BPLF) of the 1970s. It is also believed that the Balochistan Liberation Army (BLA), the most famous insurgent group, has deep roots in the still operational leftist Baloch Students Organization (BSO) that was quite active during the Cold War era as well.¹⁴

All of these militant and insurgent groups are well equipped and highly capable. Neither arms nor manpower are issues to them at any level. The Afghan war had introduced the Kalashnikov culture to the country and all kinds of light and heavy weapons are available in Dara Adam Khel and some other districts. Especially, American, Korean, Chinese and Russian weapons are available in tribal areas. By custom the tribal people maintain heavy stocks of weapons within their tribes for use in inter-tribal clashes. The government initiated a de-weaponization policy in FATA in 2003–04 but could not implement it using proper methodologies. In the present context, people have taken security into their own hands since the state has failed to provide safety for the masses. They cannot live at the mercy of the Taliban without having weapons in order to defend themselves.¹⁵

Implementing mechanisms to control drug and weapon smuggling is a low priority in Pakistan. Border control is a major issue.¹⁶ 'The supply line of arms flow to the (Taliban) militants is from tribal areas and Afghanistan. The dealers involved should be monitored. We did it in Lahore because the buyers buy only from selected dealers or shops to avoid [monitoring by] intelligence and ensure quality. It is also imperative to increase intelligence and identify professional carriers of [the] arms supply. Meanwhile the materials used for making explosives, easily available in markets like potassium chlorate, should be monitored,'¹⁷ says Tariq Pervez.

At the same time Balochistan has become a hub of the arms trade from where arms and weapons are distributed to all parts of Sindh and southern districts of Punjab. The trail grows hot in the refugee camps situated along the Pakistan– Afghan border. The north-western districts of Balochistan, Pishin and Zhob, the towns of Chaman, have acquired legendary status in weapons smuggling. A massive cache of weapons is dumped in two small border towns – Girdi Jungle in Balochistan and Shorabuck in southern Kandahar –

for onward supply to (insurgent) groups in Balochistan and different warring tribes in rural Sindh. The weapons that are reaching Karachi are primarily transported via the RCD Highway, which passes through Mastung, Kalat, Khuzdar and Lasbela districts before entering Sindh.¹⁸ Taliban militants also know very well how to generate their resources. Besides enforced taxes and kidnapping for ransom, they have full control of natural resources in certain areas of FATA and NWFP. They are controlling the marble mines in Mohmand Agency and timber mafia in Swat. They are also involved in smuggling (of other goods) activities.¹⁹

Implications

The militancy in Pakistan creates serious security threats even beyond its own borders. Thousands of innocent people have been targeted and the regional security situation is deteriorating day by day. The increase in terrorist attacks has paralysed the normalcy in tribal areas in NWFP. At the same time it has dreadful implications for the economy, socio-cultural values, national, regional and global interests of the country. These adverse effects could be categorized as follows.

The radical and violent trends are severely affecting the socio-cultural values of the country. One classic example of cultural discrimination in the form of militant activities is the recent attacks on music and barber shops, Internet cafes, Sufi shrines and Buddha sculptures. On the contrary, the sub-continent has shown tolerance, pluralism and cultural diffusion. As adherents to strict 'religious practices of Islam', these militants have no tolerance for the socio-cultural values of the land. The other area of perceptual differences in the cultural domain is the evolution of two distinct classes, modernists and traditionalists, who are now developing a dislike for each other's cultures. Religious extremism is the key drastic element in this regard. One can now easily find many individuals who object to the dress, language and cultural traits of the other person being un-Islamic or Westernized. Conspiracy theories are widely spread across society.

The militancy has a direct impact on the state-society relationship. The state of Pakistan is gradually weakening. The Pakistani people are losing their sense of ownership of the state. The administrative structure in FATA has collapsed and the democratic institutional structure in the country is being paralysed. As a result

no one seems to be ‘responsible’ for security breaches in the country. Swat is an interesting example in this regard:

In 1997 there was no court system in Malakand, and there existed Shariah-cum-Riwaj (a blend of Islamic and customary laws) system. It took 5–10 years for the government to establish district courts. The recent agreement with Sufi Muhammad has again made those district courts irrelevant. People are helpless to think that government cannot control and safeguard its institutions – but just surrendering.²⁰

The military operations in FATA and parts of NWFP, nonetheless, have raised many questions regarding the significance of ensuring the transitional judicial system for the civilian population affected by the fighting. This has been a considerably weak area in Pakistan and it remains a key factor in absorbing the militants into the vacuum that was created by a direct outcome of this flaw. The efforts for rehabilitation are also at their minimum level.

The continued militancy has worsened the economic situation of FATA and NWFP, which were areas with resource deficits. The trade route between the province and Karachi was through seven districts – including Dera Ismail Khan, Lakki Marwat, Karak, Kohat and Peshawar – which have become highly insecure amid a worsening law and order situation. The import and export business has also immensely suffered and trade with Afghanistan has almost come to a standstill. The establishment of the Reconstruction Opportunities Zones (ROZs) is hardly possible in the present context, as it has been delayed beyond limits. There should be enforced development activities in these areas.²¹ Afghan refugees still remain an economic burden to the country, but gradually they would also prove to be productive. They are running good enterprises in transport, restaurants and labour areas.²² Meanwhile, the rehabilitation, resettlement and economic needs of internally displaced persons (IDPs) from Swat, Bajaur and other conflict areas have serious socio-economic implications. There is plenty of aid for them but the problem is more psychological. The whole emphasis is focused on security aspects – but the attention on psychological aspects, such as trauma healing of these IDPs, is non-existent.²³ At the same time, socio-economic development of the tribal people is being undermined by the vested interests of some influential groups. Domestic commerce including retail and wholesale business (and shops), linked directly with the livelihood of the majority of people in conflict zones, has also been badly damaged. Large numbers of

shops (music, video, barber, Internet cafes) have been damaged in NWFP, having a deterrent effect on others. Even in non-conflict zones, insecurity, strikes and agitations have impacted on the economic life of the people, for example, in Islamabad after the Marriott blast. Domestic tourism in Swat and other areas is no more a source of revenue for the local populace.²⁴ Small and medium enterprises are also experiencing the negative impacts of insecurity and militancy in the form of supply chain disruption and restricted information flow.²⁵ The development projects in conflict zones are facing direct threats from militants. Be it Balochistan or FATA, the development works are targeted by the militants for various reasons. In Balochistan, nationalist insurgents are of the view that these contracted companies are exploiting and taking away the resources of their province while collaborating with the federal government. In FATA, such development entities are seen as the 'enemy'. The NGOs find it difficult to work in these areas due to the threat of target killing, kidnapping and abuse.²⁶

Feeling greater threat from its eastern border, Pakistan opted for a strategic depth doctrine to extend its influence into Afghanistan by securing its western borders. A significant phenomenon, however, has been the growth of Kashmir *jihadi* groups allegedly emanating from the covert wars between Pakistan and India. India accuses Pakistan's military intelligence agency, the Inter-Services Intelligence (ISI), for creating a substantial cadre of committed, trained and armed *jihadis*, especially in Kashmir. Nonetheless, Pakistan blames India for its covert support to Baloch insurgents in its province of Balochistan. The spread of militancy from Pakistan has, however, not only damaged the country's own prime strategic interests but also relationships with neighbouring countries. Apart from India, China and Iran, too, are concerned about the rise of militancy in Pakistan and its impact on their own territories. A Pakistan-based militant group, Jundullah, which has been established copying the pattern of the Iranian Jundullah, has also created serious concerns among Iranian circles. This group believes in greater Balochistan, which includes the Iranian Baloch areas as well. Similarly, the Chinese have repeatedly expressed their concern on the presence of Chinese Muslim separatists in Pakistani tribal areas. Since the beginning of the war in Afghanistan in 2001, Chinese officials have, in various instances, estimated that between 500 and 1,000 Uyghurs were fighting along with the Taliban.²⁷ Three hundred Uyghur Muslims from China's western province of Xinjiang were captured in Afghanistan fighting with Taliban forces,

and hundreds more Chinese Muslim separatists remained hiding in Afghanistan and Pakistan.²⁸

The image of Pakistan among the global community is being portrayed with a negative picture by the media because of the militancy and is creating a serious image problem. The Pakistani diaspora in the US and Europe is facing problems because of this negative image and their youth is becoming absorbent of the radical tendencies of their native countries. Most significantly, the militancy has become a major threat for the country's strategic and nuclear assets. As the terrorism and militancy activities are growing, concerns by the international community on Pakistan's nuclear weapons are also increasing.

Conclusion

In this scenario, the state needs to develop a comprehensive de-radicalization plan and to improve counter-terrorism strategies, not only at the level of security forces but simultaneously at the political, civil society and media levels as well. These strategies can only be developed when all stakeholders realize the gravity of the threat. The government, civil society and the media have major responsibilities in reaching consensus on the issue and developing counter-strategies on various levels. The alarming rise in the number of acts of terrorism also reflects the need for effective, efficient and resourceful policing and law enforcement mechanism.

The federal and provincial governments need to emphasize this aspect and provide better training, skills, equipment and experience-sharing with other countries. Also, what is needed most is a change in attitude. This would enable the security forces to deal with the threat in a professional manner. Efficient and professional intelligence agencies have a crucial role to play in preventive mechanisms against terrorist threats. There is a need to build a coordinated network of Pakistani intelligence agencies, which will pool various capacities and ensure better coordination among various agencies and law enforcement departments. The government and media need to create more space for cultural and social activities, provide healthy activities for the youth and ensure proper utilization of funds allocated for youth and cultural development. Finally, the government should promote the concept of good governance, strengthen democratic institutions, build trust among its population and eradicate corruption in its efforts to build a strong government that could fight extremism and terrorism in true spirit.

Notes

- 1 Pakistan Institute for Peace Studies, *Pakistan Security Report 2008*, <http://san-pips.com/index.php?action=reports&id=psr_1>
- 2 Ibid.
- 3 As projected by the militants, religious political parties and a big section of the media in the country.
- 4 *Pakistan Public Opinion: Growing concerns about extremism, continuing discontent with the US*, Washington DC: Pew Research Center, 13 August 2009, <<http://pewglobal.org/files/pdf/265.pdf>>
- 5 A Muslim sect that questioned the universally held Muslim doctrine that the Prophet Muhammad was the last of the prophets. The Ahmadis were founded by Hadhrat Mirza Ghulam Ahmad in 1889. For some background on the sect see, 'The Ahmadi Muslim Community', *Times Online*, 27 May 2008, <<http://www.timesonline.co.uk/tol/comment/faith/article4009445.ece>>
- 6 The movement was started by *Ahrar*, formerly a pro-Congress and anti-Muslim League group in the Punjab. Later it was joined by several other groups, including the Jamat-e-Islami, and a number of Muslim Leaguers.
- 7 Amir M. Rana and Bukhari M., *Arabs in Afghan Jihad*, Lahore: Nigarshat Publishers, 2007, p.15.
- 8 Amir M. Rana and Rohan Gunaratna, *Al-Qaeda Fights Back: Inside Pakistani tribal areas*, 2nd edition, Islamabad: PIPS, 2008, p. 51.
- 9 Amir Muhammad Rana, *A to Z of Jihadi Organizations in Pakistan*, Lahore: Marshal Books, 2004.
- 10 Amir Muhammad Rana, *A to Z of Jihadi Organizations*.
- 11 Former President Musharraf announced the first ban on militant groups on 13 January 2002.
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- 20 Interview with Dr Humayun Khan, Former Ambassador and Foreign Secretary, Safdar Sial, Peshawar, 18 March 2009.

- [21](#) Interview with Brigadier Mehmood Shah, former chief of security in tribal areas, Safdar Sial, Peshawar, 18 March 2009.
- [22](#) Interview with Nasir Yousuf, a senior bureaucrat in Peshawar, Safdar Sial, Peshawar, 17 March 2009.
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- [24](#) More than 1,000 hotels and restaurants in Swat were providing livelihood to more than 25,000 people in Swat, who have lost it in the backdrop of militancy there.
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Part II

Regional dimensions

6 The India–Pakistan peace process

Happymon Jacob

India–Pakistan (Indo-Pak) relations, let alone the peace process between the two nations, have tended to be intermittent; they have lacked the critical virtues of consistency and incrementalism, yet have produced tangible results on a variety of counts. Indeed, the complexity of Indo-Pak affairs makes comprehending the underlying relationship between the two countries all the more difficult. What baffles every observer of Indo-Pak relations is what drives them. Is it material considerations, balance of military power, religious differences, identity struggles, or ego clashes? Or is it an almost incomprehensible concoction of these factors? It is therefore a futile attempt to look for that magical core variable that can explain everything about Indo-Pak relations. And, in searching for a way forward, is incrementalism the answer, wherein India and Pakistan can build on past achievements rather than starting afresh every time? This chapter is an attempt to understand and respond to some of these questions with special reference to the Indo-Pak peace process that lasted from 2004 to 2008.

I begin with a brief history of contemporary Indo-Pak relations, an examination of their current status and how they arrived here. A description of the peace process's achievements will then be followed by perhaps the most important section of the chapter: an attempt to answer what ails the peace process. The concluding section of the chapter will present a number of theoretical and analytical arguments on the basis of the empirical arguments made up to that point.

A brief history of contemporary Indo-Pak relations

The Indo-Pak peace process under study here began in 2004. During the period from 1998 until the peace process began in 2004, relations between the two neighbours were tense and uneasy. This was primarily the result of the Indian and Pakistani nuclear tests of May 1998 and then, later, due to the 1999 Kargil conflict between the two nuclear-armed neighbours. Uneasiness reached yet another high following the December 2001 terrorist attack on the Indian parliament, which led to a 10-month military mobilization along the Indo-Pak border. This period was also marked by continuous low-intensity warfare and cross-border terrorism in Jammu and Kashmir (J&K), which was actively supported by Pakistan.

However, in January 2004, India and Pakistan launched a peace process during the Islamabad Summit of the South Asian Association for Regional Cooperation (SAARC). The announcement of a composite dialogue to unravel outstanding issues between the two countries was made a month later in February 2004. This process of peace-building at the highest policy-making level was continued by the Manmohan Singh-led government that succeeded the Vajpayee-government in May of that year. Singh and former Pakistan president Musharraf met in New York later in September and reaffirmed that they would ‘continue the bilateral dialogue to restore normalcy and cooperation between India and Pakistan’.¹ Again, in April 2005, the two leaders met in New Delhi; Musharraf had come to watch an India–Pakistan cricket match. It was during this meeting that the two leaders claimed that the peace process was now irreversible.²

The period between 2004 and 2008 saw many developments, most significant of which were the back channel negotiations between Indian envoy S.K. Lambah (the former Indian High Commissioner to Pakistan) and his Pakistani counterpart Tariq Aziz, who was an advisor to the Pakistani president. The two discussed a potential solution to the Kashmir question that would be to the satisfaction of both parties.³ There was clear forward momentum on all outstanding issues, including that most contentious: Kashmir. Yet, the enthusiasm that accompanied this new progress was severely impacted by Musharraf’s deteriorating domestic

approval. India, fearing that a post-Musharraf regime might overturn any agreement, became ambivalent towards signing a deal. The peace process remained static until it eventually broke down completely in 2008. More details on the proposed solution to the Kashmir problem have subsequently surfaced and many of those involved in the negotiations, including former Pakistani foreign minister Khursheed Mehmood Kasuri, have commented on them. Kasuri in April 2010 claimed that ‘the previous Musharraf government had completed almost 90 percent of the spadework on the half-a-century old Kashmir dispute by 2007 as the whole exercise just needed the formal signature of all the three parties to the issue – Pakistan, India and representatives of Kashmir.’⁴ He further stated that the ‘near-deal’ on Kashmir was the result of a process of three-year quiet diplomacy between the two countries that proposed a formula for peace characterized by ‘loose autonomy that stopped short of the *azadi* [freedom] and self-governance aspirations ... to be introduced on both sides of the disputed frontier’, which was understood to be ‘between complete independence and autonomy’.⁵ Kasuri also said that the deal was to have been finalized in March 2007, when the Indian Prime Minister would have been invited to Pakistan. However, the Pakistani government was rattled by the Lawyers, Movement that was sparked that very same month by Musharraf’s dismissal of Iftikhar Choudhry, Chief Justice of the Supreme Court. This unfortunate coincidence meant Prime Minister Manmohan Singh never visited Pakistan to cement the agreement. The embattled Musharraf regime was suddenly in no position to pursue its ‘pet’ foreign policy deal.

With the Kashmir deal evaporating, the peace process began to follow suit. Border tensions increased during May 2008 when New Delhi accused Pakistan of violating the ceasefire on the Line of Control (LoC) in J&K, as bilateral relations between the two countries nose-dived. In retrospect one could perhaps say that focusing on India in mid-2008 was a ‘diversionary war tactic’ by the Musharraf regime in an effort to deflect attention away from the domestic front. Thus the Lawyers’ Movement in Pakistan, paradoxically a progressive faction, dealt a double blow to Indo-Pak relations:

it halted the Kashmir deal and increased bilateral tensions between the two countries.

As pointed out above, relations between India and Pakistan have been tense since May 2008. Following the July suicide car bomb attack on the Indian embassy in Kabul that killed 57 people, including senior officials, Indian foreign secretary Shiv Shankar Menon described the peace process as being 'under stress'. Then, after terrorist attacks in Bangalore and Ahmedabad during the same month, Menon declared while launching the fifth round of the bilateral Composite Dialogue in Colombo that 'India–Pakistan relations were at a four-year low'. However, many elements of the composite dialogue were sustained. The Indian national security advisor and his Pakistani counterpart met in New Delhi in October 2008 for discussions which were followed by a special meeting of the bilateral Joint Anti-Terrorism Mechanism. In November, the fifth round of home/interior secretary-level talks on terrorism and drug trafficking was held in Islamabad. This progress was upset by the Mumbai terror attacks on 26 November 2008. Between November 2008 and February 2009, the world witnessed the serious possibility of a military confrontation between the two countries. In January 2009, New Delhi cancelled the previously scheduled talks on the Sir Creek maritime dispute, and since then the composite dialogue has remained officially suspended.

Not much information is available on the series of secret, sensitive negotiations that allegedly began in 2006 in hotel rooms across Bangkok, Dubai and London. This process, known as 'back-channel contact', was reasonably unsuccessful given that there was nothing much for the back-channel negotiators to discuss owing to the absence of open channels of communication and a political will to engage. However, a number of track-two channels have continued to remain open since 2004, when the peace process was officially launched. The various track-two initiatives include: the Pugwash Initiative, the Indo-Pak track-two initiative organized by the New Delhi-based Institute of Peace and Conflict Studies and the Ottawa dialogue on India–Pakistan Relations.⁶

What did the peace process achieve?

Questions such as what exactly the peace process has achieved, and at what stages the negotiations stumbled, have given rise to a lot of speculation in academic/research circles and the strategic community. While each government denies anything substantial had taken place, it is widely accepted by the strategic community in both India and Pakistan that in fact a great deal was achieved by the two countries during the five-year-long peace process. Recent Pakistani and Indian thinking on most critical issues between India and Pakistan have been gauged from the recent track-two conferences that were held after the Mumbai terror attacks.⁷ While there is a dearth of literature in the public realm, it is believed that the two countries had indeed made significant progress in addressing many of their outstanding conflicts, including the Kashmir issue. Remarkable progress was made on Sir Creek and on the Siachen Glacier disputes as well. In fact, it is generally accepted that had the Kabul and Mumbai attacks not taken place, an agreement would by now have been reached on at least Sir Creek.

During 2006–07, the then president Pervez Musharraf formed a lawyers' committee to discuss the legal ramifications of a resolution. More significantly, the popular mood in India, Pakistan and the Kashmir Valley supported a political solution along the lines of the Musharraf formula – so-called after a 'four-point solution' to the Kashmir issue put forward by Musharraf on 5 December 2006 in an interview with Indian television network, NDTV. This formula included: soft or porous borders in Kashmir (but no change of borders); autonomy or 'self-governance' within each region of Kashmir; phased demilitarization of all regions; and finally, a 'joint supervisory mechanism', with representatives from India, Pakistan and all parts of Kashmir, to oversee the plan's implementation. During the peace process three notional achievements were made: it was decided that any future negotiations on Kashmir would not revert to arguments over the plebiscite, UN resolutions or the absolutist positions that the respective countries have held for a long time. On a more practical level, the Indo-Pak peace process produced a number

of important Confidence Building Measures (CBMs), given in annex 6.1.

Even though there is no bilateral deal on Kashmir as yet, Indo-Pak rivalry over the region is characteristically different today than during the 1990s. In other words, Kashmir is not as contentious as it used to be. There is also a very significant kind of change taking place in the state politics of J&K. Indeed, most of the mainstream and dissident parties have now unveiled blueprints of their preferred solution to the problem. The New Delhi–Islamabad, Srinagar–New Delhi and Jammu–Srinagar tracks of dialogue have been yielding positive results. It is also important to note that the people of Kashmir have spoken out in different forums and with different voices. They need to be heard and their opinions about their own future should be adopted by official negotiators in India and Pakistan. It would be more constructive, of course, if the two countries could restart the dialogue on Kashmir based on the three notional achievements they made during the peace process. There are enough proposals on the table and commonalities among them that can be taken into consideration and there is every indication that a solution could flow from them.⁸

More significantly, the overall situation in J&K has drastically improved in the past few years thanks to back-channel, as well as official, efforts by the two countries. Militancy is at a new low, the people of the state are actively participating in the mainstream political process, the distance between New Delhi and Srinagar has narrowed, and Kashmiris are today increasingly receptive to the idea of internal CBMs, such as the Prime Minister's Round Table conferences, initiated by New Delhi. It was pointed out that in today's Kashmir *azadi* implies accountability from the government, demands for good governance and aspirations for self-respect.

Importantly, the age-old categories of describing parties and views in Kashmir as dissident versus mainstream and India-supporting versus India-opposing have, to a great extent, lost their analytical significance. The one important political implication taken from the J&K State Assembly election of 2009 is that there has been a mainstreaming of Kashmir's

separatist politics, at least to some extent. Gone are the days when the Kashmiri separatists were untouchable and *azadi* meant (at least in the popular parlance) total separation from India. Today, separatist politics and *azadi* sentiments are more nuanced, more complex and take many forms, ranging from the Hurriyat Conference to the People's Democratic Party (PDP). In order to accurately interpret the internal politics of J&K, the entire spectrum of understanding and blurred shades of opinion about *azadi* that exist between these two actors must be correctly understood. The PDP would object to being called 'pro-*azadi*', 'separatist' or even 'soft-separatist', yet the fact remains that it walks a very fine line. While on the one hand the self-rule proposal put forward by them is about more than what the constitution of India guarantees J&K and is closer to the platform proposed by self-proclaimed separatist leaders (such as Sajad Lone), on the other hand, the PDP has a political constituency that speaks the language of both separatism and *azadi*. This explains why the very same people who were shouting slogans against India last year also decided to cast their votes in the recent elections. Their votes did not signal an acceptance, even a tacit one, of the situation in the region; but rather an extremely nuanced form of protest, and an extremely mature one.

If this occurs, moderates such as Sajad Lone and even Mirwaiz Umar Farooq will be forced to reconsider their options about the kind of politics they will choose to engage in in the future. Do they desire to forever represent themselves as political dissidents, making dissent a career rather than merely a necessary sortie, or do they someday wish to transcend this somewhat inhibiting tag to enter into the newly emerging 'soft-separatist' fold? To do so they will need to rethink their habitual positions about political processes in J&K and consider toning down their anti-India rhetoric. If they try this course of action, we will see the creation of a new political space in the state which will be populated by parties that ask for more political, administrative and financial concessions from New Delhi, and demand increased links with Pakistan. This 'mainstreaming of political dissent' will have implications for the Kashmir issue as we know it, as well as for relations between India and Pakistan in the longer term.

Thus any attempts by New Delhi to ignore and undermine this dissident space will prove disastrous for J&K and any future India–Pakistan engagement will need to bear this in mind.

While the above is encouraging, what is disappointing is the inability of the two countries to make use of these various opportunities to resolve the Kashmir issue. As previously remarked upon, when Pervez Musharraf held power there were ample opportunities to advance the peace process. Yet the UPA-led Indian government failed to seize the initiative and negotiate opportune deals to resolve outstanding conflicts; it failed to concertedly assist Pakistan in its efforts to eradicate terrorism; and it failed to make allies within Pakistan that would have been useful for gaining strategic inroads into the Pakistani state.

What ails the peace process?

New Delhi's status quo bias

One of the major reasons the India–Pakistan conflict endures is because the grand strategies of both the countries are informed by what could be described as a long-held status quo bias in the case of India, and revisionist bias in the case of Pakistan. New Delhi's unwise handling of Pakistan is the result of a deep-seated status quo bias that permeates thinking on its neighbour, terrorism and even Kashmir. This status quo bias has manifestly narrowed the Indian government's understanding and approach to regional terrorism and, with it, Pakistan.

First of all, New Delhi sometimes appears to consider terrorism a problem that is unique to India, as though no other country has ever suffered its consequences. It therefore persists with its demand that others (that is, Pakistan) 'fix' the problem first, before it (the perpetual victim) will discuss other political and security issues. This head-in-the-sand approach ignores the reality that terrorism is a global/regional problem requiring a global/regional solution. This solution can only be achieved through mutual aid, by creating cooperative

mechanisms to contain the menace. India needs to take the lead in this process, however challenging and long-drawn-out it may turn out to be. It is imprudent to attempt to enact unilateral measures to ‘control’ terrorism, precisely because terrorists respect no borders and are by their very nature extremely difficult to control.

Secondly, New Delhi has always been averse to adopting out-of-the-box approaches and this manifested itself in the Indian inability to ink a deal on Kashmir. India has been unwilling to revise and refashion its Pakistan policy in the light of new realities in the country. As Mattoo and Jacob point out:

It has been clear for some years now that there are few other states in the international system more troubled than Pakistan. And yet, tragically, the Indian debate – academic as well as at the policy level – reflects neither an appreciation of the complexity of the situation nor a recognition that Pakistan needs to be dealt with at multiple levels, even (and especially) after the Mumbai attacks. Instead, we witness routinely (in the sound bite-driven media discussions and predictable seminars) knee-jerk responses – even from otherwise sage former diplomats and intelligence officers – which suggest that even after 61 years, the Indian policy establishment does not really understand Pakistan.²

They further remark:

The reality is that much of the contemporary Indian analysis of Pakistan is rooted in a blinkered, and often partial, and simplistic understanding of the country as it exists today, and drawn, often, from crude textbook readings of the realist discourse in international relations.... It is this misconstruction of the nature of the Pakistani state and society that sadly informs the Indian policy, for instance, of nuclear deterrence, compellence, the fight against terrorism and even the

composite dialogue. Not surprisingly then, the policy does not and will not work. Contemporary Pakistan is not just another country that can be dealt with by following the well-known axioms of international politics or bilateral diplomacy.¹⁰

Pakistan's revisionist bias

Pakistan, for its part, suffers from a revisionist bias *vis-à-vis* India stemming from revenge, dissatisfaction, geopolitical rivalry and insecurity that has in many ways hindered its own path to stability, prosperity and progress. Pakistan has frequently blamed India for the troubles that it has faced. It has done so in such a way that this line of argument has apparently metamorphosed into a concerted strategy designed to wrest Kashmir from Indian control, and has led to Pakistan providing support to anti-Indian elements and, ultimately, to the country refusing to engage in a forward-looking relationship with India.

The important question to ask is whether Pakistan has now realized the need to revise this revisionist policy *vis-à-vis* India. In other words, has Pakistan's anti-India grand strategy finally backfired and has Pakistan realized it? What are the implications of this for the future of India–Pakistan relations? The post-Mumbai track-two workshops held under the aegis of various organizations saw many former high-ranking officials from Pakistan and India, from both the civilian as well as the military sectors, admitting that the ISI has had an anti-India policy as the rationale for much of its activities in the past, even as they remarked that many of Pakistan's calculations through ISI have failed. For the ISI, however, it is not easy now to suddenly conclude operations, or to change strategy despite the fact that there may well be an understanding that to do so would be to the greater benefit of the Pakistani state.

Lack of an incremental approach

Yet another reason the peace process between the two countries did not manage to achieve anything concrete has

been because there is a clear lack of an incremental approach to conflict resolution between the two countries. The most prominent mode of dialogue between the two countries is the Composite Dialogue (CD), which has eight items on its agenda: peace and security, including CBMs, Jammu and Kashmir, Siachen, Sir Creek, Wullar Barrage, terrorism and drugs trafficking, economic and commercial cooperation, and promotion of friendly exchanges. So far four rounds of the CD have been held but the two countries have not reached any consensus on key issues. It is time to ask whether the CD is really the most suitable path to conflict resolution between India and Pakistan. There is a tendency to crowd the CD with a laundry list of too many items. This deprives the dialogue of focus and wholehearted commitment. Indeed, the two countries should look at the possibility of streamlining existing items on the CD agenda to make it more focused and result-oriented, or even devise new mechanisms for dialogue.

In any case, there must be more of an incremental approach to conflict resolution between the two countries. The two countries should either deal with less contentious issues to start with, or start with one or two of the most vexing issues and then go on to the others, rather than attempting to resolve everything at once. In fact, now that there are enough pointers to a solution on Kashmir, talks could be held only on that. As one of the architects of the CD pointed out recently in a track-two meeting, 'we have had enough discussion by now about the various issues on the CD agenda, what is needed now is implementation.'

Another manifestation of this lack of an incremental approach is the tendency of the countries to wait for the 'right and ripe' time to come to make deals and ink agreements. This has been seen more in the case of Indian conflict resolution behaviour than in the case of Pakistan.

Lack of consensus on terrorism

Lack of a consensus on what constitutes terrorism in the subcontinent is another reason why the peace process failed to achieve anything substantial. Both India and Pakistan have

their own traditional understandings of what constitutes terrorism. In the Indian public discourse, terrorism in India as well as in Afghanistan is the handiwork of the Pakistani state. While there may be some truth in this from a historical point of view, the Indian perspective refuses to take into consideration the changed realities in Pakistan and its own fight against terror. India refuses to accept the Pakistani argument that terrorism is a common threat to both the countries. The only sophisticated view that one sees in the country is that there are two kinds of terrorist organizations in Pakistan: one that is close to the Pakistani state (or at least sections of it), and another that is fighting against the Pakistani state.

In the case of Pakistan, the discourse on terrorism is yet to realize the ground realities. While those who fight in Kashmir are considered to be freedom fighters, those fighting the Pakistani state are labelled terrorists. This double standard is slowly but steadily weakening, but has certainly not disappeared. The initial unwillingness of the Pakistani state to accept the Pakistani origin of the perpetrators of 26/11 is an example of this tendency. More so, the argument that taking action against terror suspects such as Hafeez Sayeed without 'adequate evidence' can create social tensions is nothing but a sophisticated apology for terrorism. Many in India find it difficult to understand how, in a country that is fighting against jihadists, there can be a 'United Jihad Council' based in Muzaffarabad with its declared aim of freeing Kashmir from India through force.

Terrorism today is a common threat to all countries and most certainly so in the case of India and Pakistan. In India it has previously been difficult for this notion to find acceptance due to the popular perception there that all terrorism is the handiwork of Pakistan, used as a policy of statecraft against it. Of late, we witness winds of change in this perception. Many members of the Indian strategic elite as well as the participants in the above-mentioned track-two meetings are, however, willing to go beyond this pedestrian perception and are willing to see some reason in the Pakistani argument that terrorism is not something that the Pakistani state actors can manage to deal

with to the international community's satisfaction even if they wish to: it has gone beyond the control of the state and thus needs to be tackled jointly by the two countries. The argument about terrorism being a common threat to both the countries, if accepted by India, has the potential to transform India–Pakistan relations. In other words, India needs to realize that cooperating with Pakistan to resolve its terrorism problem may indeed be in India's strategic interests, and Pakistan needs to realize that cultivating terrorism or extremism of any hue is self-defeating.

The Afghan factor

The geopolitical competition currently under way in Afghanistan is another reason that can explain the deteriorating India–Pakistan relations, as well as being something that obviously negatively impacts the security of the region. India and Pakistan vie for strategic gains and influence in Afghanistan. Indeed, many Indians and Pakistanis today think that Afghanistan is likely to be the new theatre of conflict between the neighbours.

India fears that Pakistan will attempt to turn Afghanistan into a client state as it was in the 1990s. With an embattled Zardari government and a not-so-friendly security establishment in Pakistan, no progress on Kashmir and uncertainty surrounding the future of the upcoming Indo-Pak dialogue, there is every possibility that South Asian geopolitical competition will become far fiercer. Additionally, New Delhi is concerned as to what will happen to Afghanistan when the US begins to withdraw in 2011 after attempting to incorporate 'moderate' Taliban elements into the Afghan administration; India worries Pakistan will then be able to play a much-awaited larger role in the country's affairs. By that stage it is likely that the role of the Northern Alliance, India and Iran will be extremely limited. Today the 'moderate' Taliban and their supporters in Pakistan are in a position of strength, which they will use to guarantee that the future of Afghan politics is shaped as per their strategy. The US and its allies are currently preoccupied with crafting an honourable

exit strategy for themselves after having spent nine years entrenched in hostilities and having suffered a large number of casualties. India's 'soft gains' of goodwill and popular support in Afghanistan will soon be forgotten when the 'moderate' Taliban is restored to government and Pakistan gains an upper hand in the running of the country.

The return of the Taliban to Afghanistan and a Pakistani 'Afghan triumphalism' would further complicate the region's prospects for stability. India has been deeply concerned about the Pakistani triumphalist attitude with regard to Afghanistan, a subject on which the Pakistanis do not think it is necessary to talk to India in detail. India believes that it was the Pakistani government that had managed to exclude India from the Summit of Friendship and Cooperation in the Heart of Asia, convened in Istanbul to address the possible contributions that could be made by regional countries to solving Afghanistan's problems. The London International Conference on Afghanistan (held on 28 January 2010) also upheld the Pakistani view that there is a need to engage the 'moderate' Taliban (contrary to the long-held Indian view that there is no 'moderate' Taliban).

For India, the future of Afghanistan is nothing but a repeat of history. The USSR was eventually pushed out of Afghanistan in the late 1980s due to US and Saudi money and weapons, and by Pakistan's active involvement in the country. By the time the Cold War ended, the US had lost interest in Afghanistan altogether. It began to focus instead on shaping the new global order, leaving the affairs of Afghanistan to the Mujahedeen and Pakistan. Islamabad worked to ensure that a friendly regime was installed in Kabul by covertly and overtly supporting the extremist group.

Today, while the most important advocate of Taliban reintegration is Pakistan, the idea is similarly espoused by Saudi Arabia. As both these governments have been trying to separate the Al-Qaeda elements from the 'home-grown' Taliban fighters, the Americans are also now becoming more comfortable with the idea of Taliban reintegration. However, supporters of the moderate Taliban have not yet specified what

would be the eventual ‘separation plan’ that they have for differentiating the good Taliban from the bad.

The apparent Indian failure in Afghanistan is partly a result of Pakistan’s strategies there, although it is also due to flawed Indian strategies. India decided against sending troops to Afghanistan and gave millions of dollars in aid for reconstruction and development. This strategy has indeed generated substantial goodwill, but did New Delhi think that merely creating goodwill among the Afghan population and supporting the cause of the Northern Alliance would give it real strategic leverage? In an ideal world, it may have been sufficiently noble for India to simply deliver aid to a war-torn country but with the knowledge that geopolitics were running against it, why did New Delhi fail to read the writing on the wall? Monuments of goodwill are not necessarily foreign policy assets of geostrategic importance. That said, the future stability of the southern Asian region much depends on how the two countries go about dealing with their differences on Afghanistan.

Unpredictable Pakistani policy shifts

One of the major reasons New Delhi does not like to commit itself to any deal (especially on Kashmir) is that it is genuinely worried that a future regime in Pakistan might renege on anything the present government agrees to. It often cites the example of the Shimla Agreement. The key question today is: can the peace process begin from where it stalled or will the two countries have to return to square one? While India has been pushing for the resumption of the talks on Kashmir to begin from where they have been stopped, there is uncertainty in Pakistan regarding where to begin the talks on J&K.

Of late, Musharraf is increasingly becoming a ‘persona non-grata’ among the ruling elites of Pakistan – both civilian and military. There is an emerging tendency among many Pakistani politicians and retired generals who once worked under Musharraf to feign ignorance of his statements and actions (especially *vis-à-vis* India) and to distance themselves from him.

In other words, there is today a clear unwillingness in Pakistan to own the political legacy of its former military dictator. As pointed out above, the 2004–08 peace process – which was seriously considering out-of-the-box solutions to resolve outstanding rifts – not only had the full support of Singh and Musharraf but, through its back-channel route, had even prepared a tentative blueprint for peace. More precisely, it is believed that the bilateral back-channel negotiations had taken the peace process on Jammu and Kashmir to a new level. If the new government and the strategic community in Pakistan renege on Musharraf's past promises, there will be serious implications for Indo-Pakistan relations, especially with respect to Kashmir. Not many members of the present ruling elite in Pakistan refer to the Musharraf formula or the other steps that he took to normalize India–Pakistan relations. This is ringing alarm bells in New Delhi. Undoing Musharraf's legacy will also mean undoing the peace process and all that it may have achieved over time.

External players

Historically the roles played by the US, as well as by the Chinese, have created problems for India–Pakistan relations. What is interesting to see today are the differing perceptions of the US role in the region. On the one hand, India considers the US to be unhelpful in cracking down on 'anti-India terrorism' emanating from Pakistan, and it also harbours suspicions that the US is willy-nilly playing to Pakistani designs in Afghanistan. New Delhi is also deeply suspicious of Washington's Af–Pak policy.

There has been a clear change of policy direction, most evident in the Af–Pak policy, from the time of George W. Bush. India was preferred over Pakistan by the Bush administration and in many ways was considered to be the south Asian regional balancer. With the Indo–US strategic partnership in place and the Civil Nuclear Deal signed, the balance of power favoured India during the Bush era. India was also considered to be a key ally in the war against terror by the Bush administration. However, the coming of the

Obama administration has reordered American preferences for the region. Obama has indeed chosen Pakistan over India as its partner to build peace and stability in the region, especially in Afghanistan.

India thinks that of late the US been cold-shouldering New Delhi's concerns in the region, especially regarding Afghanistan. For example, the 2010 Quadrennial Defense Review released by the US Department of Defense deals extensively with the Afghanistan war but omits any mention of India.¹¹ It does, however, discuss the importance of a strategic partnership with Pakistan in stabilizing the region. This change of US policy has not gone down well. While New Delhi has not yet spoken openly against it, the US policy change will have implications for conflict resolution in the region, particularly between India and Pakistan. India worries that alliance with the US might embolden Pakistan; it is also concerned that the international community and the US may exert less pressure on the Pakistani government to crack down on regional terrorism. This is likely to dissuade India from negotiating with Pakistan as the country may now come to the table with unrealistic demands.

Apart from the fact that the Pakistani alliance with the US is not healthy for the Indo-Pak peace process, US presence in the region hampers lasting peace in other ways. The Pakistanis, some sections of the establishment as well as the general population (indeed the latter more than the former), consider the US role a significant hurdle to stability in the region. This is primarily because an American presence is deeply resented in Pakistan. While, on the one hand, it gives rise to more radicalism in the country, it also interferes with the Pakistani state's sovereignty in multiple ways. While Pakistan appreciates US aid, both military and economic, they are not particularly enamoured of US policies in the region, which they tend to consider interference.

These differing perceptions by India and Pakistan of the US role in the region further contribute to misunderstanding between them and complicate the regional strategic environment. As an aside, the Chinese role has also not been very encouraging for healthy Indo-Pak relations. Even as

Chinese positions on Indo-Pak issues (including Kashmir) have been, at least of late, improved, historically China has played a key role in arming Pakistan against India, ostensibly to contain the latter. This makes it a worrisome regional player.

Lack of reassurance or driven by revenge?

Those wondering why Pakistan behaves the way it does often end up asking themselves one key question: what drives Pakistan's behaviour towards India, fear or revenge? Fear and revenge can both be seen as historically rooted in the humiliating defeat that Pakistan faced in 1971 during the time of the Bangladesh liberation war. Pakistan has always suffered from an inferiority complex *vis-à-vis* India, especially over conventional arms capability. While this may have been reduced to a great extent under the nuclear umbrella, the question of India being a more powerful country remains in the Pakistani mind. Pakistani fear of India and Indian intentions may have eased over the years; however, there are sustained misgivings in the Pakistani strategic mind about India's intentions and behaviour. This is something that needs to be addressed through various CBMs and sustained dialogues. However, if the issue is not merely that of reassurance and fear but of revenge – that is, avenging 1971 – the future may not be that promising. That said, India should try to dissuade Pakistan from carrying on with an India-centric foreign and defence policy agenda. This requires increasing people-to-people contacts, multi-level interactions, track-two initiatives and such other CBMs aimed at conflict resolution at many levels other than merely official.

Lack of multi-level and sustained interactions between the two countries have led to a situation of complete lack of trust and an absence of stakeholders in peace between the two countries. In other words, while many people think that it is in the long-term interest of the country and the people of India to have peace, there are very few stakeholders who can push for peace in the short term. Creative interventions are needed in this context. The *Aman Ki Ahsa* campaign initiated by the Jang

Group of Newspapers in Pakistan and *The Times of India* is an example of how civil society organizations can carry on with the agenda for peace.

Conclusions

One of the important theoretical insights that the Pakistani state gives us is how the lack of elite and social cohesion has impacted upon the country's foreign and defence policy. Today's Pakistan, or at least the liberal sections of society and the successive elected governments in the contemporary era, want to be a modern Muslim state that is counted as a responsible power in the comity of nations. Unfortunately, one of the primary reasons why it cannot do so is because of the extreme fragmentation among the elites and society. The political elite and the military elite have always shared an uneasy relationship, and religious extremists have further complicated the situation. This is compounded by the deep divisions that exist within Pakistani society. Does this fragmentation have an implication for the foreign and defence policy of Pakistan? The answer would be in the affirmative.

A cursory glance at the contemporary foreign and defence policy of Pakistan tells us that on every important foreign and defence policy initiative, there has been a lack of internal consensus. More so, this lack of consensus has often meant different actors pursuing different foreign and defence policy agendas. Consider the following. The elected government of Pakistan, under the incumbent President Zardari, endeavoured to pursue good relations with India but the religious extremists and to some extent even the army did not want to let that happen. The result was the terrorist attacks on Mumbai and the breakdown of relations between the two countries. Yet another example would be Pakistan-US relations. The army and the civilian establishment would like to have a thriving relationship with the US but the religious extremists and even the people at large are not in favour. This has certainly crippled the foreign and defence policy-making ability of the Pakistani state. Theoretical arguments aside, the lesson here is that when dealing with the Pakistani state one has to keep in

mind the many important actors there. Pakistan is a fragmented state and thus one needs to have a differentiated strategy towards it.

Another lesson from Pakistani strategic behaviour is that it often indulges in what is called 'diversionary war tactic' in the international relations literature. Indeed, Jack S. Levy defines diversionary war as:

The tendency of peoples in a wide range of circumstances to support assertive national policies which appear to enhance the power and prestige of the state may lead decision-makers, under certain conditions, to embark on aggressive foreign policies and sometimes even war as a means of increasing or maintaining their domestic support. This old idea is often referred to as the scapegoat or diversionary theory of war, for political elites can use a foreign war to divert popular attention from internal social, economic, and political problems.¹²

When faced with difficult situations and restive opposition at home, Pakistan has often encouraged incursions/attacks/rhetoric against India along these lines. There is of course no conclusive evidence to suggest that there is a clear correlation between attacks against India and the troubles in Pakistan. However, this is a much needed line of research. To cite another example, one could say that Pakistan raises the issue of water conflict with India in order to skirt the unequal interprovincial water-sharing arrangements within Pakistan. Iyer makes such an argument when he says that:

faced with the Indian focus on terrorism and the discomfort that it causes to Pakistan, the latter has decided to turn the tables on India. Another explanation is that this is an attempt to deflect bitter inter-provincial dissensions over water within Pakistan by attributing water problems to Indian action, and rousing anger against that 'national enemy'. A combination of the two is perhaps the full explanation.¹³

Having said that, it is also important to look at the performance of India as a democracy in dealing with Pakistan effectively. Has India been able to pursue a cohesive strategy *vis-à-vis* Pakistan? Were there occasions when the central government had to cater to the domestic pulls and pressures of democracy? IR theories have dealt in detail with such possibilities. Neoclassical realism points out that democracies suffer from some significant inadequacies which prevent them from balancing against external threats (and by implication to other structural incentives and constraints) because ‘non-balancing behaviour is (or should be) the status-quo policy prior to the emergence of a dangerous threat and there are typically many “veto players” in a democratic policy-making process, that is, individual or collective actors whose agreement is necessary for change in the status quo’.¹⁴ Thus normal democracies tend to be status-quoist, unless, of course, there are other elements (such as nationalist feelings) that prompt a state to be disruptive.

Given India’s political polycentrism and coalition pressures as well as the vibrant and liberal media, it would be difficult for India to make any sweeping concessions to Pakistan. One could argue that one of the reasons why the J&K issue is unresolvable is because of the political opposition as well as media pressures working on the central government in New Delhi. In short, a democracy like India cannot but listen to the domestic audience when deciding upon its foreign policy. Indeed, as Robert Putnam famously noted:

... each national political leader appears at both game boards. Across the international table sit his foreign counterparts, and at his elbows sit diplomats and other international advisors. Around the domestic table behind him sit party and parliamentary figures, spokespersons for domestic agencies, representatives of key interest groups, and the leader’s own political advisors.¹⁵

There is no quick-fix solution to resolving the Indo-Pakistan conflict; however, there is a need to approach it incrementally. The iterated game theory model as applied in the Prisoner’s

Dilemma is one theoretical tool that can perhaps explain how the peace process can produce mutual trust, stakes in stability and lasting peace. The more you play the game of Prisoner's Dilemma (read engage the adversary), the more you learn to play by the rules, trust the adversary, create mechanisms to avoid cheating and understand the need to eventually get out of the dilemma itself. Multifarious Indo-Pak engagements could eventually bring the two adversaries closer to each other than we can pre-judge or presuppose now.

Appendix

List of important CBMs signed between India and Pakistan during the peace process, 2004–2008

- Ceasefire along the International Border and also the Actual Ground Position Line (AGPL) – in effect from 25 November 2003 and has remained in effect since.
- Half-yearly meetings between Indian Border Security Forces and Pakistani Rangers – in effect since 2004. There is also mutual agreement that local commanders should meet more frequently to resolve local problems.
- Since 2005 there has been in effect an Agreement on Advance Notification of Ballistic Missile Tests – under this agreement both parties must inform the other 72 hours in advance before testing any ballistic missiles within a 40km radius of the International Border and the LoC.
- Communication link between Pakistan's Maritime Security Agency and the Indian Coast Guard since 2005 established to facilitate early exchange of information regarding fishermen apprehended for straying into each other's waters. There has also been discussion on the possibility of holding joint search and rescue operations and collaborating in marine pollution control.
- Passenger and freight rail services between Attari and Lahore, and air links between the two countries were put back on track in 2004. For example, the Samjhauta Express,

which runs between Delhi and Lahore, resumed service in 2005.

- Bus service between Srinagar and Muzaffarabad commenced in 2005. Bus services from Lahore to Amritsar, Amritsar to Nankana Sahib and train links between Munnabao in Rajasthan and Khokhrapar in Sindh started in 2006. There has also been a night bus service between Ferozepur and Fazikla to Ludhiana-Chandigarh since 2006.
 - Air links were increased from 12 to 28 flights weekly, a triple-entry permit for cross-LoC travel introduced and the frequency of the Srinagar–Muzaffarabad bus service increased from fortnightly to weekly, in 2008. Trade routes on the Wagah–Atari, Srinagar–Muzaffarabad and Poonch–Rawalkot road links, as well as the Munnabao–Khokhrapar rail link, were also opened in 2008.
 - The very first truck route between the two countries was opened at the Wagah border crossing in 2007.
 - Pakistan accepted humanitarian aid in terms of food, medicine and the like extended by India after the disastrous earthquake in Pakistan in 2005.
 - A Joint Anti-Terrorism Mechanism was established in 2006 by India and Pakistan.
 - The first meeting of a Joint Judicial Committee of judges from both countries took place in 2008. This committee is designed to investigate the welfare and initiate the possible release of prisoners jailed in both countries. More than 500 prisoners have been released by both sides since 2003.
 - The Pakistani government allowed the showing of Indian films in Pakistan in 2008.
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Notes

- ¹ India–Pakistan Joint Statement, 24 September 2004, New York. Available online at <<http://pmindia.nic.in/speech/content.asp?id=26>>

- 2 Terry Friel and Kamil Zaheer, 'Peace "irreversible" India, Pakistan soften on Kashmir'. Available at <http://www.alertnet.org/thenews/newsdesk/SP23347.htm>
- 3 India–Pakistan were very near deal on Kashmir: Former Pak minister'. Available at <http://www.rediff.com/news/2009/feb/19kashmir-solution-was-very-near-fmr-pak-min.htm>
- 4 Babar Dogar and Ranjan Roy, 'Kashmir Solution just a signature away: Kasuri', http://www.amankiasha.com/detail_news.asp?id=99
- 5 Ibid.
- 6 The major Pugwash track-two meetings on India–Pakistan were held in Kathmandu, Nepal, from 11–14 December 2004, in Islamabad from 10–12 March 2006, in Srinagar in April 2005, in Colombo from 22–24 July 2007, Colombo on 15–16 March 2008, in Islamabad on 29–31 March 2008, 17–20 April 2009, The Hague, 21–26 October 2007, Bari, Italy; Cairo, Egypt, 11–15 November 2006. For the report of the latest meeting held on 8–9 February 2010, see http://www.ipcs.org/pdf_file/issue/Indo-Pak_Track_2_Dialogue_February_2010.pdf
- 7 The conferences that are referred to are the following: 1) Pugwash track-two meeting on 'Prospects for Restarting the India–Pakistan Dialogue' Islamabad, Pakistan, 5–6 March 2009; 2) 'Confidence Building Between India and Pakistan: Post Mumbai Attacks', Bangkok, 30–31 March 2009, organized by the Delhi-based think tanks Public Policy Research Group and the Institute of Peace and Conflict Studies; 3) Pugwash meeting in the Hague on 'Regional Stability in Central and South Asia: The situation in Afghanistan, and India–Pakistan relations', 17–20 April 2009; 4) 'India– Pakistan Relations: Composite Dialogue', Bangkok, 2–3 October 2009, organized by the Delhi-based think tanks Public Policy Research Group and the Institute of Peace and Conflict Studies. I argue that Indian and Pakistani thinking at the higher levels of strategic community in both the countries can be gauged, if not comprehensively, from these track-two conferences because of multiple reasons. One, these meetings were held at a time when there were no official contacts between the two countries; two, they were attended by formerly high-ranking officials in the Indian and Pakistani establishments who continue to maintain close contacts with their respective governments; and, three, since these meetings were held under Chatham House rules, the participants were willing to discuss issues in a frank manner.
- 8 For a report of the first meeting of the Ottawa dialogue, see http://www.international.gc.ca/arms-arnes/assets/pdfs/Report_Seminar_on_South_Asia_Security.pdf
- 9 Amitabh Mattoo and Happyman Jacob, 'Pakistan: need for smart diplomacy', *The Hindu*, 25 February 2009
- 10 Ibid.
- 11 See US Department of Defense, *Quadrennial Defense Review Report*, February 2010, <<http://www.defense.gov/qdr/QDR%20as%2026JAN10%200700.pdf>>
- 12 See Jack S. Levy, 'The Origin and Prevention of Major Wars', *Journal of Interdisciplinary History*, 18 (4) (1988): 653–673 at 666.

- [13](#) Ramaswamy R. Iyer, 'What Water Wars?', *Outlook India*, 2 April 2010, <<http://www.outlookindia.com/article.aspx?264929>>
- [14](#) Randall L. Schweller, *Unanswered Threats: Political constraints on the balance of power*, New Jersey: Princeton University Press, 2006: 43.
- [15](#) Robert D. Putnam, 'Diplomacy and Domestic Politics: The logic of two-level games', *International Organization*, 42 (3) (1988): 434.

7 The state of jihadi organizations in Pakistan and their regional and international links

Ashok K. Behuria

The term ‘jihadi organizations’ is used by many analysts today as a ‘catch-all’ term to describe groups around the world that are fighting in the name of Islam. However, the term ‘jihadi’ has different connotations in India, Pakistan and the south Asian region. It is generally employed to characterize militant organizations who are engaged in ‘jihad’ (or Holy War) in the Indian state of Jammu and Kashmir. Most of these organizations were established in the latter half of the 1980s, at a time when the Afghan jihad was coming to an end. They have enjoyed the patronage of state agencies ever since, as instruments of Pakistan’s policy towards Kashmir and India.

A brief background

There is a direct link between the Afghan ‘jihad’ (1979–89) and the Islamic militancy in Kashmir (1989–present). In fact, the success of guerrilla war against the former Soviet Union in Afghanistan had led the Pakistani security agencies to believe that they could replicate their Afghanistan experience in Kashmir and force the Indian government to concede defeat and withdraw from the region. It is interesting to observe that the armed resistance in Kashmir that started with the rigged elections of 1987 was initially led by Jammu Kashmir Liberation Front (JKLF), which was backed by Pakistan. However, JKLF’s emphasis on complete independence (*Uss paar bhi laingay azadi, iss paar bhi laingay azadi* – ‘freedom

from both sides') perhaps prompted Pakistan to desert the group and instead encourage several Islamist organizations who were wedded to the idea of the accession of Kashmir to Pakistan to lead the armed resistance in Kashmir since 1989.

The jihad in Kashmir

The Pakistani state's turn towards Islamization began during Zia-ul-Haq's presidency (1977–88) and was co-terminus with the Afghan jihad.¹ It was during this time that the state patronized the mujahideen groups operating in Afghanistan. Amongst several Islamic groups joining the state-sponsored jihad in Afghanistan, Jamaat-i-Islami (JI) was given prominence due to Zia's special attachment to the group and was allowed to assume some kind of a spiritual leadership of the Afghan jihad. The same group, JI, was also encouraged to initiate an Islamic jihad in Kashmir. Through its branches in Kashmir, JI recruited Kashmiri mujahideen and launched a bloody armed insurgency in Kashmir in 1989. It established a group called Hizb-ul-Mujahideen (HM), which combined many other militant organizations operating in Kashmir by then, including such groups as Al Badr, Al Hamza, Allah Tigers, Ansar-ul-Islam, Maudodi Squad, Tehreek-e-Jehad-e-Islami and Zia Tigers.²

By the early 1990s, in order to further bolster the jihad in Kashmir, Pakistan's Inter-Services Intelligence (ISI) actively redirected the attention of the Pakistani component of Afghan jihad towards Kashmir. This was also the time when the influence of JI on Pakistan's military and politics was in decline. Hence, in addition to HM, Pakistan promoted groups such as Harkat-ul-Jiahd-i-Islami (HuJI), Harkat-ul-Mujahideen (HuM) and Lashkar-e-Taiba (LeT) to launch terrorist operations in Kashmir. With their experience in the Afghan jihad, these organizations soon overtook HM and established their hold and control over the jihad in Kashmir. Therefore, the role of Pakistan in the Kashmir jihad was clearly visible from the early 1990s onward.

The progressive Arabization of jihadi organizations

With the rise of the Taliban in Afghanistan since the early 1990s, the links between the Pakistani jihadi groups and the Taliban were further consolidated. With Osama Bin Laden's return to Afghanistan in May 1996, the dynamics of jihad underwent a qualitative change. The Pakistani jihadi groups were allowed to set up or revive their training camps in Afghanistan during this period. They started recruiting Afghan and Arab volunteers for the Kashmir jihad because the ISI had felt that the clandestine war in Kashmir could not be fought with the dwindling number of native Kashmiris over time.³ To begin with, the three different Islamist radical groups – Al Qaeda, the Taliban and the Pakistani jihadi outfits – had different goals, even if they were committed to the principles of Islam. Al Qaeda aimed at global jihad; the Taliban wanted to bring true Islamic rule to Afghanistan; and the jihadis of Pakistan wanted to fight for the liberation and ultimate annexation of Kashmir by Pakistan. However, by the time of the establishment of World Islamic Front on 23 February 1998, their objectives had begun to converge, with Al Qaeda successfully extracting a commitment from all others to fight for the imposition of Islamic Sharia all over the world.

The rigid Wahabi/Salafist ideology, championed by Al Qaeda, has progressively influenced the worldview of sectarian and jihadi elements in the region. This phenomenon has been termed as an 'Arabist shift' by some observers.⁴ The religious madrassas (religious seminaries) financed by the Saudis during the Afghan jihad were also obliged to propagate a rigid and orthodox version of Islam which facilitated such a shift. The Deobandi madrassas of Pakistan, in the western borderlands, were particularly affected by the Wahabi ideology. Interestingly, some of the ISI elements had intimate knowledge of this transmutation and quietly encouraged it. In fact, ISI chiefs such as Hamid Gul (1987–89) and Javed Nasir (1992–93) 'favoured the projection of Pakistan as a pan-Islamist hub'.⁵

This coalition of Islamist forces with different goals was not taken as a threat by Pakistani authorities because it suited their agenda in Kashmir. Given the links between the ISI and jihadi groups such as HuJI, LeT and HuM, it is apparent that

such developments were tolerated as quite natural and such ambitious pronouncements as more rhetorical than substantive. Islamist radicals such as Osama bin Laden and his allies, they believed, would stay contained within Afghanistan. Thus, jihadi organizations were encouraged to interact with radical Islamists like bin Laden and Mullah Omar to keep their jihadi orientation and combative spirit alive. These developments, in combination with the Saudi-sponsored madrassas which continued to proliferate even after the end of Afghan jihad, were considered to be assets by the establishment due to their provision of 'strategic depth' in Afghanistan and their provision of manpower for the ongoing proxy war in Kashmir.⁶

Nevertheless, it is important to note here that by 1998 Pakistani authorities had realized the adverse impact of growing militarization of society due to the growth of a competitive environment for jihad in Pakistan. By then, several groups and sub-groups had proliferated with the express aim of waging a jihad in Kashmir and they either demanded state patronage or operated under existing jihadi outfits. This created serious threats to internal security in Pakistan. During the second term of the Nawaz Sharif government, a committee was appointed to find the reasons for the worsening security situation at home in November 1997, which submitted its report in May 1998. The report held that 'it was imperative for intelligence agencies to keep track of the possible linkages between the militant training imparted by various political groups for jihad in Kashmir and Afghanistan, and acts of terrorism committed in Pakistan'.⁷

While the security agencies might have kept track of these links, the original agenda of jihad in Kashmir was not withdrawn. The jihadi outfits such as LeT, HuM and HuJI⁸ operated openly, collected funds, recruited mujahideen and campaigned for material and moral help for their armed intervention in Kashmir. The Deobandi groups in particular had started receiving greater attention and patronage by the security agencies compared with the JI-sponsored HM, because the latter had started showing signs of fatigue towards the close of the 1990s. Simultaneously, the security agencies

had brought about a change in the ethnic composition of the leadership of the jihadi outfits. A steady shift in favour of Punjabi leadership, who would be more committed to jihad in Kashmir (rather than jihad in Pakistan and the world, as in the case of the dominant Pashtun leadership) was gradually engineered by the military and intelligence agencies to keep the jihadi agenda under their control.⁹ The military used these jihadis efficiently in its Kargil invasion against India in 1999 and conveniently shifted the blame for such a misadventure to the civilian government of Nawaz Sharif, which had become unpopular by then. With the army takeover in October 1999, the ISI led by Mahmud Ahmed (1999–2001) – yet another general with Islamist leanings – the jihadis had a free run until 9/11. They successfully hijacked an Indian airlines aircraft in December 1999, flew it to Kandahar in Afghanistan, and forced India to free three HuM militants in return for the release of the passengers. One of the militants released by India, Masood Azhar, launched Jaish-e-Muhammad (JeM), focused on jihad in Kashmir, within a month of his release reportedly under active ISI patronage. Another of these militants, Ahmed Omar Saeed Sheikh, was allegedly involved in the transfer of funds to perpetrators of 9/11 and involved in the American journalist Daniel Pearl's murder in February 2002.¹⁰

9/11 and its impact

9/11 forced Pakistan to change its stance on Afghanistan. It stopped its backing of the Taliban and officially joined the US-led war on terror. Musharraf, then Chief of the Pakistan Army and President of Pakistan, argued that he was compelled to do so to save Pakistan's Kashmir policy, which also then included covert operations by jihadi militants. However, he was very soon embarrassed by the jihadi attacks on the Indian parliament in December 2001 and was forced to ban leading jihadi organizations such as LeT, HuM and JeM. Despite this, however, all of these organizations were to reappear under new names and continued their activities, although on a reduced scale. LeT renamed itself as Jamaat-ud-Dawa (JuD), JeM called itself Tehreek-e-Khuddam-ul-Islam and HuM

became Jamiat-ul-Ansar. Apart from these, there were other lesser-known offshoots of these jihadi outfits, such as 313 Brigade (led by Qari Siafullah Akhtar and a splinter group of HuJI), who continued with their jihadi activities against India.

However, under pressure from the US, Pakistan had to take some visible steps to keep a closer eye on the sources of funding, recruitment and operation of the jihadi groups. There was a feeling amongst the jihadi outfits that Pakistan might dump them and call off the ongoing jihad in Kashmir. In their frustration, they attacked Musharraf twice in November–December 2003 and also launched attacks on the Karachi corps commander, and Shaukat Aziz, the then prime minister of Pakistan. The investigations revealed the jihadi connection and shed light on the emerging fault lines within the army and the division among the jihadi forces.¹¹

State of the jihadis today

By 2004, when Musharraf endorsed friendship with India, some sections within the jihadi constituency were disillusioned with his policy towards India and regarded him as their enemy. Others were more circumspect and chose to patiently work with the intelligence agencies and bide their time. But this division would complicate the internal security situation and pose a critical challenge for the Pakistani state later. Under pressure from the Musharraf administration, the jihadis grew restless and many of these forces relocated to the tribal areas and supported Taliban efforts both in Pakistan and Afghanistan. For instance, some members of HuJI operated out of the Pakistani tribal areas while others operated within India, through HuJI's network in Bangladesh. Indeed, it has been reported that HuJI-Bangladesh, which was set up in 1995, maintained close links with HuJI Pakistan and the ISI, and spread its network within India from 2002 onwards.¹²

As the fortunes of the Musharraf government declined from 2007 onward, Pakistan passed through a period of deep political uncertainty and turmoil. This provided an opportunity for the jihadi forces to assume some autonomy and to resurface again. The jihadi–Taliban–Al Qaeda link has been

reflected in multiple attacks since 2008 – the assassination of Benazir Bhutto in Pakistan in December 2007, the attack on the Indian Embassy in Kabul in July 2008 and later in October 2009, the attack on the Marriott Hotel in Islamabad in September 2008 and the Mumbai terrorist attacks in November 2008. Some of the main suspects in each of these cases – Amjad Farooqi, Qari Saifullah Akhtar, Ilyas Kashmiri, Zaki-ur-Rehman Lakhvi, Zarar Shah and Hafiz Muhammad Saeed – are all jihadis whose primary aim has been to liberate Kashmir from India (and later annex it to an ‘Islamic Pakistan’). Most of them have been arrested and then released for lack of evidence, which the state has been unwilling to produce, given either the dependence of state agencies on them or for fear of their leaking information about state collusion in case of a prolonged trial. Moreover, most of them have operated as cadres of sectarian or jihadi groups and the Taliban and Al Qaeda at the same time. For example, Amjad Farooqi – initially a cadre of the notorious Sunni sectarian organization Sipah-e-Sahaba Pakistan (SSP) – had joined the Taliban in its raid on Herat, was a member of the Kashmir-centric HuJI (which became Harkat-ul-Ansar) and was later involved in the unsuccessful assassination attempts on Musharraf in 2003.

Some reports from Pakistan suggested that while it was eminently possible to capture Farooqi, the security forces killed him instead, which put a lid on vital information that could have been extracted from him regarding the extent of involvement of the security agencies in the radical Islamist activities in Pakistan. In fact it was reported that Farooqi’s activities had been done at the bidding of a Libyan Al Qaeda operative called Abu Faraz al-Libbi.¹³ Similarly, Qari Saifullah Akhtar – a graduate from the Binori madrassa in Karachi, founder of the HuJI and graduate of the Afghan jihad – was apprehended first in 1995 for his alleged role in a failed coup attempt by Major-General Zaheer ul-Islam Abbasi and released for want of evidence.¹⁴ Subsequently, he was arrested in 2004 and released in May 2007, when the judiciary asked the government to provide comprehensive reports against him.¹⁵ It is strongly suspected by many close observers of the Pakistani jihadi outfits that HuJI is an organization which

maintains close nexus with the army and the ISI and goes unpunished in many cases. In fact, a seasoned Pakistani commentator, Khaled Ahmed, cryptically called HuJI the ‘the biggest militia we know nothing about’ in his weekly column in *The Friday Times* in 2002.¹⁶ In the same column, he also drew attention to HuJI’s global connections and its role in the Kashmir jihad. He claimed that about 650 HuJI mujahideen had been killed (up to 2002) in battle against the Indian army. Of these, 190 came from both sides of Kashmir, nearly 200 from Punjab, 49 from Sindh, 29 from Balochistan, 70 from Afghanistan, 5 from Turkey and 49 collectively from Uzbekistan, Bangladesh and the Arab world. Citing the claims by Pakistani jihadi organizations through their periodicals (*Sada-e-Mujahid* published by Jaish-e-Muhammad and *Al-Irshad* by HuJI), Ahmed went on to establish HuJI’s network in many countries, which included Chechnya, Uzbekistan, Bangladesh and Myanmar.

It is a fact that such jihadi groups, which have worked with the state agencies and chosen not to confront the state, have been allowed to carry on with their anti-India agenda in a manner not prejudicial to the state interests. The tale of the ISI helping these organizations and their leaders develop regional networks is not new. Even during the pre-9/11 period, the intelligence and jihadi networks enabled by the ISI in the region against India were very much there. However, the increasing attacks through these networks all over India, even after Musharraf banned many jihadi outfits in 2002, suggest that such networks have not been abandoned by Pakistan and the basic plan to bleed India from within and to keep it internally engaged has been in operation in spite of governmental assurances to India to the contrary. The infiltration into Kashmir across LoC may have gone down during the 2004–07 period, but diversions were found and insidious plans were afoot to take jihad out of Kashmir into the rest of India through colluders in India and the neighbourhood.

Regional and international links

This chapter confines itself to the regional and international links of the jihadi groups only. As has been noted above, the jihadi groups do have links with Al Qaeda, the Taliban and sectarian groups in Pakistan at various levels and they do use each other's networks for their operations (as was noticed in the Daniel Pearl murder case and also the attacks on Musharraf). As was observed by an American Defense Department official in the case of the two Chicago men arrested by the Federal Bureau of Investigation (FBI) in October 2009:

In a lot of ways, it's moving beyond the mainline activities of individual groups to elements of various militant groups or terrorist organizations that have spent time together, have fought together, maybe trained together, that now have associations with certain facilitators that now come together to plan and execute attacks.... The present and future is less about individual groups conducting attacks, and more about combinations of individuals, and groups and facilitators that come together.¹⁷

In this context, it is useful to focus on the regional and international links of the three major Pakistani jihadi organizations. It has to be restated here that as a frontline state in the 'war on terror', Pakistan has attracted mujahideen from many countries around the world, as have Pakistani seminaries attracted students of many nationalities. One of the foremost amongst the latter, Abu Bakr Islamic University, is the only institution in Pakistan which is a member of Rabitat-ul-Alam-Al-Islami (World Organization of Islamic Institutes), which is funded by Saudi Arabia. Such universities, operating in a jihadi environment, have provided forum for networking amongst conservative Muslim youth from diverse countries. This university was raided by Pakistani security forces in 2003 following the Bali bombings and some students from Indonesia were arrested, which included the brother of Hambali, the head of the notorious Indonesian Islamist organization, Jemamh Islamiyah. A report in the media indicated that there were nearly 174 students from 43 different

countries in the university. There have been other reports of Pakistani madrassas hosting students from Europe and the US, who come to Pakistan for religious learning. As recently as January 2010, the arrest of a Syrian, Aiman Al-Dakkak, in Gombak, Malaysia, illustrates the cross-regional links of some of the jihadi groups. Al-Dakkak was leading a group of 10 multinational Islamic radicals from Yemen, Jordan, Nigeria and Malaysia when arrested and it was revealed that he had in fact met most of them in the Abu Bakar Islamic University in Karachi, Pakistan. Some of them even had links with Lashkar-e-Toiba (LeT) and had received training in Afghanistan in the 1990s.¹⁸

The jihadi organizations of Pakistan can be divided into three categories in terms of their basic ideological orientation – Deobandi, Ahle Hadith and Jamaat-i-Islami. HuJI, HuM and JeM advocate a Deobandi worldview, while LeT is closer to the Ahle Hadith tradition. The HM is guided by Jamaat-i-Islami philosophy. Each of these organizations has gone through internal divisions, reunions and re-divisions. They have managed to survive and prosper because of the continued support from the ISI and religious political groups, who have helped these groups to mediate their internal fights and splits from time to time. Under covert state patronage, the mainstream factions of these outfits have retained their use-value by allowing themselves to be guided by the agenda set for them by the security agencies. Mumbai-type attacks suggest, however, that this does not preclude the possibility of some factions within the agencies as well as the jihadi outfits undertaking operations that expressly run counter to the stated objectives of the army or the state. In spite of the thick shroud of deniability, the shadow of the agencies looms large over the entire process of the execution of such plans.

The external operations of jihadis in India are carefully planned today to maintain the factor of deniability. This is where the regional and international links of these organizations play an important role. These links have sustained these organizations with moral, material and operational support. Such links for each of these organizations

are outlined below. The information presented here has been obtained from open source materials.^{[19](#)}

Harkat-ul-Jiahd-i-Islami (HuJI)

HuJI is the precursor of both HuM and JeM. It was originally established in the early 1980s by students from the famous Jamia Binoria who had joined the Afghan jihad as Pakistani volunteers. By 1985, it split into two over leadership issues and HuM was formed under the leadership of Mualan Fazlur Rehman Khalili. HuJI was led by Qari Saifullah Akhtar, who has been in and out of Pakistani jail since his arrest in 1995 on charges of plotting a coup with army General Zaherul Islam Abbasi. After the end of the Afghan jihad, HuJI underwent several transformations. Under pressure from the intelligence services it merged with HuM to form Harkat-ul-Ansar (HuA), but the merger only lasted four years and HuM split from HuA in 1997, leaving HuJI sapped of its cadres and resources. By then its leader, Saifullah Akhtar, had relocated to Afghanistan and emerged as one of the advisors to Mullah Omar. Akhtar remained in Afghanistan until the US launched its attack on Afghanistan in October 2001.

In 1999, HuJI set up an operational wing called Brigade 313 (named after the number of troops the Prophet Mohammad fought with in the famous Battle of Badr against a more numerous army of non-believers) and launched its operations in Kashmir under the leadership of Illyas Kashmiri (who was arrested under suspicion of his connection with the attackers of Musharraf in 2003 and released in 2005). It suffered yet another setback in 2000 when many of its cadres joined JeM, founded by Masood Azhar in 2000. However, it carried on with its agenda with remarkable resilience and maintained its links with the Pakistani intelligence. It had links with Al Qaeda too and joined its World Islamic Front in 1998. Saifullah Akhtar managed HuJI's international front and nourished its links with HuJI branches in Chechnya, Uzbekistan, Burma and Bangladesh. Amongst all these, it has had the most extensive links with its sister organization HuJI Bangladesh (HuJI-B).

HuJI has managed to penetrate into India through HuJI-B and has established several cells in different parts of India starting from Kolkata, Varanasi, Lucknow in the north to Chennai and Hyderabad in the south and to Mumbai in the west. One of the HuJI operatives, Shahid Bilal (originally from Hyderabad), who had assumed notoriety for his operations inside India, was trained in Saudi Arabia under a JeM operative, who was also his maternal uncle and was later killed in a shoot-out in Karachi in 2007. HuJI is believed to have deep links with, and receives its funds from, Saudi charities.

HuJI's operations declined in Jammu and Kashmir after 9/11. However, it compensated for this by operating through its Bangladeshi affiliate and organizing several terrorist attacks in the Indian hinterland. The outfit has been involved in the attack on the American Centre in Kolkata on 22 January 2002, a suicide attack on the Special Task Force (STF) office of the Hyderabad Police on 12 October 2005, twin blasts at the Lumbini open air auditorium and a popular restaurant, Gokul Chat Bhandar, in Hyderabad on 25 May 2007, serial bomb blasts in Jaipur on 13 May 2008, and the Mumbai attacks of 26 November 2008. It is operating through its front organizations in India, some of which are named by Indian police as: Students Islamic Movement of India (SIMI), Asif Reza Commando Force (ARCF) in West Bengal, United Liberation Front of Asom (ULFA) in Assam, People's United Liberation Front (PULF) in Manipur and several modules in Western Uttar Pradesh, Maharashtra, Andhra Pradesh and Rajasthan.

The arrest of David Headley and Tawahur Hussain Rana in Chicago in May 2009 for plotting attacks in India and Denmark, and their links with HuJI leaders such as Illyas Kashmiri as well as the Mumbai attackers reveal the extent of their external and regional engagements. The interrogation of Headley by the FBI and the Indian intelligence revealed the close link between the ISI and jihadi outfits such as HuJI and others.

Harkat-ul-Mujahideen (HuM)

A splinter group of HuJI, HuM has been active in Pakistan since the mid-1980s. Like HuJI, it has deep links with ISI and has sent its cadres to Kashmir over the years. It is led by Maulana Fazlur Rehman Khalili and has been involved in several kidnappings in India and also in the hijacking of the Indian airline aircraft IC 814 from Kathmandu in December 1999. Masood Azhar had been a cadre of HuM until he organized a split in 2000 and formed JeM. HuM cadres had participated in the Kargil incursion in 1999 along with LeT, HM and Al Badr militants. While HuJI had established a close link with Mullah Omar and the Taliban, HuM had a close relationship with Osama Bin Laden and Al-Qaeda. During the US missile attack in Khost and Jalabad in August 1998, two of HuM's training camps, run under Al-Qaeda supervision, were destroyed and 21 of its cadres killed. HuM also fought alongside the Taliban during the US attack of Afghanistan in October 2001. HuM had claimed responsibility for seizure of Charar-e-Sharif in 1995 and the Hazrat Bal mosque in Kashmir in 1999. It had coordinated these attacks with LeT and HM.

Post-9/11, HuM has suffered the most in terms of its cadre strength, operational ability and state patronage. With the establishment of JeM, it has received less attention from the establishment and has not been able to re-energize itself because of its inability to develop effective links outside Pakistan. The intelligence agencies have kept the organization under tight control, which can be gauged from the following incident in June 2006. While travelling with his driver, Maulana Khalili, the leader of HuM, was abducted by six unknown persons from Tarnol and taken to an unknown place. They were beaten up and then dropped at a deserted place. Analysts in Pakistan believed that this was the handiwork of the agencies to instil fear in Khalili that he has to behave and be under control.²⁰

Jaish-e-Muhammad (JeM)

Founded by Masood Azhar after his release from an Indian jail in 2000, JeM has managed to establish itself as a strong jihadi

organization in Pakistan. Following its formation, JeM operated both in Afghanistan and Pakistan. It receives funds from the famous Al Rashid and Al Akhtar Trusts. Both trusts were banned by the US in 2002, but they have kept their activities under other names. It also collects a huge amount of funds from its fund-raising activities throughout Pakistan. Masood Azhar, a student of Jamia Binoria, through his oratorical skills and command over Islamic theology, has played a substantial role in establishing the popularity of JeM as a jihadi organization in Pakistan.

It has a presence in 78 districts of Pakistan and its growing influence in southern Punjab has transformed the arid, sleepy and poor locale into a hotbed of Islamic extremism during the last few years. After Karachi, where it has about 100 offices, it has 40 offices in Multan and 55 in the hometown of Masood Azhar, Bahawalpur. It also has several offices in Sindh in the NWFP and Azad Kashmir (Pakistan Occupied Kashmir). It has been responsible for several high-profile attacks in India, including suicide attacks on the legislative assembly of Jammu and Kashmir on 1 October 2001 and the Indian parliament on 13 December 2001 (coordinated with LeT).

Azhar has claimed several times that JeM aims at a 'world Islamic movement', which aims at implementation of 'Sharia' in Pakistan and the world. He has also mentioned in his writings that JeM will not stop at liberation of Kashmir but will rebuild Babri Mosque at the site of its demolition and establish its control over other such disputed places of worship. It is continuously engaged in armed activity in Kashmir.

JeM had suffered several splits, one in 2001 led by Shah Manzar and another in 2003, led by Abdul Jabbar, who alleged that Masood Azhar was running the organization as his paternal property and crowding the top position with his family members and relatives. Azhar, on the contrary, argued that Jabbar was engaged in sectarian attacks in defiance of express instructions to the contrary. However, it has managed to overcome such divisions and worked with the establishment to launch operations against India. JeM has also been used by the state to reach out to other sectarian organizations such as

Lashkar-e-Jhangvi (LeJ) and Sipah-e-Sahiba (SeS). Some Pakistani analysts believe that the state has used Azhar's command over theology and the respect that he has enjoyed on account of his knowledge of Islamic theology to good effect. Azhar is thus believed to have played an important role in blunting the edge of sectarianism in many parts of Punjab.

Lashkar-e-Taiba (LeT)

LeT was formed in 1989 in the Kunar province of Afghanistan as an armed wing of Markaz-e-Dawat-ul-Irshad, which was established as a charitable organization in 1987 in Muridke, in Punjab. It had its training camps in Afghanistan, which were known as Tayyiba and Aqsa camps; these were relocated to Muzaffarabad after 9/11. It started its operations in Kashmir in January 1990 and has since conducted several attacks in Kashmir and the rest of India. It was the first to launch *fidayeen* attacks in Kashmir in July 1999 and also launched an attack on the Red Fort in New Delhi in December 2000 and on Srinagar airport in January 2001.

The LeT encourages foreign mujahideen to join its training camps. Its annual congregations in Pattoki in Punjab are attended by more than 1 million participants every year as a measure of its popularity. LeT believes in the rule of Islam over the whole world and holds that democracy and nationalism are against the principles of Islam. All Muslims are required to protect the interests of their brethren all over the world. Its leader, Hafiz Muhammad Saeed, alleged mastermind of the Mumbai attacks, has consistently advocated the use of force against non-Islamic regimes and has undertaken a vow to plant the 'flag of Islam' in Washington, Tel Aviv and New Delhi.

LeT has, since 2002, conducted its operations outside Kashmir in India and carried out attacks in New Delhi, Mumbai, Bangalore, Hyderabad, Varanasi, Kolkata and Gujarat. Additionally, it has also coordinated its operations with JeM and HuJI in certain cases with the Mumbai attacks, for example, organized and executed by LeT with local HuJI operatives supplying critical information and support.

LeT also has a wider network in the West. It had strong links with Al-Qaeda and continues to maintain them even now. Through Al-Qaeda, it has been able to have links with Islamic militant groups around the world. Many reports suggest that it has cells in the Philippines, Iraq and other countries in the Middle East, Chechnya, Germany, Australia, the US and the UK. It has links with many radical international Islamist groups such as the Ikhwan-ul-Musalmeen of Egypt and many other groups in Arab states. Its annual congregations are attended by delegates from Saudi Arabia, Kuwait, Yemen, Bahrain, Oman, Kosovo, Bangladesh, Myanmar, USA, Palestine, Bosnia, the Philippines, Jordan and Chechnya. LeT reportedly collects donations from the Pakistani community in the Gulf and the UK, Islamic non-governmental organizations (NGOs), Pakistani and Kashmiri businessmen and receives financial, material and other forms of assistance from the Pakistani government through the ISI.

Hizb-ul-Mujahideen (HM)

HM made its appearance in Kashmir in September 1989 as a militant wing of JI, which had set up HM as a counter to the secular JKLF, which advocated total independence of Kashmir. HM supports the accession of Kashmir to Pakistan and is still the largest Kashmiri militant outfit operating in Kashmir. Headed by Syed Salahuddin (Yusuf Shah), HM has its head office in Muzaffarabad. As has been stated earlier, by 1996, HM was affected with a fatigue-syndrome when the rate of native Kashmiris joining the movement fell sharply. It has managed to continue its operations in Kashmir and maintained its links with the Pakistani establishment.

The above data suggests that the mainstream factions of these jihadi groups have continued to retain their links with Pakistani intelligence, even if they might not have agreed with the decision of the Pakistani authorities on many occasions. For example, they were not happy with Musharraf's decisions to ban them in 2002. While some radical factions within these groups did try to avenge Musharraf's decision, the mainstream factions within the organizations chose to swallow the bitter

pill of the ban without much resistance. Moreover, the success of Musharraf's decision was visible in the declining rate of infiltration during 2004–07. As a reward for their obliging behaviour, they were perhaps granted permission to work in other areas except Kashmir through their regional and international networks. This explains the surge in various attacks all over India during the same period.

The primary purpose of having these organizations for Pakistan is to bleed India, and this has been achieved without having to focus on Kashmir for their jihad. This has made matters worse. A brief perusal of the jihadi media in Pakistan today reveals that these outfits have been allowed to churn out hatred against India and the West to the best of their ability as something of a consolation prize for their consent to abide by the dictums of the state. In the long run, given their propaganda value, this is likely to create the conditions for conflict rather than peace and cooperation in the region. An unstable Pakistan, afflicted with the jihadi virus, is bad news for the world.

Since the Mumbai attacks of 2008, Pakistan's strategy to employ jihad for continued asymmetric warfare against India is more clearly appreciated by international observers. Particularly in the US, analysts now seem to recognize the collusion of state agencies in the jihadi terror being unleashed from Pakistani soil against India. In the *Annual Threat Assessment of the US Intelligence Community for the Senate Select Committee on Intelligence*, Dennis Blair, Director of National Intelligence, made the following observation, which neatly encapsulates the dilemmas of Pakistan's strategy with respect to the jihadis:

Islamabad's conviction that militant groups are an important part of its strategic arsenal to counter India's military and economic advantages will continue to limit Pakistan's incentive to pursue an across-the-board effort against extremism. Islamabad's strategic approach risks helping al-Qa'ida sustain its safe haven because some groups supported by Pakistan provide assistance to al-Qa'ida.

Conclusion

The success of the Afghan jihad, the continuing deplorable state of affairs in Muslim countries, a perceived sense of injustice, a missionary zeal to bring Islam to the world through armed jihad and, above all, a strong belief in the manifest destiny of Islam to succeed against all odds have combined together to bring together Muslim youth from across nations to network with one another and launch armed attacks against various states during the last three decades. This has helped the Kashmir-focused jihadi groups in Pakistan to develop international links and has added to their operational ability and lethality. In the case of these jihadis, from the early 1990s a conscious decision was taken by the intelligence agencies of Pakistan and the militant leaders to Islamicize the Kashmir issue to attract global attention and help. Thus, rather than portraying it as an India– Pakistan issue over the territory of Kashmir, it has been projected as a case of persecution of Muslims at the hands of a non-Muslim state. It has been equated with the Palestine issue and global assistance has been sought for waging a ‘just’ and rightful jihad in Kashmir against India.

In a way, as a smaller country with limited resources, a weak political system, declining socio-economic conditions, an abiding mistrust of India (as a country out to destroy or absorb it) and a determination to define itself in opposition to India, Pakistan could have done little better than what it has done so far. It is natural therefore on the part of Pakistan to use non-conventional and asymmetric measures (using non-state actors to weaken India and keep it internally engaged) to offset India’s natural preponderance that flows from its size, its growing economy and its system of democracy. However, this tactic has been pushed beyond its limits. The blowback effect has widened sectarian and ethnic differences, militarized its society, encouraged a culture of intolerance and led the society to a point of no return. The Pakistani ruling class has to take note of this and, rather than making distinction between ‘good’ and ‘bad’ jihadis, it has to abandon this tactic and recover the lost ground before it is too late. Otherwise it may at some

point in the future face a bloody civil war like those experienced in Algeria and Afghanistan.

Notes

- ¹ Pakistani writer Saeed Shafaqat calls it turn from official Islam to Islamism. See Saeed Shafaqat, 'From Official Islam to Islamism: The Rise of Dawat-ul-Irshad and Lashkar-e-Taib', in Christophe Jaffrelot (ed.), *Pakistan: Nationalism without a nation?*, London: Zed Books, 2002.
- ² Amir Rana, *A to Z of Jihadi Organizations in Pakistan*, Lahore: Marshal Books, 2004: 438.
- ³ Benazir Bhutto, in her interview with Steve Coll, revealed that the ISI briefings during this time were full of these concerns. See Steve Coll, *Ghost Wars: The secret history of the CIA, Afghanistan, and bin Laden from the Soviet invasion to September 10, 2001*, London: Penguin, 2004, p. 292.
- ⁴ Saroosh Irfani 'Pakistan's Sectarian Violence: Between the Arabist Shift and Indo-Persian Culture', in Sathu Limaye, Mohan Malik & Robert G Wirsing (eds), *Religious Radicalism and Security in South Asia*, Honolulu, Hawaii: Asia-Pacific Center for Security Studies, 2004: 147–170.
- ⁵ Farzana Shaikh, *Making Sense of Pakistan*, London: Hurst & Company, 2009: 168.
- ⁶ According to an estimate in the leading Urdu-language daily *Jang* on 6 January 2006, the number of madrassas in Pakistan nearly doubled during 2000–05. Their numbers grew from 6,761 in 2000 to 11,221 in 2005. Cited by Khaled Ahmed, 'The Madrassah Puzzle in Pakistan', *Daily Times*, 21 June 2009: 3.
- ⁷ Ejaz Haider, 'Price of Kashmir-Afghanistan Policies', *The Friday Times*, Lahore, 3–9 June 1998.
- ⁸ HuJI and HuM came together briefly to form Harkat ul Ansar.
- ⁹ Shaikh, *Making Sense of Pakistan*: 170.
- ¹⁰ For details see Alex Hannaford, 'The toughest boy in school', *The Guardian*, 23 February 2005. <<http://www.guardian.co.uk/world/2005/feb/23/alqaida.usa>>. Sheikh was later convicted for Daniel Pearl's murder in 2002 and sentenced to death by the anti-terrorism court of Pakistan in July 2002. However, his appeal is pending in the Sindh High Court at the moment.
- ¹¹ For details see Pervez Musharraf, *In the Line of Fire*, New York: Free Press, 2006: 244–262.
- ¹² For details see the report on HuJI at <http://www.satp.org/satporgtp/countries/india/states/jandk/terrorist_outfits/HuJI.htm>. Also see Animesh Roul, 'HuJI Operations Expand Beyond the Indian Subcontinent', Global Terrorism analysis, Jamestown Foundation, 29 April 2010, available at <<http://www.jamestown.org/index.php?id=148>> and 'Designation of HuJI-B as a Specially Designated Global Terrorist', Office of

the Coordinator for Counterterrorism, 15 February 2008, <<http://www.state.gov/s/ct/rls/other/des/102878.htm>>

- 13 See reports in *The News*, 23 May 2002 and *Asia Times online* on 30 September 2004, available at http://www.atimes.com/atimes/South_Asia/FI30Df05.html (accessed 23 May 2010).
- 14 See the report Syed Irfan Razaa 'The case of the "missing" Qari', *Dawn*, 4 March 2008, <<http://www.dawn.com/2008/03/04/top18.htm>> (accessed 23 May 2010). Akhtar also helped the Taliban with his 'Punjabi contingent' and served as an adviser to Mullah Omar, and later joined the jihad in Kashmir.
- 15 Reported in the *Daily Times*, 22 May 2007, p. 7.
- 16 Khaled Ahmed, 'The biggest militia we know nothing about', *The Friday Times*, 20 May 2002, <<http://www.hvk.org/articles/0502/161.html>>
- 17 David Johnston and Eric Schmitt, 'Ex-Military Officer in Pakistan Is Linked to 2 Chicago Terrorism Suspects', *New York Times*, 18 November 2009.
- 18 See 'Malaysia Suspects Linked to bomber', *Al Jazeera*, 28 January 2010, <<http://english.aljazeera.net/news/asia-pacific/2010/01/201012893539919721.html>> and Fahdal A. Ghani, 'Terror plot foiled', *New Straits Times*, 17 June 2010, <<http://www.nst.com.my/nst/articles/Terrorplotfoiled/Article/>>
- 19 Most of the data relating to the jihadi outfits and their links have been collected from the following sources: Rana, *The A to Z of Jihadi Organizations in Pakistan*; Amir Rana, *The Seeds of Terrorism*, London: New Millennium Publications, 2005; Zahid Hussain, *Frontline Pakistan*, New Delhi: Viking, 2007; Major Urdu and English language newspapers from Pakistan available on the Internet; leading weeklies from Pakistan, *The Herald*, *The Friday Times*, and *Newsline*; informative and incisive analytical papers by B. Raman available on <<http://www.southasiaanalysis.org>>, and excellent data source provided by the 'South Asia Terrorism Portal' on its website: www.satp.org
- 20 See report 'Militant leader beaten up', carried in *Dawn*, 30 March 2006, available at <<http://www.dawn.com/2006/03/30/top17.htm>> (accessed on 25 May 2010).

8 Pakistan–Afghanistan relations

William Maley

The relationship between Pakistan and Afghanistan has always been a troubled one, and at the moment it lies at the heart of the foreign policy challenges that key actors of the international community face in southwest Asia. Contemporary Pakistan–Afghanistan relations are a complex product of historical experiences, contemporary calculations of interest, and ideological and political values, complicated from time to time by severe problems of misperception and by the domestic politics of both countries. The aim of this chapter is to capture the effects of these various influencing factors and to identify the policy dilemmas to which they give rise. It is divided into five sections. The first offers some broad historical background and the second traces the specific influences of the period between 1978 and 1992 when, following the communist coup in Afghanistan of April 1978, Pakistan functioned as both a generous host to millions of Afghan refugees and as an operating base for Sunni elements of the Afghan resistance forces (*Mujahideen*). The third examines the manipulatory politics of the Pakistan military in the period between the collapse of the communist regime in April 1992 and the overthrow of the Taliban regime in November 2001, and the fourth explores the complexity of the post-2001 relationship between Afghanistan and Pakistan, and examines some of the risks from Talibanization which have arisen in Pakistan as a result of these processes. The final section offers some brief conclusions, of which the most important is that Pakistan is itself threatened by some of the forces which it has unleashed as part of its Afghanistan policy and that shutting down the operating sanctuaries of the Afghan Taliban would be in Pakistan's long-term interest.

Pakistan–Afghanistan relations: some foundational history

The burden of the historical relationship between Afghanistan and Pakistan is a heavy one and has an unhappy pre-history that began to shape long before the prospect of a state of Pakistan entered anyone's imagination. The critical year in this process was 1893, the fateful moment at which Sir Mortimer Durand demarcated a boundary between Afghanistan and the northwest frontier region of India.¹ The effect of the location of the so-called 'Durand line' was to separate members of the Pushtun ethnic group in Afghanistan from their co-ethnics on the other side. Such developments are hardly unknown in the exercise of political mapping, but their consequences in the case of Afghanistan were to prove severe. The Afghan ruler at the time that the line was drawn, the 'Iron Amir' Abdul Rahman Khan (1880–1901) was himself a Pushtun, but significantly beholden to his British paymasters.² After the Third Anglo–Afghan War in 1919, the position of the Afghan Government began to shift. Independent in the sphere of foreign relations and no longer dependent on British subventions, it increasingly viewed the politics of the region through its own lenses. This set the scene for irredentist claims to surface when the time was ripe. One of the ripening factors proved to be the emergence of a Pushtunist movement within India, the *Khuda-i Khedmatgaran*, popularly known as the Red Shirts, whose leader was Khan Abdul Ghaffar Khan, whom some labelled the Frontier Gandhi. Neither the Afghan Government nor the *Khuda-i Khedmatgaran* movement on their own enjoyed the capacity to change the status quo, but each stood poised to act if changed political circumstances offered them fresh opportunities.³ Such apparent opportunities finally materialized in the aftermath of the Second World War, when the British Government under Prime Minister Clement R. Attlee took the decision to disengage from India and relinquish its position as colonial power.

Afghanistan seized the opportunity presented by the looming partition of the Indian subcontinent to demand a right of self-determination for the Pushtuns of British India. Here, as at so many other points, it was to be disappointed. One

complication was that there was no single ‘natural’ outcome of self-determination: one view saw it as involving the emergence of a distinct territorial state for Pushtuns, while another approach envisaged the absorption of the northwest frontier districts into Afghanistan. But a much more serious problem was that the choice of process to pursue lay with the British, and they had no inclination to attach weight to Afghanistan’s claims. As a result, when the specific partition process was set in train in July 1947 under the auspices of the Punjab and Bengal Boundary Commissions chaired by Sir Cyril Radcliffe, the focus of the process was the creation of the two states of India and Pakistan, and the frontier Pushtuns were left with no realistic option other than to become part of Pakistan; indeed, in a referendum held immediately before Radcliffe arrived in India, the Muslims in the North West Frontier Province had already voted to do just that.⁴

The result in Kabul was a high degree of angst. Afghanistan was the one member of the United Nations General Assembly that voted against the admission of Pakistan to UN membership, and although diplomatic relations between Pakistan and Afghanistan were finally established in September 1948, relations were far from cordial, and ironically, over the next three decades, Muslim-majority Afghanistan enjoyed far warmer relations with Hindu-majority India than with Muslim-majority Pakistan. For emotional reasons, as well as from a sense that enlivened Pushtunist sentiment provided a source of regime legitimacy, the Afghan Government found it impossible to let go of what most outside observers saw as a lost cause. This was especially the case during the prime ministership of Muhammad Daoud (1953–1963). Afghanistan’s own acute vulnerability as a landlocked state meant that its position would never be sustainable in the event of a prolonged crisis, something that became clear in 1963 with the replacement of Daoud as Afghan Prime Minister after tensions with Pakistan had been allowed to reach unprecedented heights. Diplomatic relations between the two countries had been severed in 1961, amid toxic exchanges of superheated rhetoric.⁵ This period, representing the height of the ‘Pushtunistan’ crisis, was short-lived, but its consequences arguably were not. The crisis came in what were to be

formative years for a new generation of Pakistani military figures, and the lesson that it taught was that Afghan nationalism was a threatening force and that secular Afghan nationalists were not to be trusted. Furthermore, Afghanistan's pursuit of this cause ultimately played into Pakistani hands and continues to do so, for as Barnett R. Rubin has aptly put it, 'Islamabad will not respect a border that Kabul does not recognize'.⁶

Further complicating the relationship between Afghanistan and Pakistan were the exigencies of Cold War politics, with Pakistan relatively close to the United States,⁷ and India and Afghanistan closer to the USSR, although Afghanistan formally maintained a position of 'non-alignment' (*bi tarafi*). The deterioration in relations between the United States and the Soviet Union following the end of the Second World War was projected through formal or de facto alliance relations into many different parts of the world, and southwest Asia was no exception, although the underlying factors which contributed to patterns of alignment varied from country to country. For much of the Cold War period, the pillars underpinning Indian foreign policy were a close relationship with the Soviet Union in the post-Stalinist period, and a commitment to the goals of the Non-Aligned Movement, which had begun to take shape at the Bandung Conference in 1955, and developed more cohesion in the decade that followed. In June 1955, Indian Prime Minister Nehru paid a visit to Moscow, and this was reciprocated later in the year by the First Secretary of the Communist Party of the Soviet Union, Nikita Khrushchev and his colleague Nikolai Bulganin, who took the opportunity to visit Kabul as well.⁸ The relationship took off from there. Pakistan, by contrast, rapidly became a partner of the United States; indeed, it was from Peshawar in Pakistan that the US pilot Francis Gary Powers took off on 1 May 1960 in the famous U-2 spy plane that was shot down over the Soviet Union, giving rise to one of the most spectacular incidents in the entire Cold War era. (After the Sino-Soviet split, Pakistan also settled some outstanding border issues with China,⁹ and during the Vietnam War, Pakistan became a channel for the exchange of diplomatic signals between China and the US.) The Afghan Government was not viscerally pro-Soviet, and

Prime Minister Daoud certainly entertained the hope of establishing strong working relations with Washington. The United States, however, already building its relationship with Pakistan, was not interested in becoming entangled in the dispute between Afghanistan and Pakistan, and counselled the Afghan leaders to sort the situation out before seeking substantial US aid.¹⁰ The consequence, doubtless unintended by the Eisenhower Administration, was that Afghanistan tilted towards Moscow,¹¹ which of course added to its sense of distance from Pakistan.

A final complication in the Afghanistan–Pakistan relationship, a complication which persists to this day, arises from the disposition of Pakistani leaders to view the Afghanistan–Pakistan relationship through the prism of their relations with India. India and Pakistan fought wars with each other in 1948, 1965 and 1971, as well as a mini-war over Kargil in 1999. The ongoing dispute over Kashmir has gravely complicated the India–Pakistan relationship, providing both a potential flashpoint, and a concrete focus of discontent which chauvinistic elements in both India and Pakistan can exploit.¹² Inevitably, Pakistan has feared that a conventional conflict with India could see it trapped in a pincer between an attacking India and a hostile, pro-Indian Government in Kabul, and while Afghanistan's actual behaviour never vindicated such fears, professional strategic planners would have to factor in the possibility. In particular, it would be a mistake to underestimate the profound effect upon the Pakistani elite of the loss of East Pakistan in 1971.¹³ This event not only contributed to Islamization in Pakistan, driven by those who concluded that the loss of East Pakistan showed that Pakistanis had ceased to be good Muslims, but also contributed to the apprehension that India's long-term goal was the elimination of Pakistan as a state. As a consequence, acting to minimize or exclude Indian influence in Afghanistan has long been a policy of the Pakistan military, although to the extent that Pakistan tries *and fails* to achieve this outcome, it tends to incline Afghanistan more than ever to link up with India, creating a sub-optimal outcome from Islamabad's point of view.

Pakistan–Afghanistan relations in the era of the ‘Afghan jihad’ (1978–1992)

Events in the late 1970s brought dramatic changes to both Pakistan and Afghanistan, as well as to relations between the two countries. Indeed, one could go so far as to say that as a result of these changes, both became *different* countries, to the point where the old Pakistan and Afghanistan were little more than memories in the minds of a diminishing number of their citizens.

In Pakistan, the overthrow of Zulfikar Ali Bhutto by General Zia ul-Haq in 1977 drew a sharp line between the old and the new. The military had seized power in Pakistan before – indeed, one of Pakistan’s tragedies was that two of its civilian founding fathers, Mohammad Ali Jinnah and Liaquat Ali Khan, died in the early years of the country’s history – but military rulers before Zia such as Ayub Khan had been relatively progressive or secularized, committed to the idea of Pakistan as a state for Muslims rather than as an Islamic state. Zia, by contrast, promoted Islamization as an ideology.¹⁴ He was also forthright in consolidating his power, something demonstrated by the execution of Bhutto in April 1979. This won him many critics abroad, but with the Soviet invasion of Afghanistan, he was able to position himself as a key ally of the West in resisting Soviet expansion. While Zia himself perished in a suspicious plane crash in August 1988, the forces that he had liberated were to prove much more durable. The politicization of religion opened a whole range of deeply contentious issues surrounding the nature of religious identity.¹⁵ Proposals for ‘Islamization’ naturally raised the question of what ‘Islam’ meant, and in Pakistan, it had the potential to mean different things to different people – Sunni, Shia, Sufi, Ahmadiyyah and beyond. This set the scene for sectarian identifications to underpin a great deal of violent activity,¹⁶ to which many ordinary Pakistanis fell victim.

A further contributing factor to this kind of social turmoil was the relocation to Pakistan of vast numbers of Afghan refugees. By the end of 1979, there were 600,000 Afghan refugees outside Afghanistan; by the end of 1980 this figure

had swollen to 1.9 million; and by the beginning of 1990, Pakistan was hosting an estimated 3,272,000 Afghans.¹⁷ The 'Refugee Tented Villages' in which many of them lived were not neutral spaces of purely humanitarian interest with Afghan political parties active within their confines.¹⁸ In fact a number of camps became active bases for *Mujahideen* forces battling the USSR.¹⁹ Since the camps were not 'closed' camps, they had a considerable capacity to influence the wider society in which they were operating. This writer, in 1991, visited adult literacy classes in an Afghan refugee camp in which words related etymologically to 'jihad' were being used as examples when teaching the students the letters of the Pushto alphabet, and this was simply one trivial symptom of a wider complex of values and attitudes that began to float around Pakistani society, nurtured by Pakistani parties such as the *Jamaat-e-Islami* that were sympathetic to the more extreme elements of the Afghan resistance.²⁰

Radical Afghan parties also played a malign role in undermining Pakistan's stability, although arguably it was the decision of Pakistan's Inter-Services Intelligence (ISI) directorate to support such parties that boosted their standing to the point where they could be dangerous for both Pakistan and Afghanistan. Understandably, Pakistan was wary of lending support to secularized Afghan nationalists, but the result was that it instead supported ruthless extremists, most notably the *Hezb-e Islami* of Gulbuddin Hekmatyar, that enjoyed little support in Afghanistan itself.²¹ Hekmatyar was one of the most unappealing figures in modern Afghan history. While his party was touted by ISI and some Americans as an effective source of resistance to the Soviets, few Afghans shared this view, and there was little evidence that the *Hezb* was militarily active in Afghanistan. As one scholar put it, 'ISI officials seemed to be more impressed with the frequent ruthlessness of Hekmatyar's leaders than with the scope of their fighting or accomplishments against Soviet and Kabul government troops.'²² This pointed to a wider issue, not often discussed, namely whether Pakistan's interests coincided *at all* either with those of ordinary Afghans, or with those of the United States, which supplied many of the resources that were funnelled to the *Hezb-e Islami*. In truth, the coincidence was

quite limited. Barnett R. Rubin has argued that a 'commander's success in mobilizing a large coalition, in setting up a civil administration to replace the state in a region of the country, or in attracting support and defectors from Kabul city or the regime army were all considered irrelevant'. Instead, Pakistan judged effectiveness in terms of 'a high level of outside funding, weak links to the local society, educated commanders, and ideological proximity to the ISI'.²³ Thus, while seven different Sunni *Mujahideen* parties were allowed to operate in Pakistan, it was the more radical groups that encountered the most welcoming environment.

The confluence of these factors led to what came to be called the 'Kalashnikovization' of Pakistan, where weapons intended for the Afghan resistance leached into wider Pakistani society and equipped extremist groups to use intense violence as a way of advancing their causes. 'Corruption of the pipeline', Goodson argued, 'occurred on all levels, and weapons destined for use against the Soviets ended up in the hands of Pakistani soldiers or drug traffickers, were sold in the arms bazaars of the NWFP and FATA, or were stockpiled for later use'.²⁴ But the Afghan war also changed the politics of Pakistan in subtle and not so subtle ways. Within the Pakistani establishment, it enhanced the power of the ISI and left it in a strong position when the death of Zia opened the door for the return of civilian 'rule'.²⁵ In the post-Soviet era, the ISI blundered in some spectacular ways, especially in promoting a botched attempt to install Hekmatyar in the eastern Afghan city of Jalalabad in early 1989,²⁶ but on the whole its standing remained largely unaffected. Beyond the ranks of the ISI, the employment of the concept of jihad as a justification for activity in Afghanistan had potential consequences as well. The meanings of 'jihad' are complex and multifaceted,²⁷ but in practice they were easily packaged to inspire the ranks of the Pakistan military, not least because Zia's 'Islamization' policies had provided opportunities for religious groups such as the *Tablighi Jamaat* to proselytize in military circles.²⁸ By the time the communist regime in Afghanistan finally collapsed in April 1992, the Pakistan military was a very different force from the British-influenced military of the country's early years, and it had developed an unhealthy taste

for operating through surrogates. This has been on display ever since.

The era of ‘manipulated fraternity’ (1992–2001)

With the collapse of the communist regime in Afghanistan in April 1992, there was a great opportunity for Pakistan to reverse the decades-long pattern of Afghan warmth towards New Delhi and chilliness towards Islamabad. However, by overplaying its hand, the Pakistan Government (or perhaps more specifically, the military), squandered the opportunity, leading over time to greater tensions between Afghanistan and Pakistan than ever. The period between April 1992 and September 2001 was one in which Pakistan proclaimed its interest in a stable Afghanistan, but sought to manipulate Afghanistan’s internal politics to its own advantage, producing serious instability in the process. This had much to do with a poor understanding of Afghanistan’s complexities, but it was facilitated by a drift of US interest away from Afghanistan, which in turn left Pakistan free to pursue its own stratagems, arguably with disastrous results for virtually everyone.²⁹ Pakistan’s fatal step came immediately after the collapse of the communist regime in Kabul. While Prime Minister Nawaz Sharif played a role in crafting the 24 April 1992 ‘Peshawar Accord’ between *Mujahideen* leaders that provided for the transfer of power to them from the disintegrating communist regime, the ISI continued to support Hekmatyar, who by August 1992 had commenced a brutal rocketing of Kabul, prompting the new Afghan President, Burhanuddin Rabbani, to describe him as a ‘dangerous terrorist who should be expelled from Afghanistan’.³⁰ The irony of this situation was that Hekmatyar was a poor horse for Pakistan to back, since he was so disliked in Afghanistan that his chances of occupying and holding significant tracts of territory were minimal. It was this backing for Hekmatyar that more than anything else served to poison relations between Afghanistan and Pakistan in the years that followed, and a golden opportunity for Pakistan to reverse the historic pattern of its relations with Afghanistan was lost.

It was in significant measure Hekmatyar's inadequacies as a surrogate that led Pakistan from 1994 to shift its support to a new force, the Taliban movement, which was very much a creature of retired Major General Naseerullah Babar, the Interior Minister in the Government of Pakistan headed by Prime Minister Benazir Bhutto from 1993 to 1996. Babar used to refer to the Taliban as 'our boys', much to the fury of the Pakistan Foreign Ministry.³¹ The Taliban movement drew on students from Deobandi madrassas in various parts of Pakistan, and in time received support not just from ISI, but also from trucking mafias, drug barons and actors in some of Pakistan's provincial governments.³² However, they were very much a military force, and used the training and equipment which they received from Pakistan to overwhelm their Afghan competitors, which for the most part were exhausted by years of war – although once the Taliban moved beyond Kandahar, which they took over in 1994, they were obliged to fight their way to power.³³ While Pakistani actors could not necessarily control the Taliban on a day-to-day basis, Pakistan's broader support was crucial to the movement's survival. The nature of this support was set out in a Human Rights Watch report in 2001:

Of all the foreign powers involved in efforts to sustain and manipulate the ongoing fighting, Pakistan is distinguished both by the sweep of its objectives and the scale of its efforts, which include soliciting funding for the Taliban, bankrolling Taliban operations, providing diplomatic support as the Taliban's virtual emissaries abroad, arranging training for Taliban fighters, recruiting skilled and unskilled manpower to serve in Taliban armies, planning and directing offensives, providing and facilitating shipments of ammunition and fuel, and on several occasions apparently directly providing combat support.³⁴

The scale of this support was described by the American researcher Daniel Byman as 'massive'.³⁵ As former Pakistan Foreign Minister Abdul Sattar put it, 'Islamabad failed to foresee that the Taliban were internationally perceived to be

the creation of Pakistan ... As the only friend of the Taliban, Pakistan was blamed for their policies.’³⁶

The price that Pakistan was to pay indeed proved to be high. The Taliban were not a product of traditional Afghan society, but ultimately of the breakdown of Afghan social structures after decades of war, conflict and strife. Their behaviour reflected these pathogenic origins and, especially in the area of gender policy, rapidly made them international pariahs.³⁷ Pakistan’s hopes that the Taliban would secure international recognition were frustrated: only Saudi Arabia, the United Arab Emirates and Pakistan itself were prepared to recognize them, and anti-Taliban forces (the remnants of the Rabbani government) retained control of Afghanistan’s United Nations seat. Indeed, the suave former Foreign Secretary of India, Salman Haider, sardonically noted in conversation with Pakistan’s High Commissioner in New Delhi, Ashraf Jehangir Qazi, that it was ‘very obliging of Pakistan to have so completely isolated itself’ on the issue of Afghanistan.³⁸ The reason was the dominance of the military in shaping Pakistan’s policy towards Afghanistan. Craving strategic depth in the face of the perceived threat from India, the military paid little attention to the political costs of Pakistan’s support for the Taliban, and with the return of military rule under General Pervez Musharraf following the October 1999 coup, voices of moderation grew fainter still.³⁹ It took the crisis following the September 11 attacks in the United States to awaken key Pakistani circles to the nature of the forces they had been nurturing.

The dual-track relationship after 2001

In the immediate aftermath of the September 2001 attacks, Pakistan was faced with a forceful demarche from the United States, of a kind unseen for decades. The United States demanded, and received, a commitment from Pakistan to cooperate in addressing the threat from Al-Qaeda, and President Musharraf made a televised broadcast to announce Pakistan’s response. This marked a dramatic shift in Washington’s approach to the region, which had long been

fitful and sporadic. It also marked a public shift in Pakistan's position. However, Musharraf's speech came only after an agonizing internal debate within the Pakistani leadership, some elements of which were still keen to resist the logic of the US position. The ISI in particular was a problem, and ultimately Musharraf was obliged to replace its director-general.⁴⁰ However, Musharraf was not simply threatened with adverse consequences if he failed to comply with the Bush Administration's demands. At the same time, substantial pledges of assistance were offered. Over time, close to US\$10 billion was supplied in aid to Pakistan, much of it military. But that said, US aid still became a point of contention. Pakistan protested the reluctance of the US to supply equipment such as night-vision goggles, while in US circles there was annoyance that much of the military aid seem to be directed not at enhancing the limited counter-insurgency capabilities of the Pakistan armed forces, but rather at reinforcing Pakistan's eastern border with India – something that was hardly a top priority for Washington.⁴¹

To at least some observers, the US\$10 billion provided to Pakistan would have seemed like US\$10 billion too much, for over time it became clear that Pakistan was pursuing what Weinbaum and Harder labelled a 'two-track' policy towards Afghanistan,⁴² professing cooperation but at the same time nurturing the very militants whose attacks were costing the lives of Afghan, US and other allied troops in Afghanistan. The Americans in 2001 had forgotten to warn Pakistan that it was on long-term probation: as one writer has neatly put it, it was 'as if a patient stopped taking an antibiotic when the immediate symptoms had ended, disregarding his physician's warning that a full course was required to eliminate the infection'.⁴³ In 2007, Seth G. Jones argued that 'there is significant evidence that the Taliban, Hezb-i-Islami Gulbuddin (HIG), al-Qaeda, and other insurgent groups use Pakistan as a sanctuary for recruitment and support. In addition, there is virtual unanimity that Pakistan's Directorate for Inter-Services Intelligence (ISI) has continued to provide assistance to Afghan insurgent groups.'⁴⁴ The sanctuaries in Pakistan for Afghan Taliban who had been moved there in late 2001 proved crucial in sustaining conflict in Afghanistan, with

Quetta, the provincial capital of Baluchistan, playing so blatant a role that the Afghan Taliban leadership group came to be known as the 'Quetta Shura'.⁴⁵ In August 2007, even President Musharraf stated during a visit to Kabul that 'there is no doubt Afghan militants are supported from Pakistani soil. The problem that you have in your region is because support is provided from our side.'⁴⁶

Pakistan's motives in so acting were complex,⁴⁷ but a number of factors stood out: ongoing fear of Indian influence in Afghanistan, apprehension at the rise of a secularized nationalist figure such as Hamid Karzai, and a sense that Pakistan could get away with a lot during the tenure of the Bush Administration, which from 2003 was heavily preoccupied with Iraq. As well as supporting the Afghan Taliban proper, Pakistan also became the base for operations by Hekmatyar's *Hezb*, and by a network of militants operating from the vicinity of Parachinar led by Jalaluddin and Serajuddin Haqqani;⁴⁸ one source quoted the Pakistan Army chief, General Ashfaq Kayani, as describing Jalaluddin Haqqani in a May 2008 conversation with Musharraf as a 'strategic asset'.⁴⁹ The sanctuaries allowed these groups to mount increasingly brutal campaigns of asymmetric warfare inside Afghanistan. It would be a mistake to see the sanctuaries as the sole factor contributing to conflict in Afghanistan. The poor performance of the Karzai administration in the sphere of governance and the prevalence of nepotism, corruption and abuse of power have undoubtedly undermined the standing of the Afghan authorities, not to mention the shameless fraud that was used to procure Karzai's reelection in August 2009. However, disgruntled Afghan elders do not typically respond to such irritants by planting improvised explosive devices; the problem with poor governmental performance in contemporary Afghanistan is not that it *drives* insurgency, but rather that it disinclines local actors from taking a prominent role in *confronting* anti-regime forces. Similarly, while it may be tempting to see insurgency as largely driven by Afghan opposition to foreigners,⁵⁰ such an approach also understates the complexity of the situation. If the Taliban are viewed as an ascendant force, then Afghans in areas they threaten will naturally be inclined for prudential

reasons to echo the anti-foreigner sentiments that are prominent in Taliban rhetoric.⁵¹ But Afghans are adept in shifting with the wind, and this should be kept in mind before one jumps to the conclusion that Afghans are existentially xenophobic. As Thomas J. Barfield has put it, 'if Pakistan ever reversed its policy of support, as it did to Mullah Omar in 2001, the insurgency in Afghanistan would be dealt a fatal blow.'⁵²

Western powers, however, have been reluctant to pressure Pakistan too vigorously over the sanctuaries issue. The US has long feared internal collapse in a nuclear-armed state, perhaps overlooking the risk that Pakistan is more likely to be radicalized in the long run if extremist forces are not nipped in the bud. The United Kingdom, understandably feeling the need for police cooperation from Pakistan in the wake of the July 2005 London bombings, has been reluctant to sanction pressures that might lead to the disruption of such cooperation. As a consequence, in recent times one has come to hear the claim that there is no military solution to the Afghanistan problem, only a political one, and that it is therefore necessary to engage, negotiate or reconcile with the Taliban, an argument which Pakistan has actively promoted. This is an approach fraught with danger,⁵³ and with very little to commend it.⁵⁴ Even talk about the possibility of negotiations has an unsettling effect on many Afghans, who remember the barbarity of the Taliban and have no desire to re-experience it.⁵⁵ In addition, some Afghans, fearing that the Taliban could emerge dominant in their districts, would see it as imprudent to lend much overt support to the Karzai government or its backers. Moves to procure the reintegration of the Taliban through the offer of money or other special programmes could prove particularly offensive to peaceable Afghans who see no prospects of obtaining access to comparable grants. Furthermore, in the late 1990s, the Taliban proved an immensely frustrating actor to engage even over limited issues related to humanitarian access, and there is no reason to expect that negotiations now would be any easier, especially since the Taliban themselves have spurned them. But most importantly, the discussion of negotiation distracts attention from the need to deal with the issue of Pakistani sponsorship. The arrest of

the senior Afghan Taliban leader Mullah Abdul Ghani Baradar⁵⁶ near Karachi in 2010 was prompted by Pakistan's (accurate) suspicion that he was on the verge of switching to support Karzai, but ultimately it demonstrated not just how easy it would be for Pakistan to disrupt moves to lure top Taliban away from their cause, but also how closely monitored the Afghan Taliban leadership in Pakistan remains. Ultimately, the Afghan Taliban will be best undermined not through negotiations with Quetta but through pressure on Islamabad and Rawalpindi.⁵⁷

One further point deserves emphasis. There is no doubt that Pakistan's own sense of existential insecurity in a troubled region has been one of the factors underpinning its use of surrogate forces, in Kashmir, in Afghanistan, and perhaps to some degree in neighbouring India. There is a need to recognize the interconnectedness of the security problems of southwest Asia and to address them synoptically.⁵⁸ Nonetheless, progress on this front must begin with movement on the relationship between Pakistan and the Afghan Taliban, since this relationship is the most serious source of insecurity for Afghanistan, a huge obstacle to regional confidence-building, and ultimately a threat to Pakistan's own internal security. Diplomatic engagement with Pakistan on these issues needs to be driven by a stark view of ground realities;⁵⁹ however, it is vital that Pakistan also be brought to appreciate what a *positive* signal it would send to the wider world if it genuinely cut its links to the Taliban. Were this to happen, a number of doors could open to progress on issues that matter to Pakistan very much.

At the end of the day, Pakistan has very little to show for its decades of political manipulation in Afghanistan, other than the presence on its territory of exceedingly dangerous forces that may well pose greater risks for Pakistan than either its Indian or Afghan neighbours, especially in the light of the damage to the fabric of Pakistani society caused by the disastrous 2010 floods. While President Asif Ali Zardari and Prime Minister Yousuf Raza Gilani are likely all too aware of the dangers that Pakistan's involvement with the Afghan Taliban has created, there is not much evidence that Pakistan's

military has yet made this cognitive leap. However, over time, the activities of the Pakistan Taliban may prompt some shift even at this level. Pakistan has been under threat of Talibanization for some time, but the threat has never been greater than at present. ‘Talibanization’ is a process rather than simply an end-state, and involves the promulgation of an ideology of Islamic purification, the emergence of organized groups that see implementation of this ideology as a fundamental goal and a consequent limiting of the autonomous capacities of the state, either throughout a country or in particular regions.⁶⁰ A Talibanized Pakistan would be a nightmare for southwest Asia, but a nightmare for millions of Pakistanis as well. The public beating of a young girl in Swat in April 2009 – child abuse of a kind rarely caught on camera – provided a chillingly clear picture of what the Taliban had to offer.⁶¹ While the Pakistan Taliban are inspired, rather than directly controlled, by the Afghan Taliban, they have displayed an alarming capacity to strike targets throughout Pakistan, and even if they do not represent an existential danger, they still have the potential to mount a serious challenge to the writ of the state, something that could be compounded if they sought to package their message in terms of class rather than simply religion.

At the moment, Talibanization in Pakistan is largely limited to parts of the Federally Administered Tribal Areas (FATA), with tribal elites and masses the main victims. The border region embracing the FATA in Pakistan and the southeastern and eastern parts of Afghanistan has become a breeding ground for new threats not only to regional security but to the internal stability of both Afghanistan and Pakistan.⁶² The consolidation of the area as a ‘Badlands’ zone would have disastrous long-term implications for the stability of southwest Asia. The first victim, however, would almost certainly be Pakistan. The ability of the Taliban to bring fire and destruction to Pakistan’s major cities should be a warning of what the future might hold.

Conclusion

Playing with fire is a dangerous recreation. On 1 May 2010, a vehicle containing a homemade explosive device was left in a parking place in the vicinity of Times Square in New York. A street vendor who saw fumes emanating from it called the authorities, and the device was defused before it could detonate. A spokesman for the Pakistan Taliban claimed responsibility, and although few initially gave the claim much credit, the Federal Bureau of Investigation moved swiftly to determine the provenance of the vehicle, and less than three days later, a US citizen of Pakistani origin, Faisal Shahzad, was removed from an aircraft about to leave New York for Dubai and held on suspicion of being the attacker. Mounting evidence suggested that the Taliban might have indeed played a role in luring him down the pathway of terrorism, and within a week the Obama Administration had concluded that this was the case.⁶³ This was confirmed when Shahzad pleaded guilty to a raft of offences and admitted the Taliban connection, resulting in his being sentenced to life in prison.⁶⁴ US Secretary of State Hillary Rodham Clinton in a television interview stated that ‘we’ve made it very clear that if, heaven forbid, an attack like this that we can trace back to Pakistan were to have been successful, there would be very severe consequences.’⁶⁵ This point was conveyed directly to Pakistani President Zardari by senior US officials, who warned that in such circumstances there ‘might be no way to save the strategic partnership’.⁶⁶

The great mass of Pakistanis are *not* extremists, and adhere to religious views that are grounded in spirituality and a sense of community identity rather than in political ideologies that preach hellfire and destruction. Nor is Pakistan about to disintegrate.⁶⁷ But at the same time, Pakistan is a country under threat, from what one US official has called a ‘witches’ brew’ of terrorist and extremist groups.⁶⁸ Without the inspirational effects of the Afghan Taliban, a transnational phenomenon in which Pakistanis were involved from the outset, it is doubtful whether the Pakistan Taliban movement would have emerged as it did. The experiences of the Afghan Taliban provided a vital stimulus to the emergence of their Pakistani counterpart, and if the Afghan Taliban are seen to have successfully stared down the international community,

radical forces in Pakistan are sure to take heart from their example. It would thus pay for the leadership in Pakistan, both civilian and military, to reflect on whether the threat from the Pakistan Taliban can be successfully met without the sanctuaries and leaderships of the Afghan Taliban, the Haqqani network and the *Hezb-e Islami* being eliminated at the same time.

Notes

- [1](#) See D.P. Singhal, *India and Afghanistan: A study in diplomatic relations 1876–1907*, St Lucia: University of Queensland Press, 1963: 199–200.
- [2](#) See Hasan Kawun Kakar, *Government and Society in Afghanistan: The reign of Amir ‘Abd al-Rahman Khan*, Austin: University of Texas Press, 1979: 89–90.
- [3](#) See Rajat Ganguly, *Kin State Intervention in Ethnic Conflicts: Lessons from South Asia*, New Delhi: SAGE Publications, 1998: 162–192.
- [4](#) Ian Talbot and Gurharpal Singh, *The Partition of India*, Cambridge: Cambridge University Press, 2009: 36; Ahmad Shaye Qassem, ‘Afghanistan–Pakistan Relations: Border Controversies as Counter-Terrorist Impediments’, *Australian Journal of International Affairs*, 61 (1) (2007): 65–80 at p.76.
- [5](#) For more detail, see Ahmad Shaye Qassem, *Afghanistan’s Political Stability: A dream unrealised*, Aldershot: Ashgate, 2009: 47–50.
- [6](#) Barnett R. Rubin, *Afghanistan’s Uncertain Transition from Turmoil to Normalcy*, New York: Council Special Report no.12, Council on Foreign Relations, 2006: 14.
- [7](#) See Shirin Tahir-Kheli, *The United States and Pakistan: The evolution of an influence relationship*, New York: Praeger, 1982; Dennis Kux, *The United States and Pakistan 1947–2000: Disenchanted allies*, Washington DC: Woodrow Wilson Center Press, 2001: 70–74.
- [8](#) See I. Novichkova, *N. A. Bulganin i N. S. Khrushchev v Afganistane*, Moscow: Gosudarstvennoe izdatel’stvo izobrazitel’nogo iskusstva, 1956.
- [9](#) Lorenz M. Lüthi, *The Sino–Soviet Split*, Princeton: Princeton University Press, 2008: 181.
- [10](#) See Leon B. Poullada, ‘Afghanistan and the United States: The Crucial Years’, *The Middle East Journal*, 35 (2) (198): 178–190.
- [11](#) See Henry S. Bradsher, *Afghanistan and the Soviet Union*, Durham: Duke University Press, 1985: 17–31.
- [12](#) For perspectives on Kashmir, see Sumit Ganguly, *The Crisis in Kashmir: Portents of war, hopes of peace*, Cambridge: Cambridge University Press, 1997; Sumantra Bose, *Kashmir: Roots of conflict, paths to peace*, Cambridge: Harvard University Press, 2003; Waheguru Pal Singh Sidhu, Bushra Asif and Cyrus

Samii (eds), *Kashmir: New voices, new approaches*, Boulder: Lynne Rienner, 2006.

- [13](#) On these events, see G.W. Choudhary, *The Last Days of United Pakistan*, Perth: University of Western Australia Press, 1974.
- [14](#) For details, see Hasan-Askari Rizvi, *Military, State and Society in Pakistan*, Basingstoke: Macmillan, 2000: 170–173.
- [15](#) For a nuanced discussion, see Farzana Shaikh, *Making Sense of Pakistan*, New York: Columbia University Press, 2009: 81–115.
- [16](#) See Muhammad Qasim Zaman, ‘Sectarianism in Pakistan: The Radicalization of Shi’i and Sunni Identities’, *Modern Asian Studies*, 32 (3) (1998): 689–716; S.V.R. Nasr, ‘The Rise of Sunni Militancy in Pakistan: The Changing Role of Islamism and the Ulama in Society and Politics’, *Modern Asian Studies*, 34 (1) (2000): 139–180; S.V.R. Nasr, ‘International Politics, Domestic Imperatives, and Identity Mobilization: Sectarianism in Pakistan, 1979–1998’, *Comparative Politics*, 32 (2) (2000): 171–190.
- [17](#) Rupert Colville, ‘The Biggest Case Load in the World’ *Refugees*, 108 (1997): 3–9. Subsequent research suggested that the actual figure may have been much higher: see Daniel A. Kronenfeld, ‘Afghan Refugees in Pakistan: Not All Refugees, Not Always in Pakistan, Not Necessarily Afghan?’, *Journal of Refugee Studies*, 21 (1) (2008): 43–63. For an overview of the refugees’ position, see Susanne Schmeidl and William Maley, ‘The Case of the Afghan Refugee Population: Finding Durable Solutions in Contested Transitions’, in Howard Adelman (ed.), *Protracted Displacement in Asia: No place to call home*, Aldershot: Ashgate, 2008: 131–179.
- [18](#) See Pierre Centlivres and Micheline Centlivres-Demont, ‘Hommes d’influence et hommes de partis: L’organisation politique dans les villages de réfugiés afghans au Pakistan’, in Erwin Grötzbach (ed.), *Neue Beiträge zur Afghanistanforschung*, Liestal: Stiftung Bibliotheca Afghanistanica, 1988: 29–43.
- [19](#) See Fiona Terry, *Condemned to Repeat?: The paradox of humanitarian action*, Ithaca: Cornell University Press, 2002: 55–82; Sarah Kenyon Lischer, *Dangerous Sanctuaries? Refugee camps, civil war, and the dilemmas of humanitarian aid*, Ithaca: Cornell University Press, 2005: 44–72.
- [20](#) On the background of this party, see Seyyed Vali Reza Nasr, *The Vanguard of the Islamic Revolution: The Jama’at-i Islami of Pakistan*, Berkeley & Los Angeles: University of California Press, 1994.
- [21](#) See Svante E. Cornell, ‘Pakistan’s Foreign Policy: Islamic or Pragmatic?’, in Brenda Shaffer (ed.), *The Limits of Culture: Islam and foreign policy*, Cambridge, MA: The MIT Press, 2006: 291–323 at pp. 313–314.
- [22](#) Marvin G. Weinbaum, *Pakistan and Afghanistan: Resistance and reconstruction*, Boulder: Westview Press, 1994: 34. For more background on the Afghan Mujahideen, see Olivier Roy, *Islam and Resistance in Afghanistan*, Cambridge: Cambridge University Press, 1990; Mariam Abou Zahab and Olivier Roy, *Islamist Networks: The Afghan–Pakistan connection*, London: Hurst & Co., 2004; Rizwan Hussain, *Pakistan and the Emergence of Islamic Militancy in Afghanistan*, Aldershot: Ashgate, 2005; Gilles Dorronsoro,

- Revolution Unending: Afghanistan, 1979 to the present*, New York: Columbia University Press, 2005: 137–172; Abdulkader Sinno, *Organizations at War in Afghanistan and Beyond*, Ithaca: Cornell University Press, 2008.
- [23](#) Barnett R. Rubin, *The Fragmentation of Afghanistan: State formation and collapse in the international system*, New Haven: Yale University Press, 2002: 201.
- [24](#) Larry Goodson, 'Foreign Policy Gone Awry: The Kalashnikovization and Talibanization of Pakistan', in Craig Baxter and Charles H. Kennedy (eds), *Pakistan 2000*, Karachi: Oxford University Press, 2001: 151–181 at p.159. Mikhail T. Kalashnikov was the inventor of one of the most widely used Soviet firearms, the 7.62 mm AK-47. Substantial stocks of this rifle were in Egyptian hands, and were made available to the Afghan resistance, which could maintain that they had been seized from Soviet arms depots in Afghanistan.
- [25](#) For an ISI insider's account of its role in the Afghan war, see Mohammad Yousaf and Mark Adkin, *The Bear Trap: Afghanistan's untold story*, London: Leo Cooper, 1992.
- [26](#) See William Maley, *The Afghanistan Wars*, Basingstoke: Palgrave Macmillan 2009: 145–146.
- [27](#) See David Cook, *Understanding Jihad*, Berkeley & Los Angeles: University of California Press, 2005; Michael Bonner, *Jihad in Islamic History: Doctrines and practice*, Princeton: Princeton University Press, 2006; John Kelsay, *Arguing the Just War in Islam*, Cambridge, MA: Harvard University Press, 2007.
- [28](#) See Shaikh, *Making Sense of Pakistan*: 147–179; and Shuja Nawaz, *Crossed Swords: Pakistan, its army, and the wars within*, Karachi: Oxford University Press, 2008: 359–410.
- [29](#) On the shift in US focus, see Steve Coll, *Ghost Wars: The secret history of the CIA, Afghanistan and Bin Laden, from the Soviet Invasion to September 10, 2001*, London: Penguin, 2005; Roy Gutman, *How We Missed the Story: Osama Bin Laden, the Taliban, and the hijacking of Afghanistan*, Washington, DC: United States Institute of Peace Press, 2008.
- [30](#) BBC *Summary of World Broadcasts* FE/1461/B/1, 17 August 1992. For more detailed discussion of the Peshawar Accord, see William Maley, 'The Future of Islamic Afghanistan', *Security Dialogue*, 24 (4) (1993): 383–396 at pp.387–388.
- [31](#) See S. Iftikhar Murshed, *Afghanistan: The Taliban years*, London: Bennett & Bloom, 2006: 45.
- [32](#) See Ahmed Rashid, *Taliban: Militant Islam, oil and fundamentalism in central Asia*, New Haven, Conn.: Yale University Press, 2010: 183–195.
- [33](#) See Anthony Davis, 'How the Taliban Became a Military Force', in William Maley (ed.), *Fundamentalism Reborn?: Afghanistan and the Taliban*, London: Hurst & Co., 1998: 43–71.
- [34](#) *Afghanistan – Crisis of Impunity: The role of Pakistan, Russia and Iran in fuelling the civil war*, New York: Human Rights Watch, 2001: 23.

- [35](#) Daniel Byman, *Deadly Connections: States that sponsor terrorism*, Cambridge: Cambridge University Press, 2005: 195.
- [36](#) Abdul Sattar, *Pakistan's Foreign Policy 1947–2005*, Karachi: Oxford University Press, 2007; 227.
- [37](#) See William Maley, *The Foreign Policy of the Taliban*, New York: Council on Foreign Relations, 2000.
- [38](#) Tim Judah, 'The Taliban Papers' *Survival*, 44 (1) (2002): 69–80 at p.75.
- [39](#) See Hussain, *Pakistan and the Emergence of Islamic Militancy in Afghanistan*: 219–224.
- [40](#) See Ahmed Rashid, *Descent into Chaos: The United States and the failure of nation building in Pakistan, Afghanistan, and Central Asia*, New York: Viking Press, 2008: 77–79.
- [41](#) See Craig Cohen and Derek Chollet, 'When \$10 Billion Is Not Enough: Rethinking U.S. Strategy toward Pakistan', *The Washington Quarterly*, 30 (2) (2007): 7–19 at p.13.
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9 The evolution of the Pakistani Taliban

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Pakistan has been in the news a lot lately. Unfortunately, it has generally been for the wrong reasons. Regularly, there are horrific stories of suicide bombings killing scores of civilians or armed attacks against military targets, but more often than not innocent civilians going about their daily lives are the victims. The media – Western and Pakistani – generally blame these terrorist acts on the Pakistani Taliban. However, while reliable information about these religious extremists is sketchy and not always reliable, a picture has begun to emerge about who the Pakistani Taliban are and the extent of the militant threat to the stability of Pakistan.

This chapter argues that the growth of Pakistani militancy and religious extremism, which is principally, but not solely, based in the tribal areas, is the result of the confluence and the mutual reinforcement of internal and external factors. The internal factors include: the poor governance of Pakistan's Federally Administered Tribal Areas (FATA), the socio-economic under-development of FATA and its lack of political integration with the rest of the country, and the domestic and foreign policies of successive central governments, civilian and military. The external factors include: the presence in Pakistan's western provinces of the anti-Soviet *mujahideen* (freedom fighters) in the 1980s, the establishment of Al-Qaeda and Taliban safe havens in FATA following the ousting of the Afghan Taliban from power in October 2001, and Washington's political and military strategies for dealing with these safe havens. I will also argue that while this Pakistani militancy is still dominated by the Pashtuns, it has increasingly attracted militants and religious extremists from other parts of the country, particularly from southern Punjab. Importantly,

there is also an increasing level of cooperation between FATA-based militant groups and those from other parts of the country whose previous focus used to be limited to Kashmir. Accordingly, this Islamic militancy, or Talibanization, has now not only grown but it has spilled out of the tribal areas into the ‘settled’ areas of North West Frontier Province (NWFP) and other parts of the country, in particular in Karachi.¹ The long-term ramifications of this development are extremely worrisome for the future stability of Pakistan, in particular, and the region, in general.

I will first briefly turn to the political administration and economy of FATA as it is important to understand the context in which militancy has incubated over the last 60 years. I will then examine the four discreet political periods since 1947, specifically as they relate to FATA, and analyse how developments during each period assisted in the eventual ‘creation’ of the Pakistani Taliban problem with which we are now confronted.

Political administration of FATA

FATA, which is less than half the size of Tasmania with a population of over 3 million, is composed of seven tribal agencies. It is separated from Afghanistan by the Durand Line, the 2,500-kilometre border established in 1894–95 by the British colonial rulers of India between today’s Pakistan and Afghanistan. While the Durand Line has been the *de facto* border between Pakistan and Afghanistan, the government in Kabul has still to recognize it officially.

The British policy towards the tribal belt was based on a mix of persuasion, pressure and armed intervention. Britain instituted its ‘Forward Policy’, which essentially consisted of ‘pacifying’ the tribes as far west as possible. This eventually led to the 1897–98 Tribal Wars. Realizing it would never be possible to completely subdue the frontier tribes, the colonial administration decided to implement the ‘Close Border Policy’, which involved establishing a number of tribal agencies, enclosed by a chain of posts and cantonments, where

the Pakhtun tribes would be allowed to govern their society according to their own laws and customs.²

To ensure control, London stationed troops in these agencies but also granted these areas a semi-autonomous status in return for tribal acquiescence to colonial rule.³ This special status was codified in treaties that required *maliks* (tribal elders) to keep the border passes open for trade and strategic purposes in return for allowances and subsidies they could distribute among their tribes. Nevertheless, the tribal areas showed some of the strongest anti-British resistance on the subcontinent during British rule.

Following Partition in 1947, the founder and first Governor-General of Pakistan, Mohammad Ali Jinnah, withdrew Pakistan's army from FATA, but the government of Pakistan retained the colonial administrative and legal structures, codified in a special legal framework known as the Frontier Crimes Regulations (FCR) 1901. The FCR, which is still in force today, mixes traditional customs and norms with discretionary police, judicial and executive authority in the political agent (PA). By maintaining the FCR, the Pakistan government chose to treat FATA's population as separate from, and unequal to, other Pakistani citizens. The deal after Partition was that Islamabad continued to provide allowances and subsidies, and in return the local tribes declared their loyalty to Pakistan.

The PA, a federal, and at times provincially recruited, bureaucrat heads the local administration of each FATA agency. He is all-powerful. Backed by *khassadars*⁴ and levies (tribal militias), as well as paramilitary forces that operate under army control, the PA exercises a mix of extensive executive, judicial and revenue powers and has the responsibility of maintaining law and order and suppressing crime in the tribal areas. The PA grants tribal elders the status of *malik* (with the consent of the governor) on the basis of male inheritance. But the PA can also arbitrarily withdraw, suspend or cancel *malik* status if he deems the individual is not serving the interests of the state. Like the British before them, the Pakistan state rewards the loyal *maliks* with a special status, financial benefits and other official rewards.⁵ Needless

to say, the state relies on the services and collaboration of these *maliks* to administer FATA.

The FCR preserves the Pakhtun tribal structure of *jirga* (council of elders),⁶ to which the political agent can refer civil and criminal matters. The *jirga* ascertains guilt or innocence after hearing the parties to a dispute and passes verdicts on the basis of *rewaj* (custom). However, the PA retains ultimate authority. The political agent initiates cases, appoints the *jirga*, presides over trials and awards punishments without even the technical possibility of revision by a regular court of law. This anachronistic legal arrangement continues to this day. So while FATA is formally and legally a part of Pakistan, it more closely resembles a colony whose population lives under laws and administrative arrangements that set it apart from the rest of the country.

However, particularly relevant to Pakistan's involvement in the 'war on terror', are FCR clauses that empower the political agent to punish an entire tribe for crimes committed on its territory by fines, arrests, property seizures and blockades.⁷ The political agent can order detention of all or any members of the tribe, seize their property or block their access to the settled districts if he has 'good reason' to believe that a tribe or its members are 'acting in a hostile or unfriendly manner', have 'failed to render all assistance in their power' to help apprehend criminals, 'connived at, or abetted in a crime' or 'suppressed evidence' of an offence.

And while Pakistan's 1973 constitution guarantees fundamental rights for citizens residing in the entire territory of the country, which includes the tribal areas,⁸ Article 247 (7) bars the highest courts of the land from exercising any jurisdiction under the constitution in relation to a tribal area, unless parliament by law allows it. Moreover, not only does FATA have no representation in NWFP's provincial legislature, but while the constitution mandates representation for FATA in the national parliament, the parliament cannot legislate on any matter concerning FATA. This makes the FATA-elected members of parliament rather superfluous.

The economy of the tribal areas

FATA is one of Pakistan's most economically backward areas. Annual per capita income is about \$500, roughly half that of the very low national average; some 60 per cent of the population lives below the national poverty line. Per capita public development expenditure is reportedly one-third of the national average. Social development indicators are shockingly low. The overall literacy rate is 17.42 per cent compared with 56 per cent nationally. Male literacy is 29 per cent, female literacy a mere 3 per cent, compared with 32 per cent nationally. There are only 41 hospitals for a population of 3.3 million. FATA has a per doctor rate of 1:6,762 compared with the national 1:1,359.^{[2](#)}

Natural resources, including minerals and coal, are under-exploited. It is the most rural of all administrative units in the country. Most locals depend on subsistence agriculture since there is little industrial development and few jobs. This situation is made worse by the fact that about 15 per cent of the population is between the ages of 15 and 22.^{[10](#)}

The PA is also FATA's chief development agent and planner; he is all-powerful in that sphere as well. One of the PA's main instruments of economic control is the granting of export and import permits for each agency. These export permits are a much sought-after prize. Import permits for wheat and other basic necessities are another source of patronage distribution. Moreover, the political agent approves and carries out developmental projects based on political and administrative considerations. There is 'almost no input from the local population or even their parliamentary representatives in development initiatives'.^{[11](#)}

And to make things worse, the economy is completely distorted by the thriving trade in arms, drugs, as well as other cross-border smuggling. These are a direct consequence of the events in neighbouring Afghanistan. Poor law enforcement at FATA's borders with Afghanistan encourages lucrative smuggling of luxury consumer goods, causing significant revenue losses in uncollected duties and taxes. Not only has the army done nothing or has been unable to stop this

smuggling, but this trade provides the Afghan Taliban and their Pakistani counterparts in the FATA agencies with funds and arms. Most significantly, the army has not prohibited the sale of guns and ammunition in FATA, which supplies the whole of Pakistan.¹² Let me now turn to FATA's four political periods since Partition, highlighting the events and issues which are relevant to understanding the development of religious militancy in the tribal areas and beyond.

FATA's four political periods

The first period: 1947–1979

The inclusion of the NWFP and FATA in the Pakistan scheme following Partition was probably one of the most troublesome problems facing the departing British administration. In NWFP there was the charismatic Khan Abdul Ghaffar Khan, nicknamed the 'Frontier Gandhi', who led a Muslim organization (Khudai Khidmatgars – Servants of God) which advocated the establishment of an independent state for the Pakhtuns, i.e., Pakhtunistan.¹³ This organization considered Jinnah's Muslim League a British creation and opposed the idea of Pakistan as being a British invention. On the other hand, the Pakhtunistan scheme was ardently supported by Afghanistan and the Congress Party. The Afghan authorities, not recognizing the Durand Line, wanted the 'Pakistani' Pakhtuns to either join Afghanistan or create their own state of Pakhtunistan out of NWFP and parts of Baluchistan but, interestingly, without including the Pakhtun areas of Afghanistan. Kabul also demanded that Pakistan provide Afghanistan access to the sea by giving it a special corridor through Baluchistan or creating a free Afghan zone in Karachi.¹⁴

A second source of trouble for the Muslim League around the time of Partition came from the Congress Ministry of Dr Khan Sahib, the brother of the 'Frontier Gandhi' in NWFP. Fearing that a Congress-led NWFP would opt not to join Pakistan-to-be, the Muslim League put pressure on the British to call a referendum, directly asking the people for their

preference. The plebiscite, held in July 1947, only offered two choices: to join either India or Pakistan; there was no Pakhtunistan option. Dr Khan called for a massive boycott of the plebiscite. The result was very close: of the 51 per cent of eligible voters who took part, 97 per cent voted for Pakistan, i.e., only 50.5 per cent of the population voted in favour of joining Pakistan.¹⁵ One week after Partition, Governor-General Jinnah sacked Dr Khan, as allowed under the adapted Government of India Act, 1935, for fear that the Pakhtunistan issue could be used by Afghanistan and India to create domestic problems for Pakistan.¹⁶ The new chief minister, Khan Abdul Qayyum Khan, used a heavy-handed approach towards the Pakhtuns, including calling out the army and air force to suppress disturbances in the tribal areas.¹⁷ Already then Pakistan's central authority interfered in FATA's affairs.

Although the central authorities, particularly under Zulfikar Ali Bhutto (1971–77) intervened on a regular basis in the provincial affairs of NWFP, including dismissing the Governor of NWFP on 12 February 1973,¹⁸ and arresting Wali Khan, the National Awami Party (NAP) leader, on charges of secession, FATA was generally left on its own. Interestingly, Afghan President Daud was close to reaching an agreement with Bhutto in August 1976, which involved Afghanistan's recognition of the Durand Line in return for the release of Pakhtun and Baluch National Awami Party (NAP) leaders from Pakistani gaols. However, this agreement was never implemented as Bhutto was toppled in 1977 by General Zia, who subsequently released all imprisoned NAP leaders.

The second period: 1979–2001

With the 1979 Soviet invasion of Afghanistan, the political dynamics between Islamabad and FATA took a dramatic turn. One of the main causes was the influx of some 3 million Afghan refugees who fled the fighting. They mainly settled in NWFP and FATA and this inevitably led to clashes between the local residents and the refugees. Most disputes were, however, settled by the *jirgas*.

Complicating the refugee situation was the presence in the tribal areas of the *mujahideen*, the Western-supported anti-Afghan government guerrillas, who launched their attacks against the Soviet and Afghan forces from Pakistani territory. Bin Laden was one of those *mujahideen* leaders then supported by the West. And like the situation some 20 years later, the Pakistan government was unable or unwilling to control the activities of these insurgents, with some of these rebel groups establishing quasi-government enclaves in the tribal areas.¹⁹ Not only did the introduction of some \$66 billion worth of weapons between 1978 and 1992 compound the gun culture in the country, but the presence of thousands of *mujahideen* led to the creation of a worldwide network of Afghan war veterans of all nationalities. One of these organizations was Al-Qaeda.²⁰ Many of these fighters would eventually return to Pakistan following the Taliban's ouster from power in 2001. It is interesting to note that, realizing the damage the presence of these *mujahideen* were having on the local scene, a *jirga* of elders in FATA demanded in 1985 that Islamabad recognize the Soviet-backed government in Kabul and return the refugees after having come to an acceptable agreement with the Afghan authorities.²¹

The embedding of the *mujahideen* in the tribal areas coincided with General Zia-ul-Haq's Islamization process in Pakistan and Islamabad's close relationship with Saudi Arabia and the UAE. Both factors facilitated the increase in the political clout of the *mullahs* and the Islamic parties. The conservative *mullahs* progressively displaced the *maliks* as the principal tribal authority, and thus began the breakdown of the traditional power structure in FATA.²² Along with this religious clout came the very substantial growth in the number of *madrassas* (religious schools) all over the country, including in the tribal areas.²³ The most radical of these *madrassas* spawned the *mujahideen* fighters, Afghans as well as Pakistanis, who went to fight their *jihad* in Afghanistan and in Indian-held Kashmir. Many of these *madrassa*-educated fighters are now part of the many extremist religious groups and militants present in Pakistan. Given the low level of socio-economic development in the tribal areas, it is not surprising

that up to 80 per cent of boys still go to these *madrassas* for their education today.

The overwhelming majority of the *madrassas* were, and still are, run by the Jamiat-e-Ulama Islam (JUI), an Islamic party which believes in the revival of Islamic values according to the *shariah*. The JUI is an ideological soulmate of the Taliban. Not surprisingly, most of the founders of the Taliban went through these JUI-run *madrassas*. Importantly, especially for its long-term consequences for the stability of Pakistan, these *madrassas* also produced Pakistani religious extremists who eventually turned against the very Pakistani state which had promoted their growth. One of the most notable *jihadists* to come out of these religious schools was Maulana Sufi Muhammad, who founded Tehrik-e-Nifaz-e-Shariat Muhammadi (TNSM) in 1992. By late 1994 the TNSM movement was asserting itself with thousands of armed supporters seeking to impose by force *shariah* law in the Bajaur tribal agency of FATA and in neighbouring Malakand division in NWFP.²⁴ This religious revolt by Pakistani extremists who were supported by Afghan Taliban fighters who had crossed the border was crushed by the army.²⁵ A few years later, the TNSM confirmed yet again its ideological links and affinity with the Afghan Taliban when some 10,000 of its armed cadres from Bajaur, Swat and other neighbouring areas, led by Sufi Muhammad, crossed the border into Afghanistan in late 2001 to assist the fleeing Taliban forces fight the US-led forces and to thank them for their earlier support.²⁶

Another complicating factor in the Afghan–Pakistan relationship at the time was the thriving heroin trade, which involved a major tribe, the Afridi, whose members straddle the Durand Line in the area of the Khyber Pass. The drug smugglers were given military and moral support by the Soviet-backed Afghan government in return for the Afridi's support in stopping the crossing into Afghanistan of the *mujahideen*. Under intense Western pressure to do something about this growing heroin trade, General Zia-ul-Haq sent paramilitary forces into the Khyber Agency in 1985. Moreover, with the aim of preventing a resurgence of the illicit trade and check arms smuggling, the government decided to

permanently station law enforcement agents in the agency and build fortified posts in strategic locations.²⁷ This marked the beginning of the central authorities' regular military interference in FATA.

There was some support for the military action, as there was a genuine sentiment that something had to be done to arrest the heroin trade. But there was also a feeling that the root cause of the heroin problem in FATA was the continued implementation of the Frontiers Crime regulations, the lack of universal adult franchise, the lack of social and political integration with the rest of the country and the low level of development, which only benefited a few *maliks*.²⁸ Benazir Bhutto's civilian government attempted to deal with some of these issues by introducing adult franchise in FATA in 1996. However, Bhutto's political liberalization only went so far. Political parties were – and still are – formally forbidden from extending their activities into the agencies. However, *mullahs* have always enjoyed free entry. This assisted the Islamic parties to further consolidate their political influence in the area.

Importantly, even during the civilian governments of the 1990s, the military continued to use the *madrassa*-educated *jihadists*, most but not all based in FATA, as proxies to fight in Indian-held Kashmir or to assist the Taliban in Afghanistan, and these radical Sunni groups continued to grow in strength and in numbers throughout Pakistan. Prime Minister Nawaz Sharif did however try to move against some of the more radical Sunni groups, particularly the Sipah-i-Sahaba Pakistan (SSP), Lashkar-i-Jhangvi (LJ) (an offshoot of the SSP) in 1998–99. While many *jihadists* were arrested, many more fled across the border to find refuge in Afghanistan. Most of these eventually returned to Pakistan following the ouster of the Taliban from power in 2001.²⁹

The third period: 2001–2008

Following their ouster in October 2001, the Taliban and Al-Qaeda fighters escaped across the border into the tribal areas of Pakistan. Hundreds of these fighters – Afghans, Pakistanis,

Chechens, Uzbeks, Arabs and Uyghurs – settled and married into local tribes. They established safe havens in FATA, especially in South and North Waziristan and Bajaur agencies, and from there launched attacks against Western forces in southern and eastern Afghanistan with success, particularly from 2005 onwards. While most of the Taliban fighters remained in the tribal areas, many Al-Qaeda operatives settled in other parts of Pakistan. This was confirmed with the subsequent arrest of top Al-Qaeda leaders in Balochistan, Sindh and Punjab.³⁰

Part of the Pakhtun's tribal honour is to offer hospitality, regardless whether the guest is welcomed or not, a criminal, a friend or an enemy. Accordingly, it was easy for these militants to settle down in FATA. Nevertheless, it has become obvious in the last few years that some of these militants, particularly the non-Pakhtun, are starting to overstay their welcome. For example, deadly battles causing scores of fatalities broke out between the local residents and these non-Pakhtuns, particularly in early 2007.³¹

Notwithstanding some local differences, an Afghan Taliban mini-state was established in the tribal areas. This progressively led to the Talibanization of FATA, and increasingly into the non-tribal areas of NWFP, by Pakistani militants and religious extremists who shared the same religious beliefs as the Afghan Taliban. This included imposing *shariah* law, attacking music and video shops, closing barber shops and killing women working in schools or for NGOs. From then on it did not take much for the pro-Taliban Pakistani militants to flex their muscles, including assassinating politicians, killing innocent Pakistani civilians, murdering tribal leaders who disagreed with the militants' political agenda, attacking army personnel and assassinating government officials, including by using suicide bombers. This Talibanization of parts of Pakistan continues today and should come as no surprise to anyone as it is a logical continuation of the Sunni Deobandi militancy whose ideological tenets are derived from the same orthodox Sunni-Hannafi interpretations of Islam which were promoted under General Zia-ul-Haq's Islamization process of the 1980s.³²

So who are these pro-Taliban fighters in the tribal areas? Simply put, they are Pakhtun tribesmen who have been radicalized by the rhetoric of *jihad* which started almost 30 years ago with the anti-Soviet *jihad*, continued during the Afghan civil war and the subsequent Taliban rule and finally today with the presence of the Taliban and Al-Qaeda in the region. These pro-Taliban fighters also include returning Pakistani fighters and commanders who had participated in fighting in Afghanistan against the Soviets and later, between 1996 and 2001, against the Northern Alliance.³³ Worryingly, an increasing number of Punjabi militants, especially from the southern part of the province, have also joined forces with these Pakhtun militants. Many of these Punjabis already belonged to banned extremist religious militant groups which were – and some still are – supported behind the scenes by elements of the Pakistani military establishment. These groups, which include Sipah-i-Sahaba Pakistan (SSP), Lashkar-i-Jhangvi (LJ), Jaish-e-Mohammad (JeM), Lashkar-e-Taiba (LeT) and Harkatul Jihadul Islami (HUJI), are sometimes referred to collectively as the Punjabi Taliban.³⁴ These groups have played an extremely useful role for the Pakistani military as ‘jihadi proxies’ in Afghanistan and India since the 1980s.³⁵ However, since 2001 these Punjabi-based groups have increasingly turned their attention away from the Kashmir issue and focused on spreading terror in the Punjab and Karachi.³⁶ So while the LeT – now renamed Jamaat-ud-Dawa after President Musharraf banned the organization in 2002 – has not completely abandoned its attacks against Indian targets as confirmed with its suicide attacks in Mumbai in November 2008, it is now increasingly concentrating its attention on the home front. And even though it is considered one of the most extreme *jihadist* groups in Pakistan today, it is still allowed to openly operate in the country.³⁷

The common thread between all these different militants, regardless of their ethnic or national origin, is their belief that it is lawful to wage *jihad* against a government or other fellow Muslims who support the West’s ‘war on terror’. Importantly, many unemployed youth have been drawn to the *jihad* ‘as a way of gaining a livelihood or enhancing their social importance and power’.³⁸ This is particularly worrisome

especially for Pakistan with such a large unemployed (and often unemployable) youth population. Finally, all these Pakistani militants cooperate closely with the Afghan Taliban and Al-Qaeda.³⁹ This terrorist cooperation goes back to the 1990s when some of these groups, particularly the LJ, went to Afghanistan to avoid arrest from the Pakistan authorities. There they established training camps and worked closely with the Taliban and Al-Qaeda to become members of the global *jihadist* network.⁴⁰

In an attempt to bring together the various Taliban-oriented groups of the tribal areas under one umbrella organization, a *shura* (assembly) of 40 senior Taliban leaders established on 14 December 2007 the Tehrik-i-Taliban Pakistan (TTP) headed by Baitullah Mehsud. The TTP demanded an immediate end to military operations by the Pakistani army and the withdrawal of troops from FATA. It also declared a more intense *jihad* against US and NATO forces in Afghanistan as well as its goal to enforce *shariah* law in the areas under its influence.⁴¹ An important member of the TTP is the TNSM, which we discussed above and which would eventually create a lot of trouble for the Pakistan government in 2009. An important point to remember about the TTP is that, while it is based in FATA and parts of NWFP, Pakhtun ethno-nationalism has not been specifically and systematically used to attract new recruits. And this is because its main focus is Islam – as they interpret it. Moreover, on a more practical level, were they to stress Pakhtun identity it would deprive the TTP of potential sources of income and manpower support from other parts of Pakistan and beyond.⁴²

The establishment of the TTP, however, could give the misleading impression that there is a unified and centralized organization to which all the militant groups in Pakistan answer to, similar to the Afghan Taliban. This is certainly not the case. On the contrary, not only is the FATA-based TTP itself not a disciplined, well-controlled and homogeneous grouping, but it is characterized by much in-fighting, often, but not solely, along tribal and sub-tribal affiliation. This was particularly the case following the death of Baitullah Mehsud in an American drone attack in August 2009. The selection of

his successor was a long and difficult process, which confirmed the deep-seated differences between the various groups making up the TTP. Eventually the succession went to Hakimullah Mehsud, a friend and close aide to Baitullah and known for his ruthless approach to dealing with his opponents, whether Pakistani officials or other militant leaders.⁴³ One major rift among TTP members is the approach they take *vis-à-vis* the Pakistan army. A number of prominent militant leaders, such as Turkistan Bittani and Faqir Mohammad,⁴⁴ are opposed to attacking Pakistani troops and prefer to focus on assisting the Afghan Taliban's *jihad* against Western forces in Afghanistan. Others, such as the late Baitullah Mehsud and Hakimullah Mehsud, have no compunction in targeting the Pakistani military and government officials.⁴⁵

There are other militant Islamist groups based in FATA which are not part of the TTP but are lumped together and referred to collectively as the Pakistani Taliban. The most important ones include Laskar-e-Islam, headed by Mangal Bagh, which is based in the Khyber Agency, and Ansar-ul-Islam, which is a Barelvi Sunni group, also based in the Khyber Agency. As these two extremist groups belong to the two main competing Sunni schools of thought in Pakistan, Deobandi and Barelvi, their members not only target Shias (whom they consider beyond the pale),⁴⁶ non-Muslims (especially Ahmadiyahs⁴⁷ and Christians) and Pakistani authorities, but also each other.

Finally, there are militants in FATA and NWFP with whom the Pakistan governments of President Musharraf and President Zardari have overt or tacit agreements of convenience because they play what the military considers important strategic roles. The two most important of such militant leaders are Maulvi Nazir and Hafiz Gul Bahadur. They have not only been ardent rivals of Baitullah Mehsud and Hakimullah Mehsud, but they have opposed the TTP's policy of targeting the Pakistan military and other state symbols. Moreover, they have been strong supporters of the Afghan Haqqani network, which is a ruthless group based in North Waziristan whose fighters have been very successful in the attacks they have launched against Western forces in

Afghanistan. This association between these Pakistani militants and Haqqani has been useful to the Pakistani military because the latter has some important intelligence and military links with the Haqqani militants developed since the days of the Soviets' occupation of Afghanistan. It certainly does not want to lose such an important Afghan asset, which could be particularly useful following the eventual departure of the Western forces from Afghanistan. The Haqqani network is also valuable to the Pakistan military because its top leader, Sirajuddin Haqqani, is the main liaison with the Afghan Taliban based in Quetta, Baluchistan, other Pakistani militants and Al-Qaeda.⁴⁸

Under intense American pressure, President Pervez Musharraf sent about 100,000 army troops into the tribal areas to hunt down the Taliban and Al-Qaeda fighters. The government also erected fences in selected areas along the border and set up some 1,000 checkpoints. It organized the formation of anti-militant *lashkars* (militias), comprising volunteers, in the tribal areas and in the 'settled' areas of NWFP.⁴⁹ While the army has lost more troops in the process than Western forces have in Afghanistan, the military has generally been more effective and keener in going after the non-Pakhtun Al-Qaeda than after the Afghan Taliban.⁵⁰ And this was (and still is) principally because the military – which had developed close links with the Taliban since the early 1990s when it had created it with the help of the Islamic parties – did not wish to destroy a potential ally after the inevitable departure of the Coalition forces from Afghanistan.⁵¹

Unfortunately, not only did the Pakistan army suffer a very high number of military casualties and fatalities, but in the process of using military means it also killed many innocent civilians. This has – and continues to provide – political ammunition to the Pakistani Taliban militants in the tribal areas. Similarly, the use of American Predator strikes – often unilaterally without the Pakistan government's prior agreement – has fuelled an already strong anti-American mood in Pakistan, in general, and in the tribal areas, in particular.

A negative consequence of the use of the military has been the gradual political displacement of the Political Agent and the *maliks*, who kept the system working, in favour of the Pakistani Taliban militants, who have established a parallel system of administration, justice, summary trial courts and taxation in the tribal areas.⁵² And the breakdown of the tribal structure has been reinforced with the influence of the Islamic parties and the presence of the Taliban and Al-Qaeda, whose fighters have executed tribal leaders who disagreed with their policy or agenda. As we noted above, this breakdown of the traditional tribal structure had already begun with the influx of the *mujahideen* and the displacement of the *maliks* in favour of the *mullahs* in the 1980s.

Realizing that the deployment of armed forces was not effective in dealing with these sanctuaries, the Musharraf government decided to try a different approach. Accordingly, it entered into agreements with local leaders and *mullahs* in South Waziristan (April 2004 and February 2005) and North Waziristan (September 2006). These deals called on the tribesmen to expel the foreign militants and end cross-border attacks into Afghanistan in return for the army stopping major operations in those agencies and pulling most of its soldiers out of the tribal area. The accords were a failure, as there were more attacks across into Afghanistan following those agreements and the Taliban maintained its sanctuaries. Furthermore, the Pakistani militants continued to rule in North and South Waziristan, killing and attacking officials and military personnel at will. The major flaws with the deals were: first, it assumed that the tribes controlled the areas when in fact the Taliban did; and, second, there were no enforcement provisions.

However, in July 2007 one event was the catalyst for the beginning of significant militant activity against the Pakistan state: the siege of Lal Masjid (Red Mosque) in Islamabad by radical *mullahs* who wanted to impose *shariah* in the capital and which ended with the army storming the mosque and killing scores of people in the process. The people of Pakistan had great difficulty reconciling themselves with this event, which took place in the very heart of the country's capital. It

confirmed in the eyes of the public that successive national governments had been too tolerant towards these radical religious groups and that something had to be done to stop their power from growing. It also demonstrated that the *de facto* alliance between the military and the *mullahs* had not only broken down but that it had given the religious extremists the political space to grow.

The fourth period: 2008–present

Since about 2008 Pakistan has undergone significant political changes at the centre which have had an impact on the Pakistan government's approach to dealing with the militancy. In February 2008, parliamentary elections were held in which the late Benazir Bhutto's Pakistan People's Party won the most seats, and in August Pervez Musharraf resigned as president,⁵³ to be replaced by Bhutto's widow, Asif Zardari. With the change in political leadership also came a change of attitude towards the militant threat. While General Musharraf had officially joined the West's 'war on terror', his administration's approach to this battle against terrorists was at best inefficient and at worst duplicitous. However, with the change of the guard in the military and political spheres, there was also a change of attitude towards this worsening home-grown militancy. But this did not happen quickly.

Even though the agreements in North and South Waziristan failed, the military mistakenly believed that agreements could still be entered into with the militants. Accordingly, not only did the Pakistan government release on 21 April 2008 Maulana Sufi Mohammad, leader of the TNSM, whose armed activities have been discussed above, but also signed an accord, dubbed the '*shariah* for peace' agreement with the TNSM in February 2009. The agreement consisted of enforcing the *shariah* in the Swat Valley region and in return the TNSM followers would renounce violence. However, the TNSM militants did not lay down their weapons and instead attacked the surrounding districts of Dir and Buner.⁵⁴ Given that this militant activity was taking place only about 150 kilometres from Islamabad, the army decided to act. It sent in

some 40,000 troops and managed to expel the fighters from the towns in the Swat Valley, most of whom simply fled to FATA, especially South Waziristan and Orakzai agencies. However, this military assault came at a great price for the civilian population. Some 2.5 million people had to flee the heavy fighting and seek refuge elsewhere. This was the world's biggest and most sudden movement of people since the Rwandan genocide in 1994.⁵⁵

The renegeing of the Swat accord was a turning point for the military as it finally confirmed that there was no point in signing agreements with the militants as they would simply break them. The government henceforth determined to deal forcefully with the militants. Accordingly, following the army's intervention into Swat, it decided to also go into South Waziristan and Orakzai in the second half of 2009 and in the first half of 2010. It is important to remember that the US administrations of Presidents Bush and Obama had been pressing hard for the Pakistani government to take forceful action against the Taliban and the Pakistani militants hiding in those areas of FATA.⁵⁶ Given the harsh terrain and the dispersion of the militants' forces, the military operations were difficult to execute. And while the army did score some tactical victories and eliminated many militants, most of the TTP fighters fled to North Waziristan. Nevertheless, the Pakistani army has declared victory in these operations, even though the evidence on the ground suggests quite the contrary.⁵⁷ Nevertheless, in May the Pakistani government decided in principle to launch a full-fledged military operation against the militants hiding in North Waziristan. While this decision was taken reluctantly in response to persistent American pressure on the Pakistan authorities to go into North Waziristan, it is nevertheless an important development in the Pakistani government's determination to deal with the *jihadist* militancy threat facing the country.⁵⁸

In addition to using military means to deal with the militants in the tribal areas, the civilian government in Islamabad is developing political and socio-economic programmes to bring the tribal areas into mainstream Pakistan political and economic life. Washington's aid package of

US\$7.5 billion over the next five years aims to assist Islamabad meet some of these economic development needs. The government's approach also includes negotiations with Pakistani militants willing to put down their arms.⁵⁹ However, we have seen that the success rate for that is poor. The government's aim is to convince the local population, through non-lethal measures, that there is much more to be gained for them by being fully integrated with the rest of Pakistan than by supporting the Taliban. As in parts of southern and eastern Afghanistan today, local residents have acquiesced to Taliban-type rule out of fear of the militants combined with resentment against a corrupt administration and draconian laws. The Pakistani militants are able to restore order quickly and dispense speedy justice – as they see it.⁶⁰

Two of the measures the federal government is considering to induce the locals to drop their support for the Taliban and their fellow travellers are repealing the Frontiers Crimes Regulations (FCR) in FATA and fully integrating politically the tribal areas into the neighbouring province of NWFP. Renaming NWFP 'Khyber Pakhtunkhwa' is a positive step in that direction. While there has been some opposition to the repeal of the FCR in some quarters, these are measures that are on the whole welcomed by the local residents of FATA.⁶¹ Importantly, following the Islamic parties' crushing defeat in the 2008 provincial and national elections, the militants can no longer rely on their political support to promote their agenda.⁶² The people of NWFP have made very clear that they reject religious extremism. And more importantly, they have also rejected the religious parties' corrupt and incompetent rule in NWFP.

Conclusion

Pakistan is faced with a growing religious militancy threat, with some 3,000 people killed in terrorist attacks over the last three years. While this militancy is still dominated by Pakhtuns and its home base is FATA, it has increasingly taken on board other ethnic groups and moved beyond the tribal areas and into other parts of the country. And although these

extremist Sunni Deobandi groups – the TTP, other militant groups and regional *jihadists* – are not about to take over the state, they are nevertheless gaining ground. In many ways, this militancy problem is an extreme manifestation of the unresolved issue – around since 1947 – of the role Islam should have in the administration of the country.

This militancy problem has been compounded by the presence in Pakistan, mainly, but not solely, in FATA, of the Afghan Taliban and Al-Qaeda since October 2001. All these groups, indigenous and foreign, have helped each other and have cross-pollinated for years. Nevertheless, civilian and military governments in Pakistan have tried to artificially differentiate between ‘good’ terrorists, such as the LeT, who act as proxies on the Kashmir front, and ‘bad’ terrorists, such as the TTP and the LJ, who threaten civilians and the state alike. The problem with that policy is that it assumes that the constituent members of these two groupings are clearly separate and that their agendas have remained the same over time. This is far from being the case; the ‘good’ and ‘bad’ terrorists have increasingly been working together, the membership of these groupings is fluid and their agenda and targets have evolved over time.

A critical factor that has assisted the growth of this militancy is the failure since the creation of Pakistan to integrate FATA politically, legally and economically with the rest of the country. This has had three negative consequences: it has made it easier for foreign elements to embed themselves in the tribal areas – a safe physical environment, with its rugged terrain and difficult access for the Pakistan army; it has meant that the local Pakhtuns have had no stake in the development of Pakistan; and it has made it easier to recruit disaffected locals to the *jihadist* cause.

But Pakistan does not exist in a vacuum. Developments in Pakistan are intrinsically linked to events in Afghanistan. Accordingly, it is in Pakistan’s long-term national interest for the army to vigorously and unswervingly hunt down the Afghan Taliban, Al-Qaeda and their Pakistani allies and permanently shut down their network in Pakistan while at the same time extending democratic freedoms, upholding human

rights, extending the rule of law and promoting sustainable economic development for the residents of the tribal areas.

Needless to say, the negative blowback effect on Pakistan of a Taliban victory in Afghanistan would be immeasurable. It would encourage and invigorate the Pakistani militants. But, importantly, a Taliban-dominated government in Kabul – probably harbouring Al-Qaeda – would not necessarily be friendly to Islamabad. On the contrary, it would not be sympathetic to a Pakistan government officially an ally of the West. The civilian government must now use its popular mandate – and the people’s rejection of the Islamic parties – to assist the people of the tribal areas to integrate economically and politically with the rest of Pakistan. That would be a good first step towards dealing with the militancy scourge facing Pakistan.

Notes

- [1](#) The name of the province was changed to ‘Khyber Pakhtunkhwa’ on 19 April 2010, with the signing into law the 18th Amendment to the 1973 Constitution. However, I will retain the name of NWFP for the sake of consistency with other chapters in the book.
- [2](#) Claude Rakisits, ‘National Integration in Pakistan: The Role of Religion, Ethnicity and the External Environment’, *Ph.D. Dissertation*, University of Queensland, 1986; 221. For an informative discussion of British policy towards the tribal areas as well as Baluchistan, see: James W. Spain, ‘Political Problems of a Borderland’ in Aislinie T. Embree (ed.), *Pakistan’s Western Borderlands*, Vikas Publishing House, New Delhi, 1977: 1–23.
- [3](#) Mumtaz A. Bangash, ‘Administrative and Political Development of the Tribal Areas: A Focus on Khyber and Kurram’, *Ph.D. Dissertation*, Area Study Centre (Central Asia), University of Peshawar, 1996, as cited in ‘Pakistan’s Tribal Areas: Appeasing the Militants’ in International Crisis Group’s *Asia Report*, No 125, December, 11, 2006: 2.
- [4](#) *Khassadars* are an irregular force under the PA’s overall command to protect roads and other government installations and perform guard duties.
- [5](#) ‘Pakistan’s Tribal Areas: Appeasing the Militants’, p. 4.
- [6](#) The *jirga* relies on the Pakhtun code of honour (*Pakhtunwali*), see ‘Pakistan’s Tribal Areas: Appeasing the Militants’ in *Asia Report*, No 125, 11 December 2006: 6.
- [7](#) FCR (1901), sections 21–24.

- [8](#) These include equality of citizens before law, equal protection of law, freedom of speech and expression, right to association, right to assemble peacefully, and right to form or be a member of a political party.
- [9](#) 'FATA Development Statistics 2005', Bureau of Statistics, Planning and Development Department, government of NWFP, Peshawar.
- [10](#) Khalid Aziz, 'Causes of Rebellion in Waziristan' in *Policy Report*, Regional Institute of Policy Research and Training, Peshawar, 2007: 37.
- [11](#) 'Pakistan's Tribal Areas: Appeasing the Militants': 9.
- [12](#) Ahmed Rashid, 'Who's winning the war on terror', *Yale Global Online*, 5 September 2003, as cited in 'Pakistan's Tribal Areas: Appeasing the Militants': 9.
- [13](#) N. Entessar, 'Baluchi Nationalism', *Asian Affairs*, 7 (2) (1979): 79.
- [14](#) Aziz, 'Causes of Rebellion in Waziristan': 14.
- [15](#) Rakisits, 'National Integration in Pakistan': 225.
- [16](#) Sharif Al Mujahid, *Quaid-i-Azam Jinnah, Studies in Interpretation*, Karachi, Quaid-i-Azam Academy, 1981: 135.
- [17](#) L. Ziring, *Pakistan: The enigma of political development*, Folkestone, Wm Dawson, 1980: 77.
- [18](#) His dismissal was related to the low-intensity guerrilla war that was being waged in Baluchistan.
- [19](#) Hafeez Malik, 'The Afghan Crisis and its Impact on Pakistan', *The Journal of South Asian and Middle Eastern Studies*, 5 (3) (1982): 46.
- [20](#) Aziz, 'Causes of Rebellion in Waziristan': 22.
- [21](#) *The Muslim*, 27 December 1985.
- [22](#) Nasreen Ghufra, 'Pakhtun Ethnonationalism and the Taliban Insurgency in the North West Frontier Province of Pakistan', *Asian Survey*, Vol. XLIX, No. 6, November/December 2009: 1106.
- [23](#) The number of *Madrassas* increased from 900 in 1971 to 8,000 registered and 25,000 unregistered by 1988. Ahmed Rashid, *Taliban, Militant Islam, Oil and Fundamentalism in Central Asia*, Yale University Press, 2001: 89.
- [24](#) Ashok K. Behuria, 'Fighting the Taliban: Pakistan at War with Itself', *Australian Journal of International Affairs*, 61 (4) (2007): 533.
- [25](#) Ghufra, 'Pakhtun Ethnonationalism and the Taliban Insurgency': 1103.
- [26](#) Behuria, 'Fighting the Taliban': 533.
- [27](#) Rakisits, 'National Integration in Pakistan': 342.
- [28](#) Ibid: 343.
- [29](#) 'Pakistan: The Militant Jihadi Challenge', International Crisis Group's *Asia Report*, No 164, 13 March 2009, p. 4.
- [30](#) Behuria, 'Fighting the Taliban': 531.

- [31](#) 'Waziristan Clash toll rises', *Dawn – the Internet*, 22 March 2007.
- [32](#) 'Pakistan: The Militant Jihadi Challenge': 12.
- [33](#) Behuria, 'Fighting the Taliban': 531.
- [34](#) Ghufraan, 'Pakhtun Ethnonationalism and the Taliban Insurgency': 1094.
- [35](#) 'Pakistan: The Militant Jihadi Challenge': i.
- [36](#) Ibid: 6ff.
- [37](#) Ibid: 7ff.
- [38](#) 'Pakistan's Tribal Areas: Appeasing the Militants': 22.
- [39](#) Rohan Gunaratna and Amir Rana, *Al Qaeda Fights back inside Pakistani Tribal Areas*: 49.
- [40](#) 'Pakistan: The Militant Jihadi Challenge': 7ff.
- [41](#) Ghufraan, 'Pakhtun Ethnonationalism and the Taliban Insurgency': 1107–1108.
- [42](#) Ibid: 1108.
- [43](#) Claude Rakisits, 'Taliban down but not yet out', *The Australian*, 10 August 2009.
- [44](#) Another prominent militant leader opposed to attacking government forces was Qari Zainuddin Mehsud until his assassination on 23 June 2009, most probably by someone in the TTP.
- [45](#) Most analysts believe that Baitullah Mehsud masterminded the assassination of Benazir Bhutto in Rawalpindi on 27 December 2007.
- [46](#) Attacks against Shias in the tribal agencies of Kurram and Orakzai, where there is a significant Shia population, are a regular occurrence. See 'Pakistan: The Militant Jihadi Challenge': 15ff.
- [47](#) In an attempt to placate the religious parties, Zulfikar Ali Bhutto declared the Ahmadiyahs a non-Muslim sect in 1974. This was reaffirmed in 1984 under the regime of General Zia. Ahmadiyahs are regularly the target of attacks, with the latest being on 28 May 2010 when some 80 worshippers were killed in Lahore.
- [48](#) Anand Gopal, Mansur Khan Mahsud and Brian Fishman, 'Inside the Haqqani Network', *Foreign Policy*, 3 June 2010.
- [49](#) Ghufraan, 'Pakhtun Ethnonationalism and the Taliban Insurgency': 1111.
- [50](#) Claude Rakisits, 'Pakistan – Afghanistan: Breaking the Taliban Connection', in Alexandre Vautravers (ed.), *Globalization of Security Trends and Perspectives*, Geneva, Webster University, 2008: 71.
- [51](#) For an excellent discussion of the continuing ISI–Taliban relationship, see Matt Waldman, 'The Sun in the Sky: The Relationship between Pakistan's ISI and Afghan Insurgents', *Crisis States Discussion Papers*, London School of Economics, London, June 2010.
- [52](#) Aziz, 'Causes of Rebellion in Waziristan': 39.
- [53](#) Musharraf had already relinquished his position as Chief of Army Staff in November 2007.

- [54](#) Ghufraan, 'Pakhtun Ethnonationalism and the Taliban Insurgency': 1113.
- [55](#) Claude Rakisits, 'Battle with the Bad Guys', *The Australian* 17 June 2009.
- [56](#) Claude Rakisits, 'Pakistan stands to win from capture of Taliban leader', *National Times*, 23 February 2010, <<http://www.nationaltimes.com.au/opinion>>
- [57](#) Zeeshan Haider, 'No Pakistan victory in Orakzai despite hue and cry', *Reuters*, 14 June 2010, <<http://www.reuters.com/article/idUSTRE65D1JI20100614>>
- [58](#) Baqir Sajjad Syed, 'Accord for operation in North Waziristan', *Dawn.com*, 20 May 2010, <<http://news.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/front-page/timing-to-be-decided-by-pakistan-accord-for-operation-in-north-waziristan-050>>
- [59](#) 'Pakistan Taleban praise release', *BBC News*, 22 April 2008.
- [60](#) 'Pakistan's Tribal Areas: Appeasing the Militants': 22.
- [61](#) Interview with a local member of the NWFP Provincial Assembly, April 2008.
- [62](#) The Islamic parties had 10 out of the 12 seats allocated to FATA in the National Assembly. In the 2008 elections, these parties lost all their seats.

Part III

International dimensions

10 Pakistan–US relations

An inconvenient partnership of convenience

Moeed Yusuf

Introduction

The Pakistan–US relationship has experienced a rollercoaster ride since 9/11. While the US claims that Pakistan is the principal ally in its military engagement in Afghanistan, the two have cooperated within an overall framework where periodic tensions and mutual mistrust have been the norm. The US considers Pakistan to be part of both the problem and the solution. Its tribal belt is perceived to be the ‘most dangerous place’ and it is asked to do more just as its sacrifices in the War on Terror are lauded. Pakistan on its part has transformed into an acutely anti-US polity. The instability and a total breakdown of the law and order situation in parts of the country are blamed on shortsighted and myopic US policies in Afghanistan. US aid is demanded but its failure to impact the lives of Pakistani citizens is condemned. Notwithstanding the tensions, ultimately Pakistan and the US have stuck together in their post-9/11 engagement. Both realize that even an imperfect partnership is better than an outright rupture in bilateral ties. Neither can do without the other in the Afghan war at this stage. The relationship therefore continues even as it hangs by a single thread – terrorism.

This chapter analyses the Pakistan–US relationship since 9/11 and conjectures on its future trajectory. It takes a counterintuitive approach in that it moves away from the popular discourse – highly normative in nature – that largely blames Pakistan for having failed to deliver in the War on

Terror and finds Islamabad's reluctance to support the US wholeheartedly as irrational. It utilizes the rational institutional design framework to explain why, taking Pakistan's own threat perception and self-defined regional objectives as a given, it is entirely rational for Pakistan to avoid complementing the US objectives completely. The chapter makes no value judgements about the moral tenacity of either the US or Pakistani stance. Nor does it argue that Pakistan's threat perception is well founded. Instead, it simply suggests that once Islamabad's perception of the situation and the objectives it derives from it are held constant, the incentive structure set up by the policy-setter, the US in this case, turns out to be perverse and ends up nudging Pakistan to oblige the US sub-optimally. Therefore, to extract better performance from Pakistan and achieve its objectives in the region, the US needs to change Pakistan's cost-benefit equation by altering the incentive payoffs rather than hoping that the moral undertones of its discourse would somehow lead it to oblige wholeheartedly. This requires a regional approach on the part of the US whereby Pakistan's insecurities *vis-à-vis* India and Afghanistan are addressed.

The next section lays out the rational institutional design framework and establishes US and Pakistani objectives in their post-9/11 engagement. The third section evaluates US policies and highlights the kind of incentives these create for Pakistan. Pakistan's reaction is rationalized in light of the cost-benefit analysis as seen by Islamabad itself. In the fourth section, avenues for reversing the perverse incentives in place are highlighted. Finally, we speculate about the future of the Pakistan-US relationship.

US and Pakistani objectives in light of the rational institutional design framework

Our argument is theoretically grounded in the rational institutional design framework, which we use to underscore the importance of proper incentives in any strategic interaction.¹ At its core, the argument is highly intuitive. The party establishing the incentives (the policy-setter) is to create

a payoff structure such that it incentivizes the other side (policy-taker) to adopt policies the policy-setter wishes to see it pursue. The task entails devising incentives that alter the cost–benefit equation for the policy-taker in a manner that automatically results in the desired change in its behaviour. For this to happen, the benefits from the transformed behaviour have to be both higher than the costs and more attractive than the alternative options available.

Where the two sides involved in the strategic interaction see themselves as partners rather than competitors, the ideal scenario entails alignment of their strategies in pursuit of common goals. That said, however, the policy-setter's strategies do not exist in a vacuum. Rather, they are intrinsically tied to the reaction from the policy-taker and thus are affected by it; in essence, both actors have a modifying effect on each other's moves. Realistically the policy-setter should structure the incentives keeping in mind the self-defined outlook and objectives of the policy-taker given that the latter's reactions will emanate from this understanding of the context. For the case at hand, the US has been trying to convince Pakistan to side with it in the quest to rout out anti-American militants from Afghanistan. Moreover, it is interested in stabilizing Pakistan itself, lest Pakistan descends into chaos. In order to understand the incentive structure the US has attempted to create and the challenges it has faced in this regard, one needs to lay out the objectives of both sides post-9/11.

US objectives

For the Bush administration, the objectives of the intervention in Afghanistan were extremely broad. However, in terms of Pakistan's involvement, the US wanted Islamabad's full cooperation in routing out hard-core Al Qaeda and Taliban presence that could threaten another 9/11. Pakistan's concurrence was critical since it was the most obvious supply route for Coalition forces in Afghanistan. Moreover, Pakistan's traditional links with the Taliban and the Pakistani intelligence agency's – the Inter-Services Intelligence (ISI) –

deep penetration of the Taliban's Afghanistan made it an asset in terms of intelligence and information about the makeup of the enemy.

Later on, Pakistan's importance was taken to a new level as the Pakistani Federally Administered Tribal Areas (FATA) became the principal sanctuary for Al Qaeda and Taliban fighters who fled the US attack in Afghanistan.² Even more compelling, FATA is now believed to have become the new global hub for the Al Qaeda leadership.³ Notwithstanding the fact that the Obama administration has toned down its objectives and may be drifting towards negotiations with the 'moderate' Taliban as the end game, Washington continues to argue that it will only engage in a compromise deal from a position of strength. There is also acknowledgement in Washington that this scenario is unlikely to materialize unless the US and Pakistan coordinate their activities in Afghanistan and FATA respectively.

Finally, as Pakistan itself has come under attack, the US mandate has added a fresh dimension; Washington realizes that state collapse in this nuclear-armed country could have a catastrophic impact on global security. It thus sees an interest in ensuring that militants targeting the heartland of Pakistan are eliminated as well; it finds utility in propping Pakistan up through extensive monetary assistance lest the anti-Pakistan Taliban take advantage of the state's weakening writ and ability to satisfy its citizenry.

Pakistani objectives

Pakistan was a reluctant entrant into the US War on Terror. Having supported the Taliban throughout their rule in Afghanistan and having used militant factions as a foreign policy tool initially against the Soviet invasion of Afghanistan – incidentally this was pursued with active US involvement – and subsequently in support of the insurgency in Indian Kashmir, Pakistan found itself in a catch-22. In light of the fact that the UN Security Council had unequivocally condemned terrorism and passed Taliban-specific resolutions, continuing overt support of the Taliban would have brought

Pakistan to the verge of international isolation. It therefore had little choice but to formally join hands with the US.⁴ However, Pakistan also realized that the transformation in its traditionally pro-Islamist outlook would have a serious backlash and therefore it had an interest in minimizing the threats to the state from its clients-turned-enemies.

More importantly, however, Pakistan was adamant on maintaining the regional balance of power in South Asia. Pakistan's number one concern has always been the threat from India and its military establishment, having dictated the country's national security vision, sees the ability to stand up to India as its *raison d'être*.⁵ At no cost was the military willing to let the US intervention change regional dynamics in a way that left Pakistan vulnerable to its eastern neighbour. Further, the Pakistani military establishment considered a friendly relationship with Afghanistan vital. Initially, it hoped to revive the client-based ties it had with the Taliban government in order to retain its 'strategic depth' vision, which it had employed throughout the 1990s to offset its lack of geographical depth *vis-à-vis* India.⁶ Later on, however, it signalled its willingness to accept any Afghan dispensation that was not hostile towards it.⁷ Decoded, this amounts to significant Pushtun and non-Northern Alliance presence in the Afghan set-up – enough to comfort Pakistan against any obvious pro-India bias in Kabul.

Additionally, the Pakistani government under Pervez Musharraf sought additional benefits in terms of political support for his rule and economic aid, both military and non-military, for the country. This set of policies has been continued by the civilian government presently in place in Pakistan. It has actively been looking to the US for political and economic support as well.

The divergent outlooks of the two partners in this so-called 'alliance' should be obvious. The US was much more focused on eliminating the Taliban and Al Qaeda threat and wished for total Pakistani commitment in this regard. All other tracks of engagement, most notably economic assistance to Pakistan, were seen as intrinsically linked to this primary focus. Pakistan, on the other hand, was understandably more

concerned about its own well-being and saw the ideal within the regional objectives it had defined for itself. The divergence implied that the US had its work cut out in terms of instituting an incentive structure that would prompt Pakistan to align its goals and enter into a strategic alliance with Washington. Substantively, Washington's task translated into increasing the payoffs for Pakistan to rid itself of the India-centric outlook, instead focusing its energies on routing out the anti-US militant elements. This amounted to a virtual transformation in the threat perception of the Pakistani military, the beholder of the country's national security vision. Moreover, Pakistan's own stability would have come about through extensive socio-economic aid provided constantly over the long term.

Mismatch between policies and objectives: incentives gone wrong

Having outlined the objectives of both sides and the incentive structure the US sought to put in place to achieve its aims, this section discusses the actual US policies towards Pakistan since 9/11. Next, it analyses the Pakistani response in light of the incentives these policies had created in the hope of transforming Islamabad's behaviour. The post-9/11 US policy towards Pakistan has consisted of a five-pronged approach: (i) coerce Pakistan; (ii) buy out Pakistan; (iii) do-it-ourselves; (iv) emphasize the seriousness of the threat faced by Pakistan itself; and (v) ensure that Pakistan's tensions with India remain in check.

Coercion of Pakistan

Coercion was the very first tool the US applied to goad Pakistan into a partnership to target Al Qaeda and Taliban presence in Afghanistan. The then Deputy Secretary of State Richard Armitage's infamous threat (which he has formally denied) of bombing Pakistan 'back to the stone age' immediately after the 9/11 attacks was the first overt use of the coercive element of the strategy.⁸ However, over time, coercion became less and less tenable since tools such as compellence and coercion tend to work in statecraft only if the

threat posed to the other side is credible and cost-effective. In this case, it was clear that the political and strategic costs of putting US boots on the ground in Pakistan were prohibitive. Pakistanis remained confident that any move to use military force in Pakistan would have been suicidal for the US. Not only was this impractical given that US forces were already stretched thin in Iraq and Afghanistan, but such a move would also have galvanized the already-strong anti-US sentiment in Pakistan and further radicalized the citizenry. Moreover, tactically, US commanders and officials were clear early on that the nature of the terrain and lack of support from the local population would leave their gains extremely limited. Indeed, Washington's official enclave has persistently reiterated that a full blown US operation in Pakistan was never on the cards.

The 'buy-out' option

The buy-out option was arguably the leading factor in the US's policy towards Pakistan under President Bush. America's approach *vis-à-vis* Pakistan remained highly client-based throughout this period. Washington sought to 'buy out' the Pakistani authorities, offering handsome monetary transfers in return for fighting what was essentially understood by both sides to be America's war. Much of the US assistance, substantial in absolute terms, was narrowly focused on reimbursing and rewarding Pakistan for the fight against terrorism.⁹ In the initial days, the understanding between the two partners was confined to apprehending Al Qaeda and Taliban miscreants who had crossed over into Pakistan's tribal areas to flee the US attack.¹⁰ While the arrangement expanded in scope as the true extent of the threat was comprehended, the mindset in the Bush White House essentially remained one of a patron who had to pay off a mercenary for a specific task.

The buy-out approach had two negative spin-offs. First, the Bush administration used the Pakistani ruler cum Army Chief, Pervez Musharraf, as their point man, in the process undermining the mainstream democratic forces in the country.¹¹ In the final outcome, the US lost goodwill with the Pakistani masses as it was largely seen as having contributed

to the sustainability of a dictatorship. Second, the overwhelming focus on ‘Coalition Support Funds’ as reimbursement for Pakistani efforts in the War on Terror meant that US aid was doing little to alleviate the economic plight of the Pakistani masses. With over \$8.9 billion of the \$12 billion official aid between 2002 and 2008 going to terror-related receipts,¹² the US yet again lived up to its undesirable reputation of having supported military dictatorships to the detriment of the Pakistani people over the years.

The Obama administration came in having singled out the buy-out approach as a major shortcoming in its predecessor’s policy towards Pakistan. The current administration realizes that in the face of an emboldened anti-Pakistan campaign by the Taliban, a broad-based socio-economic aid package has become necessary to prevent Pakistan’s state collapse. The Obama White House has already taken tangible steps to alter the aid composition. The non-military aid has been tripled to \$1.5 billion a year under the PEACE Act of 2009, popularly dubbed the Kerry-Lugar Bill.¹³ Even this however does not imply that all is well. Despite the new tone from Obama, the debate among Washington’s legislators never moved away from a transactional one. Even the text of the Kerry-Lugar Bill reflected that; it had a number of terror-related conditions tied to economic aid.¹⁴ Similarly, on the military front, the transactional nature of the assistance continues with the military aid being provided to cover costs of the war for Pakistan.

The ‘do-it-ourselves’ option

The rather shortsighted buy-out approach is not the only aspect of the US policy which reflected the absence of a holistic outlook. Equally disturbing was the US inclination to believe that it could combine the buy-out with a ‘do-it-ourselves’ mentality to eliminate militant presence. In the early days of the campaign, the US was reluctant to trust Pakistan’s partnership. This was flowing, understandably, from its concerns about lingering Pakistani military and ISI involvement with the Taliban and the persistent failure of

efforts by the international community to convince Pakistan to sever ties with the Taliban pre-9/11. The lack of trust in the Pakistani establishment was manifested at the very outset when the US chose not to consult Islamabad on its specific plans to launch an attack on the Taliban's Afghanistan.¹⁵ Similarly, the US refused to allow the Pakistani authorities to provide security for supply trucks destined for coalition troops through Pakistan, instead preferring to use private security presence and striking deals with local tribes for safe passages.¹⁶

Over time, however, the US–Pakistan differences have become much more fundamental. This has resulted in further emphasis on the do-it-ourselves option. The single most important explicit change in Obama's military strategy towards Pakistan has been the excessive use of the Predator drones. While the author's discussions with members of Pakistan's strategic enclave confirm that there was a tacit understanding between the US and Pakistani governments – under Musharraf the Pakistani intelligence is believed to have collaborated actively on the strikes – post-2008, the US has increasingly sought to avoid full disclosure to the ISI, instead stepping up the drone strikes as a counter to what it sees as both Pakistan's lack of interest in taking out anti-US elements and an acute capacity shortage on Islamabad's part.¹⁷ Despite being the subject of immense controversy and forcing militants to disperse into Pakistan's main cities, the US continues to argue that the Predator missions are productive and that they shall remain in place.¹⁸ In fact, there are periodic references to the possibility of expanding the geographical scope of the strikes.¹⁹

There is one other dimension of the do-it-ourselves approach that has a tangible negative fallout on Pakistan. This relates to the reluctance on the part of the US to formulate its Afghan counter-terrorism strategy in consultation with Pakistan. The most obvious case of a fundamental divergence in interest is President Obama's troop surge, which seeks to increase the strength of the American forces in Afghanistan. As publicly acknowledged by US officials, the move is certain to push Afghan Taliban into Pakistan as they melt away,

creating more challenges and external pressure on Islamabad.²⁰ Yet, Washington argues that it has no option but to trade off Pakistani stability for success in Afghanistan at this point. Indeed, the US is banking heavily on the troop surge to put it in a position of strength in Afghanistan in the near future. On balance, then, the two sides continue to show propensity to fight their own distinct wars in a common theatre.

Finally, under President Obama, the do-it-ourselves mindset has also spilled over into the political and economic domain. There is a strong sense within the US establishment, officially denied, that the Pakistani government in office lacks the capacity to manage political crises effectively and, more so, to run economic policies efficiently and transparently. Increasingly, US officials are believed to be involved in Pakistani political and economic issues which are usually the domain of the country in question. While the Pakistani allegations on this issue may well be grossly exaggerated – independent verification is virtually impossible – the substantial increase in the number of US officials and non-official experts in Pakistan is acknowledged.²¹ Moreover, the sheer number of visits by US officials – 59 US delegations visited Pakistan in 2009²² – and the frequent meetings between them and Pakistani politicians do raise the question as to why such constant interaction is needed.

Emphasizing the threat to Pakistan

The US disappointment with Pakistan's performance and its propensity to treat Pakistan as a client state notwithstanding, it also adopted the paradoxical position of prodding Pakistan to get serious and fight the common enemy alongside the US. Repeated US assertions have been aimed at convincing Islamabad to comprehend the gravity of the threat the militant enclave poses to Pakistan itself. This view has become much more credible since the anti-Pakistan elements have coalesced under the Tehreek-i-Taliban Pakistan (TTP) umbrella and have specifically targeted state interests within Pakistan.

Notwithstanding the above, much to the bewilderment of the international community, until the TTP had threatened to

take over Islamabad in 2008, the Pakistani government and population at large remained ambivalent about the threat posed by the TTP. Not only did Pakistan's military establishment show reluctance to undertake a concerted effort against the Taliban, but even the Pakistani masses exhibited a state of denial about the militant threat to their country.²³ The majority sentiment dismissed the threat as exaggerated, pointing instead to US presence in Afghanistan as the underlying problem; the antipathy towards the US amounted to a sympathetic view of virtually anyone who opposed its presence in the region. This sentiment understandably frustrated the US policymakers further and prompted them to seek unilateral measures, in effect reinforcing their inclination to employ the 'do-it-ourselves' approach.

The India factor

Finally, the US was mindful of the need to keep Pakistan military's other potential distractions in check so that it could focus on the War on Terror. The US remained diplomatically involved in Indo-Pak relations. However, the policy had a one-point agenda: nudging the two sides to keep their border calm. In line with this goal, the US played an extremely constructive role in pulling the south Asian rivals back from the brink in the 2001-02 nuclear crisis. It also supported the continuation of the Indo-Pak peace process, which was initiated in 2004. Beyond this, however, Washington refrained from proactively pushing the two sides to settle contentious issues permanently, this being a long-standing Pakistani demand. The Obama administration, which came in pledging support for a 'regional' solution to south Asia, has backtracked and, much to Pakistan's dismay, has left India completely out of its 'Af-Pak' formulation.²⁴ The US has also remained indifferent to India's involvement in Afghanistan since the Karzai government took over, a fact that has raised eyebrows in Islamabad. Furthermore, the US instituted a government in Afghanistan, which despite having Pushtun representation has left the key power-wielding positions in the hands of the Panjshiri Tajiks belonging to the Northern Alliance.²⁵

Pakistan's reaction to US policy

From the US perspective, its policy should have ideally prompted Pakistan to behave as a true ally, thereby complementing US efforts to defeat the adversary in Afghanistan and FATA. It should also have led Pakistan to tame the largely Pakistan-focused TTP and stabilize the situation within its own borders. Much to the contrary, Pakistani and American preferences have continued to diverge for the most part.

US coercion bore dividends to begin with as it forced Musharraf to transform Pakistan's pro-Taliban policy and agree – at least on paper – to virtually all US demands in terms of supporting its Afghan operation. However, in no time, the Pakistani military establishment became as confident as their US counterparts that a large-scale, direct US intervention was implausible. Notwithstanding the trust deficit and the intermittent deterioration in the military-to-military collaboration – overall though military-to-military relations have remained much more cooperative than the political relationship – the Pakistani military was convinced that the US could not afford to lose whatever tactical and intelligence support that Pakistan was providing. Moreover, it must have seen its tacit understanding to allow intermittent US Predator strikes and access to a number of apprehended suspects as an additional buffer against any serious consideration of direct US intervention in Pakistan. Not to mention, Islamabad remained fully cognizant that the extreme anti-Americanism among the Pakistani masses was a strong deterrent for the US to intervene militarily. It is hardly surprising, then, that the Pakistani authorities have done little to stem the growth of anti-Americanism in Pakistan since 9/11.

Pakistan's position on being bought out was interesting. On the one hand, General Musharraf saw President Bush's propensity to use him as the point man as politically expedient. The narrowly focused aid for the terrorism effort allowed him both to present to the military, the transfers as benefits of being involved in the otherwise unpopular war as well as to avoid having to take ownership of the effort as 'Pakistan's

war' in front of the Pakistani population. However, in terms of the US's overall objectives, this formulation was highly counterproductive. For one, it meant that the Pakistani military never considered itself to be part of an overarching alliance with the US; the outlook remained strictly tactical. In addition, the Pakistani masses saw the war as being thrust upon them by the US and thus blamed the entire backlash within Pakistan on Washington.²⁶ While the current Pakistani government has repeatedly owned up to the war against the TTP, the discourse on Afghanistan and the US presence in the region remains just as ambivalent.

More worrisome from the US perspective, the Pakistani government has never seen US monetary support as being a quid pro quo for the Pakistani forces to fight on US terms. There was no consideration among the khakis that Pakistan could oblige Washington beyond a point where its own national interests – as defined by the military – would be undermined. In fact, the Pakistani establishment was equally adept at realizing the client-based nature of the relationship and internalized the aid as little more than direct reimbursement for the costs of fighting the war.

As for the lack of economic aid, Musharraf shifted the entire blame on the US, continuously arguing that Washington was not paying enough attention to the plight of the average Pakistani. Notwithstanding the fact that his own political interests had much to do with Pakistan's acceptance of this narrowly defined aid relationship, the implication was that the Pakistani masses again found reason to point fingers at the US.²⁷ This was just when President Bush was selling the opposite message at home. Washington's official line was that the substantial assistance to Pakistan was a token of recognition of its support in the War on Terror and was to act as an incentive for Pakistan to go all out in its effort against anti-American militants in the region. The American audience therefore expected Pakistan to change its strategic paradigm courtesy of American support. This is why American citizens saw ample justification to blame Pakistan and question its sincerity when they realized that Pakistan was not prepared to extend unconditional support.

Interestingly, while the present government in Islamabad has cashed in on this rhetoric to convince President Obama of the need for a holistic aid package, in terms of convincing the average Pakistani, the state's policy is largely unchanged; blaming the US for Pakistan's socio-economic problems is encouraged tacitly even if it is no longer mentioned explicitly. The most obvious evidence of the government's propensity to deflect criticism towards the US was the massive backlash of the Kerry-Lugar Bill. The country was up in arms about the numerous terrorism-related conditions that accompanied the bill; it considered the document insulting.²⁸ Back in Washington, the reaction came as a shock and led those among the policy-makers and legislators who were already circumspect about Pakistani commitment to question the value of this aid; Pakistanis were seen as ungrateful and excessively demanding. If anything, Pakistan's negative perception in the US was further reinforced.

As already mentioned, the Musharraf administration seems to have been on board with much of the do-it-ourselves approach of the US. After all, it agreed to allow the US to manage the security of its supply convoys destined for Afghanistan and to collaborate on the drone attacks. Pakistan's approach on this issue reveals something very fundamental about the mindset in Islamabad. It reinforces the fact that Pakistan never saw the anti-militant effort as one where it needed to take the front seat. Instead, it was much more comfortable allowing the US to take charge of the more controversial aspects of the campaign even at the expense of a breach of its territorial sovereignty. At best, then, Islamabad's outlook reflects a propensity to play second fiddle to the US in the hope that this would reduce the blame and the direct losses to it.

The present government has not altered this policy fundamentally. US air bases, an independent arrangement with the tribes to allow safe passage to NATO trucks, and the presence of US military officers within Pakistan all remain intact.²⁹ Moreover, the Pakistani civilian authorities have willingly accepted increased presence of American diplomatic and non-diplomatic staff as well as private security

companies.³⁰ The only aspect of the policy where they have begun to raise concerns is the Predator strikes; there, too, the sticking point is their frequency and absence of full disclosure, not their use *per se*. Yet on all these counts, when it comes to facing the public, the Pakistani government operates on the principle of plausible deniability; it refuses to acknowledge its acquiescence in US actions and thus further incites anti-US sentiments.

Contrary to the above, Pakistan's stance on the US Afghan policy is the polar opposite. Islamabad would prefer a consultative role for itself, especially on plans that have a direct bearing on Pakistan's security situation. Again, the troop surge is the most pertinent example where the Pakistani authorities have demanded involvement at the policy level. Rather interestingly, the surge is also the clearest manifestation of the divergence in goals of the two sides; what America sees as essential to tackle the Taliban in Afghanistan, it itself acknowledges will be counterproductive for Pakistan. Here, for Pakistan, the US is clearly part of the problem rather than the solution.

Next, in terms of the seriousness of the threat, Pakistan's position has moved from ambivalence to taking a nuanced view of the adversary. The US's aim has been to convince Pakistan that the Taliban–Al Qaeda combined operating in Afghanistan is organically linked to militant factions within Pakistan, therefore making it imperative upon Pakistan to target them for its own sake. Pakistan, on the other hand, has sought to disaggregate the threat and treat it with different policy options. There has been complete agreement that Al Qaeda's elimination is in the interest of both sides. Indeed, it is no coincidence that most of the high-profile operatives that were arrested by Pakistani authorities and handed over to the US belonged to Al Qaeda. By the same token, the bulk of the drone targets were reportedly Al Qaeda elements.

On the Taliban, the two sides diverge. The US has always seen the 'Afghan Taliban' and groups directly linked to their activities against Coalition forces in Afghanistan as the principal threat. While the US now includes the TTP in its list of targets, this is a recent development that has been spurred

by tangible evidence of their involvement across the border and even in some terrorist activities on US soil.³¹ Pakistan, on the other hand, sees the anti-Pakistan TTP and its affiliates as the main adversary. The incentive to target the Afghan Taliban and associated militant factions pledging not to target Pakistani security forces is much less. Despite the ideological links these outfits share with the TTP, the Pakistani military establishment seems confident that it can continue negotiating with this cohort to keep its anti-Pakistan activities in check.³² At the same time, it seems to be able to hold out a credible enough threat of retribution should the Afghan Taliban openly utilize Pakistani territory to run their entire anti-US operations or to pursue a course in Afghanistan which Pakistan does not approve of.³³ The incentive is to turn a blind eye to a certain residual level of activity while simultaneously cooperating with the US on intelligence and allowing the US a relatively free hand to target these elements aurally.³⁴

The extent to which the US incentive structure has become lopsided, however, cannot be comprehended fully without introducing the India factor into the equation. Exaggerated as it may be, in the Pakistan military's view, the US involvement in Afghanistan and its reluctance to push India to address Pakistani insecurities has further aggravated the regional imbalance. Pakistan sees a direct connection between the US intervention in Afghanistan and the increase in Indian leverage with the Afghan government. The US indifference on this count challenges the very premise of the Pakistan military's obsession with a placid Kabul. Further, it is now considered common wisdom in Pakistan that the US, deeply committed as it is to a long-term strategic partnership with India, will remain averse to pulling back from massive defence and nuclear energy cooperation with it but will at the same time avoid according identical treatment to Pakistan. The military also remains resentful of the US's refusal to fulfil what it believes are genuine defence needs – F-16s being the most prominent sticking point – and of Washington's constant concerns about its military aid being diverted to build Pakistani capacity *vis-à-vis* India.³⁵

In terms of policy, the divergence in opinion is just as strong. Pakistan saw Washington's unwillingness to prod India to agree on a solution to Kashmir after Pakistani President Musharraf had shown significant flexibility as another sign of US bias. Much the same is the sentiment in India's alleged involvement in supporting separatist elements in Pakistan's Balochistan province, a long-standing Pakistani claim that has been acknowledged by the Baloch separatists and recently reinforced by independent experts.³⁶ Recent allegations from Islamabad also point to an Indian role in FATA; thus far, the US has been silent on this count too.³⁷

Reversing the perverse incentives

It is safe to say that the US has failed to alter the Pakistani policy payoffs such that Islamabad would begin to see all out support for the US as beneficial to its cause. Much to the contrary, the Pakistani establishment's threat perception and its long-term regional objectives remain entrenched. Worse yet, it associates a deteriorating regional balance *vis-à-vis* India, a less amenable Afghanistan and increased backlash due to counter-terrorism efforts in Afghanistan as a direct outcome of US south Asia policy. To add, the US has been unable to use its state-building support to stabilize Pakistan enough to make the threat of TTP's inroads incredible or even to signal a willingness to remain engaged with Pakistan over the long run.

The Obama administration's options *vis-à-vis* Pakistan are extremely limited and the window of opportunity to woo Islamabad is fast disappearing. Realistically, the above analysis suggests there is one principal avenue for US policy intervention: assuaging Pakistan's regional concerns. Other than that, the value of coercion has decreased significantly, the do-it-ourselves outlook reflects the wrong mindset and is at best a tactical concern in the grand scheme, convincing Pakistan of the gravity of the threat from the Afghan front is intrinsically linked with its regional threat perception, and while the Obama administration has attempted to make positive turn on the buy-out aspect by prioritizing Pakistan's socio-economic needs, the buy-in in Washington

has been modest. In any case, socio-economic assistance ought to be seen as a means of stabilizing Pakistan to eliminate the risk of a state collapse and not as a tool to encourage a paradigm shift in terms of Pakistan's strategic thinking. The latter is unlikely. In essence, then, the US is left with the extremely challenging task of manoeuvring south Asian regional politics in order to alleviate Pakistan's security concerns and stabilizing Pakistan through a long-term socio-economic relationship that is independent of developments on the terrorism front.

Realistically, the US does not have the leverage to extract any concession on Kashmir from India. Here, the Pakistani demand is unrealistic. That said, there are a number of other measures the US could convince India on, ones that may not normalize relations but would be substantial enough to force a serious rethink on Pakistan's part. To begin with, symbolically the US needs to defer to Pakistan's demand of applying a 'regional' lens to south Asia. The Obama administration's backtracking on including India in Special Envoy Holbrooke's portfolio was unfortunate in this regard. Similarly, the US should persistently and publicly support an uninterrupted continuation of the dialogue and an early resolution to the Kashmir dispute, making it clear to New Delhi that it would not support the status quo indefinitely. As for Pakistan's concerns about growing Indian presence in Afghanistan, the US, without challenging India's right to be involved in reconstruction efforts, must investigate and address Pakistani concerns about Indian intelligence operations from Afghanistan in support of the anti-Pakistani Taliban. A similar move should be made regarding Pakistani allegations about Indian meddling in Balochistan. Public rhetoric aside, the US intelligence would be in complete knowhow of the extent of Indian involvement; based on this information, it should reach out to New Delhi on the subject.

Another element of the US effort to assuage Pakistan's regional concerns should focus on creating buffers against a hostile Afghanistan. The US needs to play a delicate balancing act whereby it guarantees that enough non-Northern Alliance Pushtun elements would be included in any political

formulation for Pakistan to be convinced that Indian encirclement with Kabul's blessings is implausible. Such a representative government seems to be the most realistic middle ground, one that Pakistan has signalled its willingness to accept.

In terms of stabilizing Pakistan, a long-term commitment for assistance across sectors is crucial. However, the aid's delivery has to be swift and unconditional to Pakistan's terror-related performance. The only conditions ought to be directly linked to transparency and effectiveness of aid spending and even there the strings attached should not be so stringent that they limit genuine Pakistani spending options. Moreover, some leakage is inevitable given weak institutional capacity and systemic corruption in Pakistan. While every effort should be made to minimize it, this should not become an excuse to withdraw aid.

Looking ahead: is it too late?

The future of the Pakistan-US relationship is central to US involvement in south Asia. As the end game in Afghanistan approaches and as regional players gear up to safeguard their interests in the next phase, the tone of the Pakistan-US engagement has taken a new, even more important, meaning. The ability to find a mutually acceptable end state in Afghanistan and a long-term economic relationship whose benefits are spread among Pakistani people are absolute necessities if stability is to return to the region; time may well be running out given the growing impatience of American citizens at home and increasing instability within Pakistan.

The good news is that fresh developments in the relationship suggest that this realization is setting in. When Secretary of State Hilary Clinton hosted Pakistani Foreign Minister and his delegation for a Pak-US 'Strategic Dialogue' in April 2010, it was a rare moment when both sides explicitly stated their willingness to accommodate the other's strategic thinking to make a fresh start.³⁸ The dialogue was the first high-level affair where both sides walked away triumphantly, indicating that their mission had been accomplished. The

Pakistanis claimed that the US had finally agreed to accommodate, among other things, its three fundamental demands: (i) to address the Pakistani concerns *vis-à-vis* India, especially its activities in Afghanistan; (ii) to ensure that the future dispensation in Afghanistan is not hostile to Pakistan; to do so, the US seems to have agreed to allow Pakistan a central role in negotiating an end state in Afghanistan; and (iii) broaden the relationship by enhancing socio-economic aid as a policy independent of the cooperation on terrorism. The US, on its part, claimed that Pakistan had understood its concerns, it was willing to effectively tackle terrorism in its tribal belt, and it was accepting of an Afghan end state which would not leave the Taliban in charge on their own.

The Strategic Dialogue signifies the long overdue realization that a new direction is necessary. The US has finally moved away from a normative position. Now shall come the litmus test. Will the two sides be able to operationalize this new vision? Will the US be able to convince India to heed to Pakistani concerns in Afghanistan when New Delhi does not even acknowledge any presence apart from in the socio-economic sectors? And can President Obama force India to remain engaged in the peace process? Will Washington's political and bureaucratic compulsions allow for swift and less stringently conditional aid to flow to Pakistan irrespective of how the battle against terrorism progresses? What kind of role will Pakistan be able to play in finding a negotiated settlement in Afghanistan; will it remain honest? Does it even have the kind of leverage required to bring the Taliban to a compromise?

While it is impossible to answer these questions definitively, hypothetical scenarios can be envisioned to lay out the most obvious directions the relationship can take in the near-term future. Below, two extreme scenarios and a status quo option are discussed. Together, they highlight the breadth of the spectrum of possibilities.

Possible future 1: an upgraded relationship

Perhaps the toughest to achieve, an upgraded Pakistan–US relationship would imply that the two sides achieve a mutually acceptable end state in Afghanistan and the relationship broadens to include a wide range of socio-economic aspects, delinked from terrorism. This presupposes Pakistani success in its role as interlocutor; a consensus on a broad-based Afghan government not hostile towards Pakistan would have been achieved. Moreover, the US would have managed to address the ‘India factor’ to Pakistan’s satisfaction.

In reality, for this scenario to transpire, the US will have to allow meaningful political engagement with the Taliban and other anti-American Afghan factions. For these factions to agree to any compromise solution, however, they will necessarily have to be in a position of weakness. The Taliban’s track record suggests that they may otherwise remain unwilling to compromise on the supremacy of their ideology and foreign presence in Afghanistan. The onus then shifts to the one and only policy tool the US has to weaken opposing forces, i.e. the troop surge. Should the troop surge fail to deliver, the interlocutors will have a hard time bringing the Taliban to a compromise. The difficulty is compounded as Pakistan sees a prolonged troop surge as having a negative fallout on its territory. Therefore, it will not be long before it calls for a review of this strategy. At the end of the day, Pakistan would much rather see a suboptimal outcome for the US than have a failed US policy cause greater instability within Pakistan. In essence, then, not only are positive results a must; these have to come swiftly.

The US will simultaneously have to look into Indian activities in Afghanistan and even Iran and nudge it to scale back non-development-related presence. At this point, it is not even clear if the US has enough leverage over India to force it to do so. After all, plausible deniability and the difficulty in presenting concrete evidence to back Pakistani claims works in India’s favour. Moreover, it may not be easy for President Obama to re-establish a regional lens in his south Asia policy formally given the sympathetic view of India across much of Washington. The US will, however, likely continue pressing

India publicly not to disrupt the dialogue process with Pakistan.

In terms of the socio-economic relationship, of paramount importance to Pakistan is that aid be swift, without non-economic conditions and consistent. Again, the mood in Washington makes this improbable. Pakistan enjoys an extremely negative perception in Washington; American corridors of power are distraught and disgruntled with lack of all-out support from Pakistan and the duplicity of the Pakistani government's messages to its people. Especially in the US Congress, the patience with Pakistan's stance towards the US has all but run out. The rationale for economic aid remains terrorism related. The majority believes that Pakistan has played a double game all along and that billions of American dollars have been spent inefficiently. Moreover, the lack of accountability – both in terms of aid spending and terrorism performance – witnessed under the Bush years is no longer acceptable. If aid does come, it will continue to be strictly monitored and conditional – the Kerry-Lugar Bill after all was considered an act of generosity by most in Washington despite its stringent conditions.³⁹ At the same time, quite disturbing in its own right, it is equally true that any such conditions shall continue to receive a hostile welcome in Pakistan and will give further traction to views that see the Pakistani costs of persisting with this relationship on its present terms as prohibitive.

Possible future 2: status quo

One obvious possibility is that the Pakistan–US relationship remains on its current path. Both sides will be allies but their cooperation will leave much to be desired. This sub-optimal arrangement will mean that the US will be unable to achieve its objectives in Afghanistan and Pakistan. Pakistan and other involved parties would not have achieved a political consensus on a broad-based Afghan dispensation acceptable to all sides and/or the US would have been ineffective in confronting India's position on Afghanistan. India will also remain only conditionally responsive to demands for uninterrupted

dialogue with Pakistan while fending away any pressure on Kashmir. The US will still maintain presence in Afghanistan and seek whatever help it can get from Pakistan. Meanwhile, it will sustain efforts to stabilize Pakistan but to modest avail. Aid will come with stringent conditions, non-economic ones included. In fact, conditions may stiffen over time as frustration over Pakistan's inability to deliver grows among Washington's policy-makers and legislators. Pakistan on the other hand will continue to distinguish between various militant threats it faces. It will at the same time continue to be peeved at the heavy costs it will undoubtedly continue to bear in this war and will remain equally frustrated at American reluctance to employ a regional approach. In essence, the two sides will retain a narrow-based, tactical relationship centred on the anti-terror war.

Possible future 3: a downgraded relationship

A further downgrading of the Pakistan–US relationship is also a possibility. The troop surge would have failed and the Taliban would have quickly regained their strength, leaving little option for the US but to either negotiate with them on their terms or to continue fighting. This is a catch-22 for the US as a Taliban-dominated deal would imply outright defeat while prolonging the war would force Pakistan to pull back its support. The US may well seek a pull-out – although a cut-back is more likely than a total pull-out – with a face-saver. Already, President Obama has signalled that he wants to start a troop withdrawal process in July 2011.⁴⁰ While he envisions advances in the campaign that will allow this, the policy may well have to kick in under duress. In any case, Afghanistan would be in turmoil. This would represent the failure of the most critical aspect of the Pakistan–US partnership and would inevitably leave both sides bitter about the experience. The US would hold Pakistan's failure to deliver in the last phase responsible for the loss while Pakistan, once again left to deal with a turbulent Afghanistan, would feel betrayed by the US. Granted, the US will likely continue to indulge Pakistan with some economic assistance and cooperation to ensure that the nuclear-armed nation does not descend into abyss. Pakistan,

however, will be kept on a much tighter leash. Overall, the narrowness of the relationship would imply a drastic reduction in US interests in Pakistan. Add to this the fact that in such a situation the US would probably feel the need to bank on the Indian connection even more to maintain a foothold in south Asia. Islamabad is certain to see this extremely unfavourably in the posited scenario.

Out of the three scenarios, the latter two remain far more likely. No less than a miraculous turnaround is needed for Pakistan and the US to be able to operationalize the vision that came out of the Strategic Dialogue. The bottom line in the 'status quo' and 'downgraded' scenarios is the same: the incentive structure in the Pakistan–US relationship is unlikely to be optimized; the relationship will remain tactical until the US persists in Afghanistan; and no positive quantum leap is likely. The two only differ in the degree of pessimism attached to them: possibilities range from a limited economic partnership designed to stabilize Pakistan and ensure some level of cooperation in an Afghanistan constantly in flux to what would constitute a rupture of the relationship for all practical purposes. Of course, reality will not mirror any one of these scenarios but will lie somewhere in between. The odds, however, point to a future Pakistan–US relationship which possesses more attributes from the two pessimistic scenarios.

Notes

- ¹ For a comprehensive overview of rational institutional design, see Phillip Pettit, 'Institutional Design and Rational Choice' in Robert Goodinn (ed.), *Theory of Institutional Design*, Cambridge University Press, 1998: 54–89.
- ² Ahmed Rashid, *Descent into Chaos: The United States and the failure of nation building in Pakistan, Afghanistan, and Central Asia*, Allen Lane, 2008: 268.
- ³ Ibid: 268–9.
- ⁴ Ahmer Bilal Soofi, 'The Reality of Pakistan's Turnarounds', *The Friday Times*, 17 (8) (15–21 April 2005).
- ⁵ Ayesha Siddiq Agha, 'Pakistan's Security Perceptions' in Imtiaz Alam, (ed.), *Security and Nuclear Stabilization in South Asia*, Free Media Foundation, 2006: 201–216.
- ⁶ Rashid, *Descent into Chaos*: 25.

- 7 Zahid Hussain, 'Kiyani Spells Out Terms for Regional Stability', *Dawn*, 2 February 2010, <<http://webcache.googleusercontent.com/search?q=cache:GW2a1A5xV8YJ:www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/06-pakistan-does-not-want-to-control-afghanistan-kayani-rs-02+kiyani+brussels+speech+says+strategic+depth+is+past&cd=1&hl=it&ct=clnk&gl=it>>
- 8 Pervez Musharraf, *In the Line of Fire: A memoir*, Free Press, 2006: 201.
- 9 Craig Cohen, 'A Perilous Course US Strategy and Assistance to Pakistan: A Report of the Post-Conflict Reconstruction Project Center for Strategic and International Studies', Center for Strategic and International Studies, August 2007.
- 10 Interview with Dr Maleeha Lodhi, former Pakistani Ambassador to the US, on 25 May 2009.
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11 Testing China's rise

China–Pakistan relations

Srikanth Kondapalli

Introduction

Pakistan has a special place in Chinese foreign policy. It was the first Islamic country to have recognized the People's Republic of China (PRC) on 5 January 1950 and the second Commonwealth and the third non-communist country to have recognized the PRC.¹ Pakistan is also the first country to whose rescue China came at the United Nations Security Council (UNSC), vetoing the proposal to admit Bangladesh as a member of the UN on 25 August 1972.² Despite being members of opposing security blocks during the Cold War and despite having serious ideological differences, both came together from the late 1950s and built what has been termed 'all-weather' relations. Internal attitudes also provide the conditions for furthering such relations. For instance, according to the Pew Global Attitudes Project, other than Nigeria, which rates China in high esteem (85 per cent of respondents in favour), Pakistanis have a high regard for China. Nearly 84 per cent of Pakistanis express a favourable view of China, up from 76 per cent in 2008.³

Since the Soviet invasion of Afghanistan in 1979 Beijing has been increasingly concerned with developments in Pakistan's region, particularly as they bear on Chinese strategic and security interests.⁴ According to Husain Haqqani, ambassador of Pakistan to the US, 'For China, Pakistan is a low-cost secondary deterrent to India For Pakistan, China is a high value guarantor of security against India.'⁵ There are other firsts for China *vis-à-vis* Pakistan. For instance, according to Lu Kejian, Director General of Asian Affairs in

Ministry of Commerce, 'China has set up its first overseas economic zone in Pakistan, its telecommunication company has chosen Pakistan as the first country for investment, and we have first-ever Free Trade Area (FTA) with Pakistan in the whole South Asia.'⁶

Although 'all-weather' relations have remained relatively intact between Beijing and Islamabad since the 1960s, the relationship is nonetheless characterized by enduring challenges and opportunities. China has six major objectives that guide its policies towards Pakistan:

- security and stability of its north-western peripheries bordering the 'arc of destabilization' in Central Asia;
- counter-terrorism/insurgency efforts;
- nuclear stability;
- balance of power in the region;
- economic development of these far-flung regions, which are away from the main coastal hubs; and
- seizing initiatives so as to be conducive for the rise of China.

Fulfilment of these main objectives is at the roots of the Chinese policies towards Pakistan, as with the other contiguous regions. The past decade has been a testing time for China in adjusting to its new policies towards the western regions of the country and carefully weighing options for the long-term stability of these regions. This chapter explores the initiatives that China has undertaken in the last decade and reflects on the possibilities for the near future. It argues that while conditions in Pakistan (and the broader neighbourhood) offered a series of challenges to China, China has undertaken a number of measures to solidify its 'all-weather' relations with Pakistan as a key element ensuring its long-term and comprehensive presence in the region. In this context China has also begun to consider the establishment of military bases abroad (possibly in Pakistan) and integration with this region in politico-military and economic aspects. Pakistan does provide a test case for China's rise in the twenty-first century,

as such experiments would be the building blocks for its strategic ascendancy in future.

Security and stability of the region

Disintegration of the Soviet Union in late 1980s, formation of independent states in Central Asia in the early 1990s and the gradual spread of religious extremism in the last decade have all brought new challenges to the peripheries of China. Starting from its Mongolian borders, through the Altai Mountains and Central Asia and the Himalayan borders up to Southeast Asia, several Chinese analysts view these peripheries as potentially destabilizing to the peaceful rise of China.⁷ Developments related to political disturbances in Mongolia, the so-called 'colour revolutions' in Central Asia, the resurgence of the Taliban and Al Qaeda forces in Afghanistan and Pakistan, the 'saffron revolution' in Myanmar, political turmoil in Thailand and insurgency in the Philippines are all part of a perceived 'arc of destabilization' for China. According to Chen Xiangyang, an associate researcher of the Institute of World Political Studies of China Academy of Contemporary International Relations:

The political disturbances in China's peripheral countries have brought a series of severe challenges to the peaceful development of China. First, the 'spillover' effect has jeopardized China's frontier stability and security. In particular, instability in central Asia, South Asia, and West Asia likely will have an impact on China's geo-west front and the 'three forces' [viz., extremism, separatism and splittism] again will stupidly try to take action, and thus China's 'great development of the West' program and security on the west side will face a new and complicated trial. Second, major Western countries and others will take advantage of the opportunity to fish in troubled waters and invade and erode the geo-supportive areas for China's peaceful development. Third, the disturbances have affected

China's strategy to encourage the economy to expand to the peripheral regions, and the pressure on protecting our overseas interests has increased. Fourth, the disturbances have brought new challenges to China's peripheral diplomacy, and ensuring our sovereignty and stability has become more difficult and China's diplomatic principle of 'not interfering in other countries' internal affairs' is facing the impact of the 'Chinese responsibility theory'. Fifth, the disturbances have affected the regional cooperation processes around China and held back the economic integration in Asia.⁸

With respect to Pakistan, Chinese analysts view the recent periodic violence as a manifestation of long-term instability. China has proposed a series of measures to overcome the problems that such destabilization pose for its western frontiers. Such measures have included: establishing proactive relations with regional states; increasing multilateral interactions; developing political communications with emerging actors (including with the Taliban); engaging in bilateral/multilateral counter-terrorism exercises and military cooperation; and developing economic ties with key regional states.⁹ Arguably this suggests that China is strategically positioning itself so that it can most advantageously gain from any possible future withdrawal of US presence in the region.

Counter-terrorism/insurgency efforts

Two major developments in the last decade have led to the furthering of counter-terrorism cooperation and measures towards protecting law and order in Pakistan. First, according to the Chinese view, links exist between the separatist groups among the Uyghurs of Xinjiang and Al Qaeda units in the Pakistan/Afghanistan training camps.¹⁰ While official Chinese sources estimate that several hundred Uyghurs have received (or are receiving) training in Pakistan, some Pakistani estimates put this figure at not more than 80.¹¹ Second, several Chinese living in Pakistan and Afghanistan were targeted by militants in these countries. To overcome these issues, China

had initiated a qualitatively higher form of cooperation with Pakistan, specifically with its armed and law enforcement forces.

Militant attacks on Chinese citizens in Pakistan (and Afghanistan) have rattled China. For instance, a car bomb attack on 3 May 2003 at the Gwadar Port construction site killed three Chinese engineers and injured eleven people, including nine Chinese and two Pakistanis. These engineers were employed by the China Harbour Engineering Company that is overseeing the port project. While Pakistan authorities blamed Baluchi separatists for this incident, Chinese authorities suspected that Uyghur 'separatists' were in fact responsible for this act. While a Pakistan air force plane carried the deceased to China, the Pakistani government compensated US\$145,000 to the Chinese victims. The matter of safety for the Chinese was discussed in the first week of August 2004 when Pakistan Senate Chairman Soomro met Chinese Premier Wen Jiabao in Beijing. Wen also demanded that security for the more than 3,000 Chinese working in Pakistan in several military and civilian projects be ensured.

Other incidents further underlined the plight of Chinese working in these areas. On 10 June 2004, eleven Chinese road workers were gunned down and five wounded at Kunduz in Afghanistan. In the last week of July 2004 an explosion in a Chinese national-run restaurant in Islamabad injured several. Chinese authorities suspected the involvement of Uyghurs in these two incidents. Further, in January 2007, militants abducted Chinese, accusing them of running prostitution dens near the Red Mosque in Islamabad. It was reported that under Chinese pressure, the Pakistan Army launched a military offensive against this mosque.¹² Meanwhile, in July 2007 three Chinese were abducted at Peshawar and a suicide bomber attacked Chinese engineers in Baluchistan. In 2008, Long Xiaowei, a Chinese engineer, was kidnapped in Swat valley in August but was released after nearly six months in February 2009 due to overt pressure from Beijing on the Pakistani Army.¹³

The 5 July 2009 incident in Urumqi, in which more than 189 people were killed in a span of a few hours, also further

increased Chinese anxieties. While the Pakistan foreign ministry extended full support to the Chinese, going so far to assert that China's national interests are Pakistan's national interests, militants in Pakistan held demonstrations in Peshawar and other places to protest Chinese closure of mosques and repression of Uyghurs. During Prime Minister Gilani's visit to Beijing in October 2009, President Hu Jintao suggested that if Pakistan 'devises a comprehensive strategy on security-related issues', China will be able to support Pakistan.¹⁴ In October 2009, the Chinese Ambassador to Pakistan Luo Zhaohui met the Pakistan Interior Minister Rehman Malik.¹⁵ A day before this meeting, the Chinese leader Jia Qinglin had suggested to Pakistan's deputy chairman of Senate Mir Jan Muhammad Khan Jamali on 27 October 2009 that the security of the thousands of Chinese living in Pakistan should be taken care of.¹⁶

Counter-terrorism cooperation

To overcome these problems, China has proposed a multi-pronged approach. First, at the political level, China has begun to revise its policy towards the Taliban by suggesting ethnic reconciliation efforts in Pakistan and Afghanistan.¹⁷ Second, China is trying to enhance the capacity of the Pakistani military to counter extremism. Towards this goal, China provided two scanners to Pakistan in January 2010, to be installed at Islamabad and Rawalpindi as part of a joint Safe City project.¹⁸ According to the agreement, in the first phase of this project, China is to provide \$71 million in aid to procure these scanners. However, in March 2010, it was found that these scanners are of low quality and were procured at more than 20 per cent of the market prices. In the light of protests from some cabinet ministers, the Prime Minister Gilani ordered an inquiry into the incident.¹⁹

Third, both had initiated direct action – in the form of counter-terrorism exercises. Pakistan's counter-terrorism campaign has been much appreciated by China.²⁰ The Chinese army conducted military exercises with the Pakistani army twice – in the Taxkorgan Tajik Autonomous County of

Xinjiang from 3–6 August 2004 and in December 2006 on the Pakistan–Afghanistan border at Abbottabad. In addition, China also invited Pakistani military officials to be observers in exercises that it conducted with other countries. The 2004 exercises at Taxkorgan were high-altitude exercises involving approximately 200 troops from both militaries at about 4,000 meters on the Pamir Mountains bordering China, Pakistani-occupied areas, Afghanistan and Tajikistan. It was code-named *Youyi* (Friendship)-2004. According to Major General Cheng Bing, the exercise was ‘aimed to further strengthen co-operation between the two countries and armies in non-traditional security field and maintain security and stability in the region, improve the capacity of jointly combating terrorism, separatism and extremism’. This live-fire operation achieved ‘great success’ and involved encirclement, assault and mop-up operations.

A second joint counter-terrorism exercise between the two was held in December 2006 on the Pakistan–Afghan border at Abbottabad and underlined the joint efforts to contain the resurgence of the Taliban in the region. Chinese special operation forces and Pakistan’s Army aviation units participated in this exercise.²¹ In the summer of 2010, both armies were preparing for ‘Friendship 2010’ counter-terrorism exercises with the aim of ‘deepening the friendly and cooperative relationship between the two armies’ while ‘enhancing their capabilities in coping with terrorism and safeguarding regional peace and stability’.²²

The regional balance of power

China’s perceptions of Pakistan have undergone a transformation since the late 1950s when Pakistan was a part of the US-aligned security alliance of the Central Treaty Organization (CENTO) to the more recent building of an ‘all-weather’ relationship between the two.²³ The strategic implications of the Indo–Pakistan wars of 1965 and 1971, as several Chinese authors contend, led to the development of a ‘common strategy’ between the two countries, especially in the late 1970s, which was further strengthened after the

USSR's Afghan occupation.²⁴ Indeed, during the 1970s China conceived of its relationship with Pakistan as combating 'expansionism [*kuozhang zhuyi*] and hegemonism [*baquan zhuyi*]' of both the US and the Soviet Union in south Asia.²⁵ The 1980s and 1990s were periods of hectic activity between Beijing and Islamabad. The maximum number of high-level political visits was made from either side during these two decades compared with any other previous period. Overall, one of the prime considerations of Beijing during the Cold War period was to balance India by supporting Pakistan, specifically as India was seen as a large country in south Asia with the potential to challenge China.²⁶ While under Jiang Zemin and Hu Jintao's leaderships, Beijing has amended its position due to the spread of Uyghur separatism and its connection to Pakistan; balancing India nevertheless remains a prime consideration. This is reflected not only in the robust cooperation between Beijing and Islamabad in the conventional and strategic weapon platforms and systems and in supporting Pakistan's case for expanding its nuclear power (as reflected in its move at Nuclear Supplies Group on Chashma 3 and 4 plants in 2010), but also in the close coordination in the diplomatic fields as well as on selective counter-terrorism efforts.

For instance, on the latter, while China and India have a number of counter-terrorism efforts, these are qualitatively lower than those that exist between Beijing and Islamabad. Secondly, Beijing has not made any concrete steps in addressing or opposing 'cross-border terrorism' (a code word in India about Pakistan-sponsored terrorism in India) even as China and India in their joint statements have condemned the 'three evils' in Chinese official parlance of 'extremism, separatism and splittism'. Again, there were also instances of indirect support from China to the Pakistani-based militant organizations, such as Jamaat-ud-Dawa. Indeed, in December 2008, China opposed a ban on Jamaat-ud-Dawa at the United Nations Security Council.

The balance of power approach is also reflected in Beijing's cooperation with Pakistan in the civilian nuclear fields as well. China has not only been reluctant to accept

Indian proposals for nuclear power plants as a part of the India–US 123 agreement and the deliberations at the International Atomic Energy Agency (IAEA) and Nuclear Supplies Group (NSG) in 2008, but has also unilaterally forged ahead with its nuclear cooperation with Pakistan. The NSG, established in 1975, now consists of 46 member states that encompass virtually all of the world’s nuclear equipment, fuel and technology-exporting countries. The NSG has two sets of non-binding export guidelines for its members: guidelines concern materials and equipment specifically designed or prepared for nuclear use; and guidelines for so-called dual-use items that have nuclear applications. In order to import such materials from an NSG member, states must have comprehensive IAEA safeguards covering all of their nuclear activities and facilities.²⁷ Pakistan, however, does not have such safeguards and therefore in theory NSG members should refrain from exporting nuclear materials and technology to it.

China’s nuclear cooperation with Pakistan is of long standing and has focused not only on well-documented weapons-related issues but also on civilian nuclear cooperation.²⁸ These latter efforts have focused on Chinese undertakings to build nuclear power reactors for Pakistan. In 1991 China signed an agreement with Pakistan to build nuclear power plant at Chashma, which became operational in 2000. China joined the NSG in 2004, agreeing to abide by the rules and regulations of this body. As noted above, NSG guidelines should prevent China from such exports to Pakistan. However, in 2005 China commenced construction of a second nuclear reactor at Chashma, citing a long-standing agreement with Pakistan. This second plant is to be operationalized in 2011. Significantly, in light of the US–India 123 Agreement and the NSG’s ‘clean waiver’ for India in 2008, China had announced in April 2010 that it wants to construct two more nuclear reactors at the same place in Pakistan by citing grandfathering clauses.²⁹ The China National Nuclear Corporation has agreed to finance two more nuclear reactors at Chashma at a cost of more than \$200 million. Zhai Dequan, deputy secretary-general of the China Arms Control and Disarmament Association, had indicated

that China is likely to back Pakistan's case at the 2010 NSG meeting. Zhai said on 22 June 2010 that, 'This is not the first time China has helped Pakistan build nuclear reactors, and since it will be watched by the International Atomic Energy Agency, the deal is not going to have any problems.' In justifying China's decision Zhai noted Pakistan's current difficulties by noting that 'Pakistan is also fighting a war on terror for the US as well as for itself, and the country's loss is greater than the US and the other forty-two coalition nations combined. The economic aid it has received is too little compared to its loss. Pakistan has an urgent need for more civil energy and that need should be looked after.'³⁰

Military cooperation and arms transfers

More concrete evidence of China's leveraging of its ties with Pakistan to balance India can be seen in military cooperation between the two states. Indeed, China's security assistance to Pakistan is invaluable for the latter.³¹ According to a Pakistani commentator, China had established military cooperation arrangements with Pakistan from the 1970s. In 1989 both signed a military cooperation agreement. The agreement envisaged 'purchase of military goods, mutual research and cooperation along with the manufacturing of arms, the transfer of technology, and the sale of these arms to third countries with mutual understanding'. This was followed by another supplementary agreement in 1993 that made China 'the most important military seller' of weapons or systems to Pakistan. China also promised and fulfilled the pledge related to supply and cooperation in the manufacturing of fighter aircraft, tanks and missiles. Thus China provided M-11 missiles to Pakistan.³² On 12 March 2002, the then deputy chief of general staff Xiong Guangkai reportedly signed an agreement with Pakistan for further cooperation between the two militaries.³³ During President Musharraf's visit to Beijing in February 2006, another agreement was signed between the two militaries on defence industry, joint defence production and development, and training and exercises. Further, during Pakistan Army Chief Kayani and President Zardari's visits in

2010, several measures for furthering military cooperation between the two were also agreed to.³⁴

China's military assistance to Pakistan is in both conventional and strategic fields.³⁵ Pakistan continues to receive advanced weapons systems from China, including in the army, navy, air force and nuclear and ballistic missile equipment, systems or components. For example, the *Al-Khalid* Main Battle Tank is being manufactured in Taxila with Chinese technical cooperation. Under *Project 711*, which began in the 1980s, these tanks are considered to be modern. Pakistan is said to be graduating from mere assembly of such tanks to manufacturing them in the country with Chinese collaboration.³⁶ Naval vessels transfer Romeo class conventional submarine, Jiangwei frigates, Hainan class, Huangfen-class, Hegu-class, Huzhuan-class FACs and ship-to-ship missiles and systems. The Pakistan Navy opened negotiations with China for the transfer of F-22P frigates in early 2003.³⁷ By 2013 it is expected that four advanced versions of these vessels would be supplied to Pakistan at the cost of about \$600 million – with three built in Pakistan.³⁸ PNS Shamsheer, the second Chinese-built F-22P Frigate, arrived at Karachi in January 2010, while the third is to arrive in Pakistan in the third quarter of 2010 and the fourth in 2013.³⁹

Fighter aircraft transfers from China to Pakistan include F-6, F-7M, F-7MG, F-7P, FT-7P, proposed transfers of FC-1, JF-17, A-5, Y-12 transports, AEW, K-8 trainers and Z-9C helicopters. During Hu Jintao's visit to Islamabad in November 2006, China reportedly agreed to the joint use of its AEW aircraft with Pakistan. The aircraft has a 300km tracking radar. Another project is the joint development of JF-17 Thunderbolt multirole fighter, of which about 100 are expected to join the Pakistan Air Force inventory.⁴⁰ Interestingly, these were reported to be powered by Russian-supplied turbofan engines. Russia reportedly supplied several engines, of which three made their way to Pakistan. India, which imported nearly \$45 billion worth of arms from Soviet Union/Russia, appeared to have expressed concerns about Russian engines surfacing in Pakistan via China.

Several reports indicate ongoing Chinese cooperation with Pakistan's strategic weapons programme.⁴¹ These include not only supply of about 5,000 ring magnets but also designs of nuclear weapons, missiles and missile technologies. With Pakistan's inveterate animosity towards India, these WMD transfers of the PLA appear to be well thought out. Whereas the Indian ballistic missile programme is generally perceived by PLA analysts as part of the Indian designs to become a great power, similar plans by Pakistan are perceived as only having a defensive intent. Chinese assistance to Pakistan include ballistic missiles and launchers of 34 M-11/DF-11 missiles (to Pakistan's Sargodha Air Force Base near Lahore) delivered in November 1992; M-11 transporter-erector-launchers (1991); HY-1 and 2, FL-1 and 2 Cruise missiles; possible assistance to indigenous Pakistani missile programmes of Hatf-1 and 2 series of ballistic missiles and Anza surface-to-air missile. China has also transferred 10 tonnes of ammonium percholate rocket fuel; missile guidance systems including gyroscopes, accelerometers and on-board computers; and has assisted Pakistan in the missile production factory at Fatehgarh (Fatehgunj) near Islamabad.⁴² Despite the 11 September 2001 events and US sanctions on Chinese and Pakistani firms, such proliferation has continued to occur. Recent Pakistani testing of cruise missiles have also been traced to the Chinese. Chinese arms transfers to south Asia and the Middle East are of course not new, with China famously transferring 30 Dong Feng 3 missiles to Saudi Arabia in 1988 in a multi-billion-dollar deal. In addition, it has also transferred M 9 missiles to Syria, reportedly via a circuitous route through Pakistan and Iraq. When Pakistani nuclear scientist AQ Khan's clandestine transfers to Iran, Libya and North Korea were exposed, China was clearly linked to these developments, with weapons designs originally supplied by China to Pakistan reportedly found in Libya.⁴³ As noted above in the backdrop of the negotiations on Indo-US civilian nuclear deal in 2005–06, China declared its intent to intensify nuclear cooperation with Pakistan and has promised several billion dollars of investments in expanding the Chashma projects in Pakistan.⁴⁴

Bilateral cooperation is also reflected in outer space as well. China formed an Asia-Pacific Space Cooperation Organization (APSCO) in October 2005, with Pakistan as a member.⁴⁵ In October 2009, China and Pakistan signed two agreements on space concessional loans and space technology cooperation during the visit of PM Gilani to Beijing. With this, China is to provide Pakistan with \$190 million for the supply of PAKSAT-1R, which is to replace the ageing PAKSAT-1 (due to complete its mission in 2011). Ground control stations are to be located at Lahore and Karachi.⁴⁶

Economic cooperation and integration

Although Pakistan is not a main economic/trading partner for China, such relations are significant for Beijing. Overall, China's bilateral trade with Pakistan in 2009 is worth approximately US\$7 billion, with a favourable balance of payments position with Chinese exports worth approximately US\$6 billion. In 2007, China displaced the US as Pakistan's largest single country trading partner. Both countries have stated their desire to expand trade to about US\$15 billion by 2011. With more than US\$2 trillion in exports and imports, China's trade with Pakistan is miniscule, to say the least. China's investments in 122 projects in Pakistan have reached more than US\$4 billion, which is also a minor figure in the overall Chinese investments abroad (of about US\$200 billion).⁴⁷ Yet, Pakistan has a special place in the Chinese calculus as seen from the fact that Pakistan became one of only nine countries in the world with which Beijing concluded a Free Trade Agreement (FTA). China has also expanded its investments in the construction, transport and other related areas in Pakistan. These form an important component in Beijing strategic calculus in this region. According to some observers, furthering such economic ties is necessary for China to displace the US influence in the region.⁴⁸

To enhance trade and economic cooperation with Pakistan, China signed a number of agreements starting with the trade agreement of January 1963, a few months after the Sino-Indian clash on the border areas. In the last decade there has

been a qualitative increase in the trade ties between the two. This is visible in the stepped-up activity in the number of bilateral trade agreements. These include: six agreements and a memorandum of understanding (MoU) on 12 May 2001; a November 2003 Joint Declaration on the Direction of Bilateral Relations; seven agreements in December 2004; 21 agreements in April 2005 during the visit of premier Wen Jiabao; 18 agreements during the November 2006 visit of President Hu Jintao; and 13 agreements during President Zardari's visit to China in 2007.⁴⁹ China also agreed to float a joint infrastructure development fund in Pakistan. The depth of Chinese involvement in Pakistan can be seen from the fact that by early 2010, there are about 10,000 Chinese engineers working in Pakistan on 122 different projects. Following the October 2008 agreement between the two on cooperation in mining, the geological survey establishments of both countries have initiated a programme for systematic surveys and mineral exploitation in Pakistan. The defence ministry of Pakistan had given clearance to such activities.⁵⁰

Among these, the free trade zone is a major instrument of economic integration. In November 2003 both signed a preferential trade agreement, which became operational from January 2004. After the visit of the Chinese premier Wen Jiabao to Islamabad in 2005, both sides agreed to implement the Early Harvest Programme (which became operational from January 2006). By this, China agreed to reduce tariffs on 767 items to zero. By 2008 the FTA was implemented, covering nearly 90 per cent of commodities.⁵¹ In all about 2,500 tariff lines are allowed under this FTA. However, to the chagrin of the Pakistani Directorate-General of Intelligence and Investigation, Federal Board of Revenue, massive misuse of this facility has been reported, including a sudden jump in mobile phone imports, wrong 'certificates of origin' and false declaration of imports (from Hong Kong) resulting in loss of revenue for Pakistan.⁵²

China's provincial-level economic cooperation with Pakistani counterparts has also increased. For instance, Guangdong and Zhejiang provinces have substantial (more than US\$3 billion) in trade with Pakistani provinces, although

the Peshawar–Xinjiang cooperation has not really taken off as originally envisaged.⁵³

China and Pakistan are also discussing ways to reduce their dependence on the US dollar and diversify their foreign exchange reserves. A currency swap arrangement between Chinese renminbi and Pakistan rupee is being discussed by both countries.⁵⁴ China had already made similar arrangements with seven countries such as Russia, South Korea, Malaysia, Indonesia, Belarus, Argentina and Hong Kong.⁵⁵

For further integration between the two, China had started ambitious projects to interlink with Pakistan and further towards west Asia. China is assisting Pakistan in 122 projects in several fields, essentially in the infrastructure sphere.⁵⁶ In September 2009, both signed an agreement to construct 12 dams in Pakistan worth US\$1 billion. The Chinese import-export bank is to provide US\$700 million for these projects.⁵⁷ Pakistan has also requested further Chinese investment in the upgrade of the Karakoram Highway, establishment of transportation links between Pakistan and Afghanistan, the upgrade of the rail link between Pakistan and Turkey, and Chinese participation in Iran–Pakistan (IP) and Turkmenistan–Afghanistan–Pakistan (TAP) gas pipelines.⁵⁸ In February 2007 Pakistan awarded contracts for feasibility studies worth about US\$1.2 million for the construction of a 750km railway line between Havellian and the 4,730-meter-high Khunjerab crossing over Mansehra district and the Karakoram Highway.⁵⁹ China is also building a road passing through the Northern Areas of Pakistan. Pakistan's transfers of Sakshgam valley in 1963 to China comes in handy here for connecting its Western Highway into Pakistan. In April 2010, addressing a Pakistani Planning Commission delegation, the Chairman of the National Development Reform Council stated that both countries would further explore possibilities for cooperation in oil and gas explorations and water resources.⁶⁰

One of the major projects, apart from the Karakoram Highway, is the Gwadar Port. Indeed, collaboration between China and Pakistan on the Gwadar Port is termed as a landmark in the bilateral relations similar to the Karakoram Highway project officially opened in 1978. China's

contribution for the project amounts to US\$198 million out of a total of \$248 million in costs. In 2002, the Chinese Vice Premier Wu Bangguo attended the ground-breaking ceremony of the project. China Harbor was given the contract for the first phase of Gwadar Port construction. The same company is also involved in the construction of Quay Wall and Break Water (Marine Protection Works) to develop the Deep Water Container Terminal at Karachi.⁶¹ According to Andrey Volodin, these infrastructure projects, along with the proposed idea of a PRC military base in Pakistan, all point to Beijing's three strategic objectives: 'putting military and political pressure on India, limiting Washington's influence in Pakistan and Afghanistan, and monitoring directly the activity of "Uygur separatists" in the NWFP'.⁶²

Seizing the initiative

Although China clearly recognizes that Pakistan is experiencing a prolonged period of instability with the resurgence of the Taliban and periodic violence in different parts of the country, it nonetheless believes that the continuation of its 'all-weather' relationship with Islamabad is central to the furthering of its strategic and economic interests in the region. As indicated above, China is now in the midst of a comprehensive approach towards Pakistan (and Afghanistan) that includes not only military cooperation and counter-terror efforts but also integrating with the region so as to sustain the rise of China. China realizes that when the US-led International Security Assistance Force (ISAF) withdraws from Afghanistan, the role of the Pakistani armed forces will be crucial in maintaining stability given its close links with the militants. To this end China has engaged with the Pakistani armed forces and provided it with significant material assistance in order to strengthen its counter-terror and counter-insurgency capacities.

As China has become the largest exporting country (with US\$1.2 trillion in 2009) and begun importing more than 200 million tonnes of oil annually, voices calling for the establishment of bases abroad have increased in China. For

instance, according to Admiral Yin Zhuo, a senior researcher at the Chinese navy's equipment research centre, a permanent base in the region would help supply Chinese ships. Yin said: 'We are saying to fulfill our international commitments, we need to strengthen our [naval] supply capacity.'⁶³ According to Shen Dingli, a noted nuclear physicist and academic at Fudan University, China should protect its international assets and for this 'we need to set up our own blue-water navy and to rely on the overseas military bases to cut the supply costs'.⁶⁴ Potential locations for such bases have been touted in Pakistan, Yemen, Oman, Somalia's eastern coast, and some of the harbours in northern Sudan.⁶⁵ In this context China's major investments in rail, road, telecommunications and port facilities in Pakistan could prove crucial in sustaining such an approach. Finally, Pakistan's economic integration with China – although incomplete – provides opportunities for Beijing. The FTA, investments in infrastructure, bilateral trade and Pakistan's interest in joining the Chinese yuan all contribute towards this process and to gaining access to regional markets for China.

Notes

- ¹ These were highlighted in Manzoor Khan, 'Sino-Pakistan Relations 1961–1991: Search for Mutual Security', Unpublished Ph.D. thesis submitted to Jilin University, May 2009.
- ² See Global Policy Forum's tables on China's use of veto at the United Nations Security Council, at <<http://www.globalpolicy.org/security-council/tables-and-charts-on-the-security-council-0-82/subjects-of-un-security-council-vetoes.html>>
- ³ The Pew Research Centre, 'Pakistani Public Opinion, Growing Concerns About Extremism, Continuing Discontent With U.S.' 13 August 2009: 20, <<http://pewglobal.org/files/pdf/265.pdf>>
- ⁴ Bruce Riedel and Pavneet Singh 'U.S.-China Relations: Seeking Strategic Convergence in Pakistan', *Policy Paper* 18, The Brookings Institution, January 2010.
- ⁵ Haqqani's 2006 speech cited by Jamal Afridi and Esther Pan, 'China-Pakistan Relations', Council on Foreign Relations, <<http://www.cfr.org/publication/10070/>>
- ⁶ See for Lu's comments, Sajjad Malik 'China advises Pak to retailer market strategy', *Pakistan Observer Online*, 28 April 2010, NewsEdge Document Number: 201004281 477.1_6898007602b41a92, World News Connection File Number 985 Accession Number 298100508.

- ⁷ See on the concerns of China as well as for the good-neighbour policy and efforts to stabilize its peripheries, Srikanth Kondapalli and Emi Mifune, (eds), *China and its Neighbours*, New Delhi: Pentagon Press, 2010.
- ⁸ Chen Xiangyang, 'Properly Deal with Peripheral Chaotic Political Situations', *Liaowang*, 28 April 2010 NewsEdge Document Number: 201004281477.1_383202e6aeaf982 World News Connection File Number 985 Accession Number 29810022.
- ⁹ In November 2000 China's ambassador to Pakistan met with Mullah Umar, the second-in-command of the Taliban, at Kandahar in an effort to evolve an understanding with the latter. It appeared that China had proposed opposing sanctions at the UN on the Taliban, in lieu of the Taliban's delinking from the Uighurs. However, 9/11 changed such prospects. In the recent period, it was reported that in the event of the US withdrawal of troops from Afghanistan from July 2011 (as announced by President Obama), China is likely to revive its understanding with the Taliban for the stability of Xinjiang. In this context, it was reported by a French intelligence report that Chen Xiaogong, the then deputy chief of army, in the 1990s had supplied arms to Gulbuddin Hekmatyar. Today, Hekmatyar possibly could be a middleman between the Chinese, Kabul regime and different tribal factions. See 'Beijing Courts Karzai', *Intelligence Online*, 22 April 2010 NewsEdge Document Number: 201004221477.1_bde5003061eca58e World News Connection File Number 985 Accession Number 297801011.
- ¹⁰ The then Chinese Deputy Chief of Staff General Xiong Guangkai estimated that nearly 1,000 such armed separatists have entered Xinjiang region. In Xiong's words: 'Over the years, the international terrorist forces, as represented by Osama Bin Laden and the Taliban, have provided a great deal of support and assistance to the "East Turkistan" terrorists.' See Xiong Guangkai, *International Strategy and Revolution in Military Affairs*, Beijing: Qinghua University Press, 2003: 145–146. In a subsequent edition, Xiong, however, raised this figure of those trained by the Al Qaeda from 1,000 to 10,000. See Xiong Guangkai, *International Situation and Security Strategy*, Beijing: Qinghua University Press, 2006: 346. Incidentally, Xiong was the training official to the *mujahideen* during the anti-Soviet operations. See for this John Cooley, *Unholy Wars: Afghanistan, America and international terrorism*, London: Pluto Press, 1999. See also, Michael Clarke, 'China's "War on Terror" in Xinjiang: Human Security and the Causes of Violent Uighur Separatism', *Terrorism and Political Violence*, 20 (2008): 271–301.
- ¹¹ See 'Zardari's visit to China', *The News*, 23 October 2009, <<http://pk.chineseembassy.org/eng/zbzx/t622031.htm>>
- ¹² See Lisa Curtis, 'China's Military and Security Relationship with Pakistan', Testimony before the US-China Economic and Security Review Commission, 26 May 2009, <<http://www.heritage.org/Research/Testimony/Chinas-Military-and-Security-Relationship-with-Pakistan>>
- ¹³ See Vivian Salama, 'Pakistan and China: A Fraying Friendship?', 19 February 2009, <<http://www.time.com/time/world/article/0,8599,1880689,00.html>>

- ¹⁴ Hu cited by Gilani at 'Pakistan, China to Jointly Work on Counter-Terrorism Strategy', *APP*, 17 October 2009, <<http://pk.chineseembassy.org/eng/zbqx/t620962.htm>>
- ¹⁵ 'Chinese envoy calls on Interior Minister', 29 October 2009, <<http://pk.chineseembassy.org/eng/zbqx/t623295.htm>>
- ¹⁶ 'China continues to owe support to Pakistan', 28 October 2009, <<http://pk.chineseembassy.org/eng/zbqx/t622984.htm>>
- ¹⁷ See Andrew Small, 'China's Caution on Afghanistan-Pakistan', *The Washington Quarterly*, 33 (3) (2010): 81–97.
- ¹⁸ 'China Hands Over Security Scanners To Pakistan', *Xinhua*, 23 January 2010 NewsEdge Document Number: 201001231477.1_d0340044bf525d94 World News Connection File Number 985 Accession Number 293300504.
- ¹⁹ See Rauf Klasra, 'PM blocks multi-million dollar scanners deal', *The News Online*, 25 March 2010 NewsEdge Document Number: 201003251477.1_529a006502ed44fe World News Connection File Number 985 Accession Number 296401786.
- ²⁰ Wang Zhanliang, 'Bajisitan yu fangong zhanzheng' [Pakistan and Counter-terrorism] *Xiandai Bingqi*, 311, November 2004: 2–4.
- ²¹ 'Pakistan-China military exercise concludes', 19 December 2006, <<http://pk.china-embassy.org/eng/zbqx/t284215.htm>>
- ²² This is the outcome of the first round of discussion between the expert teams which met in March 2010. See 'China, Pakistan To Hold Anti-Terrorism Military Training in Summer', *Xinhua*, 6 March 2010, NewsEdge Document Number: 201003061477.1_651c003b355eb28c World News Connection File Number 985 Accession Number 295450773.
- ²³ At one point in time the Pakistani establishment reportedly collaborated with the American agencies in covert operations in Tibet in the 1950s. See, for instance, 'Dhaka airstrip used by CIA for covert operation', *Independent* (Dhaka), 23 April 1999.
- ²⁴ See Lin Liangguang, Ye Zhengjia and Han Hua (eds), *Dangdai Zhongguo yu Nanya guojia guanxi* [Contemporary China and South Asian countries relations], Beijing, Social Sciences Reference Publications, 2001. Another writer, Wang Taiping, writing for the Ministry of Foreign Affairs history during the 1970s, termed the Sino-Pak objective as 'common struggle' [*gongtong touzheng*]. See Wang Taiping (ed.), *Zhonghua renmin gongheguo waijiaoshi 1970–1978* [PRC's Diplomatic History 1970– 1978], Beijing: World Knowledge Publications, 1999: 110.
- ²⁵ See Wang Taiping: 110.
- ²⁶ See John W. Garver, *Protracted Contest: Sino-Indian rivalry in the twentieth century*, New Delhi: Oxford University Press, 2001; Mohan Malik, 'The China Factor in the India-Pakistan Conflict', *Occasional Paper Series*, Asia-Pacific Center for Security Studies, Honolulu, November 2002; Shao Zhiyong, 'India's big power dream', *Beijing Review*, 12 April 2001: 10.

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- [44](#) 'Pakistani PM hails Chashma nuclear power project', *Xinhua*, 28 December 2005, <<http://pk.china-embassy.org/eng/zbqx/t228923.htm>>
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12 Pakistan and the ‘four faces’ of nuclear terrorism

A preliminary assessment

Michael E. Clarke

Introduction

Pakistan’s nuclear weapons programme and proliferation record has long been a subject of major concern for international security. Over the years these concerns have focused on a variety of issues surrounding Pakistan’s nuclear programme, from Islamabad’s ability to develop a coherent nuclear doctrine to the ‘grey market’ proliferation of nuclear materials and technologies by the A.Q. Khan network.¹ More recently international concern has shifted to focus on the potential threat to international security stemming from Islamabad’s loss of control over its nuclear capabilities through internal instability. Put simply, the concern is that the Pakistani state could be overwhelmed by radical Islamist forces resulting in a ‘failed state’ armed with nuclear weapons.

This concern is widespread, with the former head of the International Atomic Energy Agency (IAEA) Mohamed El Baradei, for example, stating that he feared that ‘an extremist regime could take root’ in Pakistan and come into possession of its nuclear arsenal.² Others, such as Bruce Riedel, an adviser to President Obama on South Asia, have asserted that such an outcome would result in an ‘almost unfathomable threat’ to US and international security.³ The *Report of the Commission on the Prevention of WMD Proliferation and Terrorism*, delivered in December 2008, also urged the incoming Obama Administration to ‘pay particular attention’ to Pakistan as it ‘is the geographic crossroads for terrorism and

weapons of mass destruction’.⁴ Finally, the Chairman of the Senate Foreign Relations Committee, Senator John Kerry, in an address to the Council on Foreign Relations on 26 October 2009, neatly gathered together the various strands of concern in Washington regarding Pakistan:

Pakistan is not only the headquarters of al Qaeda today, but it could easily become the epicenter of extremism in the world. We have enormous strategic interest in the outcome of the struggle in Pakistan. It has a full nuclear arsenal and a longstanding, sometimes violent rivalry with its neighbor, India.⁵

Therefore the concern in the West, and Washington in particular, is that Pakistan presents a unique set of challenges regarding its nuclear arsenal due to Pakistan’s regional environment, ongoing internal instability and past records of support for terrorism and active nuclear proliferation.

This recent trend to emphasize that the threat from Pakistan’s nuclear weapons, technologies and materials stems not from its use of nuclear weapons but rather from a presumption that Islamabad does not have the capacity to secure them is one that needs to be examined in some detail. Two particular assumptions have gained currency in this respect: Pakistan’s nuclear complex is susceptible to acts of nuclear terrorism; and Pakistan is a likely source of nuclear weapons or materials that may be used in acts of nuclear terrorism. To examine the validity of these assumptions it is necessary to identify the technical requirements necessary for, and obstacles to, non-state actors obtaining nuclear weapons/materials and the potential avenues through which such actors could acquire the requisite materials in Pakistan. In this latter respect this chapter will examine the potential for the theft or diversion of nuclear weapons/materials at three major levels of Pakistan’s nuclear complex – nuclear doctrine and command and control; the safety/security of the nuclear arsenal and delivery systems; and the safety/security of civilian nuclear facilities. This chapter offers three preliminary conclusions regarding the threats posed to and by Pakistan’s nuclear complex: (1) significant opportunities exist at each

level of Pakistan's nuclear complex for the theft or diversion of nuclear weapons/materials; (2) a major concern is Pakistan's continued production of high enriched uranium (HEU) and plutonium; and (3) the threat to Pakistan's nuclear weapons/materials is significant but has been overstated.

Nuclear terrorism: definition, requirements and obstacles

The threat of nuclear terrorism has been the subject of considerable discussion and analysis by both governments and security analysts since at least the 1970s.⁶ However, the perceived threat of nuclear terrorism has increased due to three major factors: the collapse of the Soviet Union and concerns regarding the physical security of its nuclear stockpile; the rise of a 'new terrorism' that is prone to the use of more indiscriminate and lethal violence than older, established terrorist organizations; and the post-1991 trend for the US mainland to be a direct target for terrorist attacks.⁷ However, much of the analysis of nuclear terrorism has tended 'to equate the *feasibility* of acquisition of nuclear material with the *probability* of the construction and use of a nuclear device'.⁸

Since 9/11 this tendency has been heightened to such a degree that much of the analysis asserts that the acquisition and use of nuclear material by a terrorist group is a case of 'not if, but when'.⁹ The prevalence of this argument is reflected in a survey of 83 security and nuclear specialists conducted by US Senator Richard G. Lugar, in which 79 per cent of the respondents said that if a nuclear attack was to occur in the next decade it would be more likely to be carried out by a terrorist group than by a state.¹⁰ However, such analysis conflates motive and capability leading to a number of assumptions: first, that because certain terrorist groups wish to acquire nuclear materials (or other WMD), they will ultimately be successful in doing so; and second, that once they acquire such materials they will be able to construct a deliverable weapon.¹¹ Analysis based on such assumptions ultimately fails to consider the technical obstacles to terrorists acquiring nuclear materials.

Ferguson and Potter suggest that there are four potential ‘faces’ of nuclear terrorism: (1) the acquisition (and detonation) of an intact nuclear weapon; (2) the theft or purchase of HEU or plutonium, leading to the fabrication and detonation of a crude nuclear weapon, or an improvised nuclear device (IND); (3) attacks against, and sabotage of, nuclear facilities, such as nuclear power plants, to try to cause the release of large amounts of radioactivity; and (4) the unauthorized acquisition of radioactive materials contributing to the construction and detonation of a radiological dispersion device (RDD), popularly known as a ‘dirty bomb’, or a radiation emission device.¹² While the first two obviously involve the acquisition or construction and use of nuclear explosive devices, the latter two are designed to disperse radioactive material into the environment in order to kill or deny the use of an area. Of the four possible acts of nuclear terrorism, it will emerge that the third and fourth are arguably more likely than the first and second.

As this chapter will demonstrate, nuclear terrorism is not only possible but the potential for it to occur in Pakistan exists at all levels of Pakistan’s nuclear complex. It should be emphasized here that this is also the case for *any* state with a significant military or civilian nuclear programme. Although nuclear terrorism is possible, certain types of nuclear terrorism are more probable than others. There are major security, technical and scientific obstacles to terrorists either acquiring an intact nuclear weapon and being able to detonate it or constructing a crude nuclear explosive device. In this sense Michael Levi has suggested that there may be a ‘Murphy’s Law’ for nuclear terrorism: (i.e.) what can go wrong might go wrong.¹³ For a terrorist group to successfully acquire sufficient fissile material, weaponize, deliver and detonate it there are myriad complex steps that must be completed without detection:

A terrorist group trying to pull off an attack might need to, among many other things, recruit trained scientists and engineers, acquire nuclear materials on the black market, purchase nonnuclear weapons components, and

smuggle a bomb across borders. Each of these elements may seem manageable on its own. But taken together they can look much more daunting. Even a group that has an 80 per cent chance of successfully carrying out each of these four steps has at best a 40 per cent chance of completing the whole process and mounting a successful attack.¹⁴

However, the threat of terrorists sabotaging nuclear facilities or fabricating an RDD is also real. Large commercial reactors would be attractive not only as potential sources of fissile material due to the large quantities of highly radioactive materials used and stored on site (e.g. spent fuel ponds) but also as targets in and of themselves. Indeed, Henry Sokolski has suggested that such scenarios constitute the ‘near-term nuclear terrorist threat’.¹⁵ This, as the third section will demonstrate, is a concern given Pakistan’s stated desire to significantly increase the number of commercial nuclear reactors in operation, its continued production of HEU and plutonium for military applications and its past history of proliferation of nuclear technology.

Acquisition of an intact nuclear weapon

While Ferguson and Potter note that the acquisition of an intact nuclear weapon would be ‘the most difficult challenge for any terrorist organization’, there are nonetheless a number of scenarios through which a terrorist organization could acquire an intact nuclear weapon.¹⁶ These could include: the deliberate transfer by a national government; ‘insider’ collusion from senior officials (e.g. from a nation’s military establishment); seizure or theft without ‘insider’ collusion; and political instability or state failure. While the first scenario cannot be dismissed out of hand, it is difficult to conceive of any national government voluntarily gifting their ‘crown jewels’ to a terrorist group due to the likely reprisals they would incur if the weapon were used and the probability that the weapon would be traced back to the state of origin.¹⁷

The second scenario of ‘insider’ collusion in the diversion or transfer of nuclear materials has been perceived for some time to be a significant threat. However, most advanced nuclear weapons states (i.e. US, France, UK, Russia and China) have instituted personnel reliability programmes (PRP) that establish a centralized set of rules and procedures designed to ensure that individuals developing, managing and guarding nuclear weapons and related facilities are trustworthy.¹⁸ Although it has been asserted that theft of ‘weapons-usable materials’ is ‘a proven and recurring fact’, the historical record may suggest otherwise, with Zimmerman and Lewis noting that, ‘We know of only one particularly disturbing instance in which smugglers obtained a significant quantity of highly enriched uranium: a 1994 case in Prague ... involving Czech, Slovak and Russian nationals’.¹⁹

The collapse or failure of a state with a nuclear arsenal would raise the potential for nuclear weapons and materials to be diverted or stolen and is a major fear with respect to Pakistan given its recent instability. However, even *if* a terrorist organization did manage to acquire an intact weapon via one of these scenarios, they would still have to overcome a variety of obstacles in order to be able to detonate it. In particular, there are a variety of safety and security measures/procedures that are used to protect nuclear weapons against accidents or unauthorized use, such as: environmental sensing devices (ESD) which block arming systems until a prescribed environment is achieved (e.g. missile launch acceleration); insensitive high explosives (IHE) which make the weapon resistant to being detonated by mechanical shock; and permissive action links (PALs), an electronic device that prevents arming of the weapon unless correct codes are inserted.²⁰

Fabrication of an improvised nuclear device (IND)

For the production of INDs, terrorists would need to acquire significant quantities of fissile material, either high enriched uranium (HEU) or plutonium.²¹ Two types of INDs are considered to be theoretically possible for a terrorist

organization to construct – the gun-type weapon and the implosion-type weapon.²² The gun-type consists of a gun-barrel in which a projectile of sub-critical HEU is fired into a stationary piece of sub-critical HEU, producing a supercritical mass leading to a nuclear explosion. According to Bunn and Wier, the gun-type is ‘simple and robust’ and ‘allows the builder high confidence that it will perform properly without the trouble, expense and exposure of a test explosion’.²³ However, as only a small amount of the HEU fissions in a gun-type weapon, a significant quantity – between 50 and 60kg – of HEU is required.²⁴

An implosion device ‘uses a set of shaped explosives arranged around a less than-critical mass of HEU or plutonium to crush the atoms of material closer together’ to produce a nuclear explosion.²⁵ ‘Weapons-grade’ plutonium (i.e. plutonium that contains more than 90 per cent of plutonium isotope 239) is the desired type of plutonium for production of such a device as it is most readily detonated, although ‘reactor-grade’ plutonium (containing between 50 per cent and 70 per cent plutonium 239) could also produce a nuclear explosion ‘depending on the skill of the weapons designers’.²⁶ A much smaller amount of plutonium – between 6 and 8 kilograms – is also required for an implosion device compared with the HEU required for a gun-type device. Unlike uranium, however, plutonium is virtually non-existent in nature and is produced when U-238 absorbs neutrons in a nuclear reactor, where it is intimately mixed with the U-238. The plutonium must then be separated or ‘reprocessed’ from the U-238 before it can be used for either weapons applications or for reactor fuel.²⁷ Plutonium separation is technically easier than uranium enrichment as it is ‘effected by chemical means’ rather than isotopic mass, as is the case in uranium enrichment. However, the production of plutonium ‘is made greatly more difficult by the intense radiation emanating from the commingled fission products’.²⁸ The complexity of an implosion device also poses additional challenges in terms of manufacture/acquisition and testing of components, ‘which would increase the risk of detection’.²⁹

Ultimately, the major obstacle to terrorists fabricating such weapons is the acquisition of the required quantity of HEU or plutonium. This could be achieved in two ways: through terrorists undertaking the process of enrichment or through purchase or theft of 'weapons grade' HEU or plutonium. A terrorist organization is unlikely to attempt the enrichment of natural uranium as this is 'a technically demanding process', the technologies for which are tightly controlled.³⁰ The theft of a sufficient quantity and quality of HEU is the more likely option, due not only to technical requirements but also to the amount of HEU stockpiled around the world. According to the International Panel on Fissile Materials (IPFM), there exists approximately 1,700 metric tonnes of HEU worldwide in various locations, 99 per cent of which is estimated to be in possession of the nuclear weapons states.³¹ The bulk of this HEU is accounted for by acknowledged military uses, although it is estimated that between 50 and 100 metric tonnes is in the civilian sector, where it is primarily used in research reactors, the production of medical isotopes and to fuel Russian icebreakers.³² Although Russia and the US account for the vast majority of HEU in civilian use, significant amounts exist on nearly every continent, with some 128 facilities around the world having at least 20 kilograms or more of HEU. While the enormous amount of HEU in military use poses a threat, the existence of significant HEU in civilian use is perhaps of more concern given that civilian sites 'lack adequate physical protection, control, and accounting measures and pose major risks from the standpoint of diversion and theft'.³³ The total amount of civilian HEU, while accounting for a fraction of the world total, nonetheless would be sufficient for the production of approximately 1,000 gun-type weapons.³⁴ Therefore, upgrading of the physical protection, control and accounting of civilian HEU is vital to close down one route through which terrorists could acquire fissile material.

Similarly, terrorists would most likely come into possession of plutonium through theft rather than production, with some 500 metric tonnes of separated plutonium estimated to be in existence, divided evenly between military and civilian stocks. Some 200 tonnes, or 80 per cent, of the civilian

stocks of plutonium are stored at four sites in Europe and Russia, which, as the IPFM notes, is 'favourable' from a security perspective.³⁵ The major concern regarding civilian stocks of plutonium is that they are increasing as a number of countries continue to reprocess spent fuel in order to produce mixed oxide (MOX) fuel.³⁶ Reprocessing facilities and MOX fuel may thus provide a target for terrorists wishing to acquire fissile material. In this respect the IPFM notes that civilian plutonium is most vulnerable to theft or diversion during transit, an issue of concern given that 'an average of about 100 commercial shipments containing an average of about 300 kilograms of civilian plutonium will take place annually worldwide over the next 15 years'.³⁷ Yet, the scope of this threat should not be overstated given that only France, the UK, Russia, India and Japan continue to carry out large-scale reprocessing and recovery of plutonium from spent reactor fuel.³⁸ Although the threat that terrorists could acquire plutonium through targeting reprocessing facilities or shipments of plutonium or MOX is real, they would nonetheless face the complex task of fabricating an implosion device (as noted above) and/or the separation of plutonium from the depleted uranium in MOX fuel.³⁹

Sabotage of nuclear facilities and fabrication of a radiological dispersion device (RDD)

Terrorists would most likely target nuclear facilities for three major reasons: to steal nuclear materials, to attempt radiological dispersion or to acquire radiological materials for use in an RDD or 'dirty bomb'. In the first instance, commercial nuclear power plants and research reactors are an obvious source of fissile material. The majority of civilian nuclear power reactors use LEU fuel, which is unsuitable for use in an IND.⁴⁰ The spent fuel from commercial power reactors, however, is a potential source of fissile material if the terrorist organization had the capability to reprocess it. Research reactors on the other hand can use both LEU and HEU. There are approximately 283 operating research reactors in the world, half of which use HEU fuel.⁴¹ The enrichment level of the HEU used in these research reactors also varies,

with the IAEA estimating in 2000 that 100 of the world's operational research reactors used 90 per cent or higher HEU.^{[42](#)} In addition, very few of these reactors contain more than 50 kilograms of HEU, remembering that that between 40 and 60 kilograms of 80–90 per cent HEU is required for a gun-type IND. Thus, as Bunn and Braun note, 'HEU from research reactors ... could well be the source of the explosive material for a terrorist nuclear weapon if the nuclear fuel could be successfully stolen from the reactor.'^{[43](#)}

Commercial power reactors are arguably more attractive for a terrorist attack aimed at dispersing radioactive material than research reactors due to the fact that they are more numerous (approximately 440 commercial power reactors in 31 countries), are larger, contain more radioactive spent fuel in cooling ponds and contain much higher levels of radioactivity in their core.^{[44](#)} Ferguson and Potter conclude that while a terrorist attack targeting a reactor or spent fuel pond 'could not ignite an explosive chain reaction – that is a nuclear bomb-type explosion', the 'worst plausible scenario is that terrorists would be able to cause massive off-site release of radioactivity and substantial damage to the nuclear facility'.^{[45](#)}

Post-9/11 the threat of terrorist use of a so-called 'dirty bomb' – more accurately an RDD – has increased and is often perceived as the most likely act of nuclear terrorism. However, an RDD is not a nuclear weapon but a bomb that uses conventional explosives to spread radiological material over a wide area. The damage caused by the detonation of an RDD would not necessarily stem from the effects of the radiological material itself but rather from the amount of conventional explosives used.^{[46](#)} One analyst has argued that the health risks of an RDD (beyond the violent impact of the conventional explosives) would have the estimated lifetime health risk that is comparable to that of smoking five packets of cigarettes.^{[47](#)}

Nonetheless, the detonation of a 'dirty bomb' would have a major psychological impact due to the widespread fear of radiation and all things 'nuclear' in the public imagination.^{[48](#)} The effectiveness of an RDD also depends on a considerable number of variables, including the radiological material used, the amount of conventional explosive and weather conditions.

While there are hundreds of radioactive isotopes, only a small number are considered to be effective in an RDD, most notably cesium-137 and cobalt-60. Both of these isotopes are produced in nuclear reactors and are widely used for medical/industrial purposes. As these materials are found in hospitals, universities and research facilities, they are perceived by some analysts as a ‘soft target’ for potential terrorists seeking materials for an RDD.⁴⁹ Spent fuel from nuclear power reactors has also been identified as a potential source of radioactive materials for an RDD. However, spent fuel from small research reactors would be more attractive as spent fuel from large commercial power reactors is too ‘hot’ (i.e. too radioactive) to handle and would likely kill the bomb-maker.⁵⁰

In summary, of the four actions defined by Ferguson and Potter as nuclear terrorism – acquisition of an intact nuclear weapon, theft/diversion of HEU or plutonium, sabotage of nuclear facilities and fabrication of RDDs – the latter two actions are of most concern. Although the vision of a terrorist detonating an intact nuclear weapon is perhaps the most frightening in the public imagination, it is nonetheless the most improbable. While we have seen that it is possible for terrorists to construct a nuclear weapon, there nonetheless remain considerable obstacles to such an occurrence not the least of which is the acquisition of appropriate quantities of HEU or plutonium. The final two scenarios – attacks/sabotage of nuclear facilities and fabrication of RDDs – appear to be more likely due to a number of factors, such as the levels of security surrounding commercial and research reactors. As such it is possible that terrorists, if bent on using nuclear materials in an attack, would most probably follow a path of least resistance and aim to acquire materials and/or attack facilities that are ‘soft’ targets.

Nuclear Pakistan and terrorism: threats all the way down?

It is now necessary to turn our attention to the Pakistani context. As noted in the introduction, two assumptions have

been prevalent in much of the recent discussion of the international security threats stemming from Pakistan's nuclear capabilities: Pakistan's nuclear complex is susceptible to acts of nuclear terrorism; and Pakistan is a likely source of nuclear weapons or materials that may be used in acts of nuclear terrorism in the near future. This section examines the validity of these assumptions through a discussion of the security of Pakistan's military and civilian nuclear capabilities. As will be demonstrated below, there is potential for the theft/diversion of nuclear weapons and/or materials stemming from problems at three major levels of Pakistan's nuclear complex: nuclear doctrine and command and control; safety/security of nuclear arsenal, delivery systems and production of nuclear materials; and the safety/security of civilian nuclear facilities. However, the argument that Pakistan will be a source of nuclear materials for terrorists has been overstated.

Pakistan's nuclear doctrine and command and control systems

Nuclear doctrine elucidates how, under what circumstances and for what purposes a state will use its nuclear weapons, while a command and control system ensures that the state's nuclear weapons will only be used according to the principles of its nuclear doctrine. Prior to Pakistan's successful testing of nuclear weapons in May 1998, Islamabad had neither a well-defined nuclear doctrine nor a command and control (C²) structure. Historically, Pakistan's evolving nuclear doctrine and C² system have been of concern for security analysts due to their potential impact on strategic stability in south Asia.⁵¹ With respect to nuclear doctrine, concern has stemmed from the fact that Islamabad – in contrast to New Delhi – has never declared a formal nuclear doctrine. Yet, Pakistan's nuclear doctrine has been inferred by external observers through some of its operational and declaratory postures.⁵² In particular, it has been argued that Pakistan's nuclear doctrine has five major features: India-centric minimum nuclear deterrence; a principle of massive retaliation; a policy of nuclear first-use; counter-value nuclear targeting; and a delegative C² structure.⁵³

While a thorough examination of Pakistan's nuclear doctrine is beyond the scope of this chapter, it is nonetheless important to note aspects that impact on the potential for nuclear terrorism. Of particular note here are claims that Pakistan has a 'delegative' C² structure and a policy of nuclear first-use. A nuclear weapons state can implement either an 'assertive' or 'delegative' C² system: where the former emphasizes the prevention of unwanted use of nuclear weapons by establishing mechanisms that place the decision to launch nuclear weapons in the hands of top political leaders and the latter emphasizes the certainty of wanted nuclear use under defined circumstances in which subordinate military commanders are authorized to launch nuclear weapons.⁵⁴ According to Feaver, 'assertive' C² systems attempt to prevent unwanted use of nuclear weapons through granting minimal autonomy to subordinate commanders, using a wide range of administrative and physical controls and enforcing military obedience to civilians and storing weapons unassembled or separate from delivery systems.⁵⁵ 'Delegative' systems in contrast are characterized by the granting of relatively high levels of autonomy to subordinate commanders, limited administrative controls, de facto reliance on military obedience to civilians, and arsenals deployed at high states of readiness.⁵⁶

Due to their different emphases, both types of C² systems have different implications in terms of strategy and safety/security. Ultimately the strategic problem confronted by both types of system is how to ensure that nuclear deterrence 'works'. For 'assertive' systems the key threat to stabilizing nuclear deterrence is assumed to be accidental or unauthorized use, as such an occurrence, despite causing enormous damage and/or casualties, also holds the potential to be regionally destabilizing and raises the risks of pre-emptive or retaliatory strikes from a nuclear-armed neighbour. For 'delegative' systems, however, the key threat to stable nuclear deterrence is decapitation – the successful first strike that makes the defender's arsenal unusable by destroying its delivery systems or by disrupting C² to such an extent as to make retaliation impossible.⁵⁷ If a new nuclear state fears this scenario from a nuclear-armed neighbour, it 'will have a strong incentive to

posture its forces for an early use in a crisis, before its nuclear option is curtailed by enemy action'.⁵⁸ Feaver argues that the use of an 'assertive' system risks that nuclear deterrence will 'fail impotent' as a first-strike could negate the defender's ability to retaliate, while the use of a 'delegative' system risks that nuclear deterrence will 'fail deadly' 'because it would allow for a high degree of autonomy at lower command levels and have few built-in measures to assure weapons were not used accidentally or without authorization'.⁵⁹

A 'delegative' system has been construed as holding the potential to 'open the door' for nuclear terrorism by some observers. It is possible to envisage a scenario in which a terrorist organization would seek to instigate an India–Pakistan crisis in order to compel Islamabad to deploy part of its nuclear arsenal. Given Pakistan's conventional and nuclear inferiority *vis-à-vis* India, Islamabad maintains a nuclear-first use posture to maintain a credible deterrent. The circumstances in which Pakistan would resort to nuclear-first use are also ambiguous, with Lieutenant-General Khalid Kidwai, the director-general of the Strategic Plans Division (SDP), stating in 2002 that Pakistan would use nuclear weapons if it perceived that India had crossed four major 'thresholds': (a) India attacks Pakistan and conquers a large part of its territory (space threshold); (b) India destroys a large part of Pakistan's land or air forces (military threshold); (c) India proceeds to the economic 'strangling' of Pakistan (economic threshold); and (d) India undertakes large-scale internal subversion of Pakistan to destabilize it (domestic threshold).⁶⁰ Clearly these 'triggers' for nuclear use are inherently subjective and 'it is not very clear what is meant by, and what are the operational parameters of, such notions like 'political destabilization', 'large-scale subversion' and 'economic strangulation'.⁶¹ In a crisis in which Pakistan perceives itself to be threatened with any of these major threats to its security, it may be tempted to assemble its nuclear weapons and mount them on their delivery vehicles ready for use. Such a scenario could make nuclear weapons vulnerable to interception by terrorists due to the fact, as will be outlined in the subsequent section, that Pakistan's nuclear arsenal is missile-based, with warheads stored separately from delivery vehicles. Therefore, in a crisis

there may be a 'window of opportunity' for a terrorist group to steal a nuclear weapon as the Pakistani military assembles and transports the warheads and delivery vehicles.⁶² As will emerge below, however, such a scenario seems improbable as Pakistan's C² system on balance appears to be more in line with an 'assertive' system, although there are elements that are characteristic of a 'delegative' system.

Pakistan's C² structure was established in February 2000 with the formation of the National Command Authority (NCA). The NCA is the chief decision-making body in the nuclear C² system and has 10 members, including the president (chairman), prime minister (vice-chairman), the chief of army staff, the ministers of defence, interior and finance, the director-general of the SDP and the commanders of the army, navy and air force.⁶³ The NCA is responsible for employment and deployment aspects of the nuclear force, coordination of the activities of Pakistan's strategic organizations, arms control issues and supervision of the implementation of export controls and safety and security of nuclear facilities and materials. The NCA has a three-tiered structure, with two committees, the Employment Control Committee (ECC) and the Developmental Control Committee (DCC), constituting one tier; the SPD another; and the Services' Strategic Forces Command (SSFC) the final tier.⁶⁴

The ECC is the NCA's chief policy-making organ whose major functions include directing policy-making in peace time, the authority to order the deployment of strategic forces during war time, policy direction and guidance of nuclear doctrine, the establishment of a hierarchy of command and policy for delegation of authority for employment of nuclear weapons, and the establishment of guidelines for an effective C² system to prevent accidental or unauthorized use. The DCC is responsible for exercising technical, financial and administrative control over the strategic organizations involved and the development of strategic weapons programmes. Both the ECC and DCC include a mix of civilian and military officials. The SPD is tasked with the day-to-day management of Pakistan's nuclear arsenal and is responsible for the formulation of policy options regarding strategy and

doctrine for the NCA, implementing NCA decisions, and drafting strategic and operational plans for the deployment of strategic forces.⁶⁵ The SPD also has a number of subsidiary divisions and directorates, the largest of which is the security division, which comprises a 10,000-strong force tasked with providing internal and external security to all 'sensitive' installations and sites. The director-general of the SPD is also appointed from the army.⁶⁶ Finally, the SSFC is raised from all three armed services (army, navy and air force) and is responsible for technical, training and administrative control over strategic delivery systems possessed by each wing of the armed forces, although operational control rests with the NCA.⁶⁷

Pakistan's C² system thus comprises both military and civilian representation. While the authority to launch a nuclear strike requires consensus within the NCA, with the chairman (the president) having the deciding vote, it is nonetheless clear that the military would play a major role in the any decision to deploy or use its nuclear weapons. In the event of the NCA deciding to deploy or use nuclear weapons, it would communicate the decision and delegate authority to implement it to the SDP and then so on down the institutional hierarchy. While one observer has suggested that the Pakistani military's 'highly centralized command structure' would make it 'improbable that the authority to use nuclear weapons would be pre-delegated to field commanders', the fact remains that the details of the way in which an NCA decision to deploy/use nuclear weapons would be delegated down the hierarchy remains unclear. In this regard, however, SPD director-general Lieutenant-General Khalid Kidwai has strenuously denied that any pre-delegation has taken place.⁶⁸

Nonetheless due to the Pakistani military's history of coups and the infiltration of radical Islamism into its ranks, there remain concerns regarding its obedience to civilian authorities.⁶⁹ The 'nightmare' scenario imagined by some observers sees radicalized elements of the Pakistani army rebelling against the government and sequestering nuclear weapons and their delivery systems to either blackmail the government or pass on to the Taliban or Al Qaeda.⁷⁰ The C²

system outlined above is of course designed to prevent such unauthorized deployment or use of Pakistan's nuclear weapons and/or the transfer of nuclear materials. In and of itself, however, it doesn't address the potential for ideological infiltration, insider collusion or 'rogue' individuals or groups employed in Pakistan's nuclear installations.

This issue has been of major importance for international security given the revelations that former senior nuclear scientists met with Osama bin Laden in Afghanistan in 2001 and the ongoing impact of the A.Q. Khan affair.⁷¹ This aspect of nuclear security, as noted earlier in the chapter, is addressed in other nuclear weapons states by the implementation of personnel reliability programmes (PRP). As is widely known, Pakistan's nuclear programme prior to the late 1990s was dominated by Dr A.Q. Khan and it was not until 1999 that the military centralized its control over it. However, 'security clearance and screening processes' of individuals employed in the nuclear complex remained a 'disjointed and fragmented process'.⁷² It was only with the establishment of the NCA in 2000 that a single overarching authority was created to oversee the entire nuclear complex. The events of 9/11 also prompted Pakistan, under significant US pressure, to improve its nuclear security procedures.⁷³

An important element of such improvement was the implementation of a PRP, although progress on this front was evidently gradual. For example, the non-proliferation NGO Landau Group reported in 2002 that while personnel employed were screened by four agencies and their personal lives/backgrounds scrutinized, they concluded that 'there is no such thing in Pakistan as an American PRP' as 'top level people (including scientists) are controlled by their organization and *not* psychologically screened'.⁷⁴ However, in 2007, the *Wall Street Journal* reported that Pakistan's PRP had become more rigorous including such measures as: background checks that may take 'up to a year'; screening and monitoring of family and relatives; investigation of religious background and beliefs to detect 'radicalism'; probationary monitoring of new employees 'for months' before they are granted access to 'sensitive areas'; monitoring by fellow

employees, who issue reports to superiors on personnel reliability; ‘periodic’ psychological exams; monitoring of the phone activity and travel of top programme officials; and repetition of screening process every two years.⁷⁵ Despite such measures it has recently emerged that the spectre such ‘insider collusion’ has been the ‘face’ of nuclear terrorism that has most concerned the Obama administration. Indeed, then US Ambassador to Pakistan, Anne W. Patterson, in a cable to senior officials in Washington in February 2009, stated that:

... our major concern is not having an Islamic militant steal an entire weapon but rather the chance someone working in GOP [government of Pakistan] facilities could gradually smuggle enough material out to eventually make a weapon.⁷⁶

Safety and security of Pakistan’s nuclear arsenal and production facilities

It is now necessary to turn to the question of the safety and security measures Pakistan has in place regarding its nuclear arsenal (i.e. nuclear warheads and delivery systems) and its production facilities (i.e. its facilities for producing fissile material). The first of these is important due to concerns regarding the potential for terrorists to seize either an intact warhead or a nuclear-armed missile. As discussed earlier in the chapter, states such as the US and Russia have systems in place to prevent the accidental or unauthorized detonation of nuclear warheads, including permissive action links (PALs), environmental sensing devices (ESD) and insensitive high explosives (ISE). There are conflicting reports as to whether Pakistan has such systems in place to protect its arsenal. For example, some have cited Lieutenant-General Khalid Kidwai’s assurance to an American audience in 2006 that Pakistan had a ‘functional equivalent’ of PALs in place as confirmation, while other observers have suggested that Pakistan had refused US offers to share PAL technology.⁷⁷ It has been speculated that Pakistan’s refusal to cooperate with the US on sharing technology and information regarding PALs is due to two factors: US export control laws that restrict sharing PAL

technology with non-NPT signatories and the fact that Pakistan would have to share details of its nuclear weapons design in order for the PALs technology to work.⁷⁸ Nonetheless, Pakistani officials have insisted that they have developed their own version of PALs.⁷⁹

Significantly, Pakistan, as far as we can tell from open source material, stores its nuclear weapons unassembled, with the fissile core separated from the non-nuclear explosive, delivery vehicles, and the ‘arming, fusing and firing’ (AF&F) systems. These components are also stored in facilities scattered around the country. Although such separate storage provides a layer of security against unauthorized use and theft of an intact weapon, it could make it ‘easier for unauthorized people to remove a weapon’s fissile core if it is not assembled’ and dispersal ‘may also create more potential access points for acquisition and may increase the risk of diversion’.⁸⁰ While the US has targeted approximately \$100 million worth of its overall aid to Pakistan towards increasing its capacity to secure its nuclear assets, US officials still remain largely in the dark about the location and storage situation of Pakistan’s nuclear weapons. This suggests that reports in the US media that Washington has contingency plans to use US Special Forces to secure Pakistan’s nuclear weapons may simply be speculation given the evident lack of knowledge regarding the exact number of facilities and number of weapons to be secured.⁸¹ Indeed, in May 2009 Pakistani Prime Minister Asif Ali Zardari publicly refused to countenance a situation in which Islamabad would share such information with Washington.⁸² Nonetheless, even if terrorists were able to acquire a fissile core from a weapon they would not be able to detonate it without either acquiring the AF&F system or developing their own system to implode it. They could, however, ‘mine’ the weapons-grade uranium from the fissile core. However, given that Pakistan’s nuclear weapons are likely to have anywhere between 15 and 25 kilograms of uranium metal in their core, the prospective nuclear terrorists would need to ‘mine’ multiple cores to obtain enough fissile material (between 40 and 60 kilograms) for a gun-type weapon.⁸³

Another major security issue with respect to Pakistan's nuclear arsenal concerns its production of fissile material for its military programmes. As of 2008 it had been estimated that Pakistan had produced some 2,000 kilograms of HEU and 90 kilograms of separated plutonium. Such quantities are sufficient for between 80 and 130 implosion-type nuclear weapons. However, as Norris and Kristensen note, 'it is unlikely that all this material has been turned into weapons' due to the fact that Pakistan does not currently have enough delivery vehicles for this many weapons, its missiles and aircraft are 'dual-capable' (i.e. capable of delivering nuclear and non-nuclear payloads) so only some may have a nuclear mission, and Pakistan, like other nuclear states, stockpiles for future use.⁸⁴ Thus, estimates of Pakistan's current stockpile of nuclear weapons hover between 70 and 90.

However, of more concern is Pakistan's recent expansion of its fissile material production facilities. Pakistan's programme has been reliant on the production of HEU, with the un-safeguarded Kahuta uranium enrichment plant (prior to 1999 run by A.Q. Khan) long considered to be its hub. There are also other uranium enrichment facilities at Gorla Sharif, Sihala and Dera Ghazi Khan, which it is thought to be expanding.⁸⁵ For over decade, however, Pakistan has been attempting to improve its weapons designs, seeking to move beyond its first-generation weapons that rely on HEU to more advanced plutonium-based designs. Thus, Pakistan's nuclear weapons programme is increasingly shifting towards a focus on plutonium production.⁸⁶ Pakistan currently has one 40–50 megawatt heavy-water reactor (HWR) in operation at Khushab, with two more 40–100 megawatt HWR under construction, which, when operational, will triple Pakistan's plutonium production.⁸⁷ The significance of this is that Pakistan will be able to rapidly increase the size of its nuclear arsenal by transitioning to composite cores (i.e. a small plutonium sphere encased in a shell of HEU) for its warheads. This would also reduce the amount of fissile material required per weapon.⁸⁸ Related to this expansion in plutonium production, Pakistan also began the construction of a new plutonium separation facility at the Pakistan Institute of Science and Technology near Rawalpindi in 2002.⁸⁹

The problem with this expansion in the context of the potential for nuclear terrorism stems from the fact that expansion of nuclear-related sites and facilities requires a concomitant expansion of effort to protect and secure them.⁹⁰ In this regard, there have been a number of reported attacks on nuclear-related facilities since 2007 which have led some to argue that Al Qaeda and/or the Taliban are targeting Pakistan's nuclear complex. According to Shaun Gregory, there have been Al Qaeda/Taliban attacks on a nuclear missile storage facility at Sargogha (1 November 2007), a suicide bomber attack at the 'nuclear airbase' at Kamra (10 December 2007) and another suicide bomber attack on the 'nuclear weapon assembly site' at Wah (20 August 2008).⁹¹ Gregory argues that such attacks 'highlight the vulnerability of nuclear weapons infrastructure sites' to three forms of potential nuclear terrorism: (a) an attack to cause a fire at a nuclear facility, creating a radiological hazard; (b) an attack to cause an explosion at a site containing nuclear weapons components; and (c) an attack to seize an intact nuclear weapon.⁹²

However, it is doubtful that these attacks were aimed specifically at nuclear-related facilities for a number of reasons. First, the Pakistani government and military tightly controls knowledge about the location of nuclear weapons-related sites. It is unclear that nuclear weapons components were stored at any of the three sites at the time of the attacks, although the Wah site has long been regarded as a major armament fabrication plant. Second, the mode of attack in two of the three cases cited by Gregory, suicide bombing, suggests that the attackers were primarily concerned with killing Pakistani military personnel rather than gaining access to nuclear-related sites. While Gregory argues that such suicide attacks *could* in the future be coordinated with a ground assault by small groups of militants to gain access to nuclear-related sites, it is clear that this *did not* occur in the three cited cases. Indeed, a senior US official involved in US efforts to assist Pakistan in upgrading its nuclear security has stated in relation to these attacks that:

These are large facilities. It's not clear that the attackers knew what these bases might have contained. In

addition, the mode of attack was curious. If they were after something specific, or were truly seeking entry, you'd think they might use a different tactic, one that's been employed elsewhere – such as a bomb followed by a small-arms assault. Simply touching off an explosive outside the gate of a base – with no follow-up – doesn't get you inside.⁹³

Safety and security of Pakistan's civilian nuclear facilities

Pakistan currently has two operating commercial nuclear power reactors – the Karachi Nuclear Power Plant (KANUPP) and the Chasma Nuclear Power Plant – Unit 1 (CHASNUPP 1) – and another under construction at Chasma (CHASNUPP 2), which is projected to come on line in 2011. The total nuclear capacity of KANUPP and CHASNUPP 1 is 462 megawatts and these reactors generate 3.3 per cent of Pakistan's electricity. KANUPP is a CANDU-type natural uranium-fuelled and heavy-water-cooled and moderated reactor that has been operational since 1972. CHASNUPP is a pressurized water reactor fuelled with enriched uranium oxide and was purchased from the China National Nuclear Corporation in 1992 and became operational in 2000.⁹⁴ These commercial reactors are also operated under IAEA safeguards.⁹⁵ Pakistan has two operational research reactors at the Pakistan Institute of Science and Nuclear Technology at Rawalpindi (PINSTECH), also operated under IAEA safeguards.

Although at present nuclear power accounts for but a small portion of Pakistan's electricity generation capacity, Pakistan's 'Mid-Term Development Framework' released in 2005 calls for the installation of a further 8,500 megawatts of nuclear capacity by 2030. The first phase of this expansion has been a Pakistani request to purchase eight 600-megawatt reactors from China. This proposed expansion may face a number of difficulties, however, due to Pakistan's non-proliferation stance. First, the export of new nuclear plants to Pakistan may

be problematic for China given its membership in the Nuclear Suppliers Group (NSG), whose guidelines prohibit the export of nuclear components to non-NPT parties and states that have not signed 'full scope' safeguards with the IAEA. In this latter regard, while Pakistan's commercial power plants are under IAEA safeguards, its military facilities are not so it does not meet the 'full scope' criteria. Second, Pakistan's record of proliferation through the A.Q. Khan network and Islamabad's refusal to permit the IAEA to interview/interrogate Khan and key associates would most likely give 'the more lenient' members of the NSG such as China pause for thought. In addition, as China currently cannot manufacture all the components required for the reactors, it would also need the consent of supporting equipment manufacturers – Japan and France – before it could export the plants to Pakistan. However, Pakistan has requested that its major nuclear suppliers, such as the US, Russia, China, France and Canada, grant it a deal similar to that struck between the US and India in July 2005.⁹⁶ In this respect Pakistan has proposed that it keep all its commercial reactors under IAEA safeguards, abide by UN Resolution 1540 and bring its export control guidelines into line with that of the NSG. While, as Braun notes, this would be less than 'full scope' safeguards, it would be 'more comprehensive' than the agreement reached by the US and India.⁹⁷

Nonetheless, Braun identifies a number of safety security problems arising from such an expansion that may increase the likelihood that nuclear materials could be stolen by or diverted to non-state actors. Prospective safety problems include inadequate regulatory oversight of new facilities, inadequate training of reactor operators and inadequate protection of spent reactor fuel.⁹⁸ All power plants and fuel cycle related facilities are operated by the Pakistan Atomic Energy Commission (PAEC), while regulatory oversight is the brief of the Pakistan Nuclear Regulatory Agency (PRNA), which is also responsible for implementing recommendations and guidance received from the IAEA.⁹⁹ However, it is uncertain that the PRNA has the capacity to deal with these issues as Pakistan expands its commercial nuclear capacity. For example, it is not clear that PNAC will be able to train adequate numbers of

personnel for the proposed expansion, with Braun estimating that for an expansion of capacity by 8,800 megawatts, as proposed by the Pakistani government, PRNA would need to have an ‘operation cadre’ of between 4,400 and 8,800 persons trained and qualified within a 20-year period.^{[100](#)}

An expansion of nuclear power reactors will also raise the issue of the security of spent reactor fuel, which, as previously noted, could be a source of plutonium or, more likely, of highly radioactive material for an RDD. The increase in the quantity of spent fuel and increase in the number of sites at which it is stored not only raises the potential for material to be diverted or stolen, but also the burden on PAEC and PNAC to ensure that such nuclear material is secured and properly accounted for. Pakistan had produced around 240 tons of spent nuclear fuel (SNF) by 2000, a level projected to increase to around 1,180 tons by 2020 due to the expansion of its nuclear power generation capacity.^{[101](#)} The security of this material is currently ensured by the PNAC through physical verifications and regulatory inspections of relevant facilities. Mannan notes, however, that SNF is most vulnerable to theft or diversion when in transit and envisages a scenario in which terrorists attempt to interdict SNF casks in transit. His analysis suggests that terrorists would have to attack SNF casks with one of twelve anti-tank missiles that are capable of penetrating 12 to 20 inches of armour in order to penetrate the containment system used in SNF transportation casks.^{[102](#)} Such an attack would ‘cause complete perforation and release more than one percent of cask contents’.^{[103](#)} According to this estimate:

The consequences could be much greater if the attack involved more than one missile or explosive device, or if the attack included use of an incendiary device, or if the attack were accompanied by a fire from combustion of the vehicle fuel supply or another fuel source. Such exacerbating factors could result in: (1) a potentially larger percentage release of cask contents, possibly as great as 10 percent; (2) a potentially higher percentage of respirable particulates and/or vaporized

radionuclides; and (3) potentially more widespread dispersal and deposition.¹⁰⁴

Such a threat in contemporary Pakistan is conceivable given the availability of various anti-tank missiles and extremist groups' employment of suicide and truck bombing.¹⁰⁵ Another scenario through which terrorists could utilize the radioactive materials in SNF would be by capturing the transportation cask and breaching its containment system via the application of explosives, which could transform the cask into an RDD.¹⁰⁶ However, it is unclear how much SNF is transported within Pakistan and which sites/facilities are involved.

It should also be noted that PNAC is a civilian organization and may not be as capable as the military in protecting nuclear assets and infrastructure. Thus, Braun suggests that Pakistan's planned expansion of its nuclear power capacity combined with the existence of large and well-armed extremist forces, some of whom may have a desire to obtain fissile material, and potentially inexperienced nuclear reactor personnel, 'all point to the possibility that future nuclear material diversion attempts might be successful'.¹⁰⁷ Notably Braun concludes by arguing that Pakistan 'may not present the most secure environment in which to construct a large system of nuclear power plants and their supporting infrastructure'.¹⁰⁸ This highlights the key hurdle – the international community's perception of insecurity – that the Pakistani government will have to overcome to convince the world that it has the will and capacity to be a responsible nuclear power.

Pakistan, international security and nuclear terrorism

This chapter has examined two major assumptions regarding Pakistan and nuclear terrorism: Pakistan's nuclear complex is susceptible to acts of nuclear terrorism; and Pakistan is a likely source of nuclear weapons or materials that may be used in acts of nuclear terrorism. In doing so, it has been guided by the admonition of Jayanatha Dhanapala, former UN Secretary-

General for Disarmament Affairs, to balance the justified fear of nuclear terrorism with a sober analysis of the obstacles:

The danger of terrorism involving weapons of mass destruction needs to be assessed realistically so that appropriate precautions can be taken. Objective facts require that we be neither alarmist sowers of panic, nor complacent do-nothings ... We need, however, to examine whether and in what quantities materials are available; the technology needed to weaponize these materials and finally, what delivery methods could be used. [109](#)

In this respect, the chapter has demonstrated that while nuclear terrorism is indeed possible, there remain significant technical obstacles for terrorists to overcome in order to acquire fissile or radiological material and weaponize it. In the Pakistani context, I have identified that there is potential for terrorists to acquire fissile or radiological material due to problems at each level of Pakistan's nuclear complex.

However, the potential for some of these problems to increase the likelihood of nuclear terrorism have been overstated. For example, it has been suggested that Pakistan's nuclear first-use doctrine combined with a 'delegative' C² system could open a 'window of opportunity' for terrorists to seize either an intact nuclear weapon or key components of nuclear weapons. This scenario, however, is improbable given that Pakistan appears on balance to have a more 'assertive' C² system and stores its nuclear weapons unassembled and dispersed across the country. Nonetheless, separate storage and dispersal could create more 'points of access' for terrorists to acquire components of nuclear weapons, such as the AF&F mechanism or fissile cores. This example also demonstrates the 'wicked' nature of the problem: adopting a set of measures (i.e. storing nuclear weapons unassembled and dispersed) to combat a specific threat (i.e. terrorists acquiring an intact weapon from a single site) creates possible threats at other levels.

In the Pakistani context, although the technical/scientific obstacles to nuclear terrorism detailed in the first section of this chapter remain, there are numerous question marks not only over the state's capacity to manage and secure nuclear material but also over what one observer has termed the 'epistemic' side of the equation.¹¹⁰ There remain concerns about the potential for individuals employed in Pakistan's nuclear complex, and with specific technical/scientific knowledge regarding nuclear materials, to either leak such information to extremists or to closely collaborate with them. Although Pakistan has put in place a PRP to guard against such an occurrence, it remains unclear as to how rigorously it is implemented. The threat stemming from the epistemic side of the equation may also be set to increase given Pakistan's proposed expansion of its nuclear power generation capacity as such an expansion will require a large cadre of trained and qualified personnel.

Thus, much of the speculation and commentary in the West on the potential for nuclear terrorism in Pakistan has tended to emphasize scenarios in which hypothetical terrorists are aided and abetted in the acquisition of an intact nuclear weapon or fissile material by individuals employed in the nuclear complex or 'rogue' elements of the military. This focus has tended to result in the downplaying of the real and complex barriers to terrorists acquiring intact weapons and fissile or radiological material. This tendency has arguably been counterproductive in terms of the relationship between Pakistan and key Western states such as the US. Indeed, charges or insinuations that elements of the Pakistani military might be ideologically predisposed to hand over nuclear weapons to groups such as the Taliban, provoked President Zardari, in an interview with Seymour Hersh, to exclaim that, 'Our army officers aren't crazy, like the Taliban. They're British trained. Why would they slip up on nuclear security?'¹¹¹

Despite such reassurances it appears that Washington remains doubtful about both Pakistan's capacity to keep its nuclear complex safe and secure and its political will to do so. In this respect a former senior Bush administration official has

been reported as asserting that, ‘If a Pakistani general is talking to you about nuclear issues, and his lips are moving, he’s lying.’¹¹² This scepticism has ultimately also pervaded the Obama administration’s assessment of its relationship with Pakistan.¹¹³ With respect to cooperation on nuclear issues it is clear that Pakistan remains wary of subjecting its nuclear activities to scrutiny, either through the agency of the US or the IAEA, due to its perception that such measures could hobble its nuclear arsenal, thereby threatening the viability of its nuclear deterrent *vis-à-vis* India.¹¹⁴ Thus, the dilemma for states such as the US regarding the issue of Pakistan and nuclear terrorism is that threats do arguably exist ‘all the way down’, not only in terms of potential weaknesses at all levels of the Pakistani nuclear complex that have been identified above, but also at the level of political will and trust. With respect to this latter issue, Jeffrey Lewis has recently argued that:

... the United States should take care to ensure that security assistance does not reinforce Pakistani fears that such assistance is a ‘Trojan Horse’ intended to compromise the security of Pakistan’s nuclear arsenal. Moreover, Washington should avoid creating the impression that it cares more about the security of Pakistan’s nuclear arsenal than does Islamabad.¹¹⁵

However, given the increased mutual mistrust between the US and Pakistan evident over the past few years with respect to a number of key strategic and security issues, this goal may prove to be elusive.

Notes

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- 11 See O'Neil, 'Terrorist Use': 109; and Sammy Salama and Lydia Hansell, 'Does Intent Equal Capability? Al Qaeda and Weapons of Mass Destruction', *Nonproliferation Review*, 12 (3) (2005): 615–653.
- 12 Charles D. Ferguson and William C. Potter, *The Four Faces of Nuclear Terrorism*, Monterey: Center for Nonproliferation Studies, 2004.
- 13 Michael Levi, *On Nuclear Terrorism*, Cambridge, MA: Harvard University Press, 2007: 8.
- 14 Michael Levi, 'Stopping Nuclear Terrorism: The Dangerous Allure of a Perfect Defense', *Foreign Affairs*, 87 (Jan/Feb 2008): 135.
- 15 Henry D. Sokolski, 'Rethinking Nuclear Terrorism', Presentation to the Round Table of the Hans-Seidel Stiftung 'Islamic Terrorism and Means of Mass Destruction', Wildbad/Kreuth, Germany, 24–25 January 2006, <<http://www.npec-web.org/Presentations/article060201Rethinking%20Nuclear%20Terrorism.pdf>>
- 16 Ferguson and Potter, *The Four Faces*: 54.

- [17](#) For the ability of ‘nuclear forensics’ to bolster deterrence of state ‘gifting’ of a nuclear weapon to a terrorist group, see Michael Miller, ‘Nuclear Attribution as Deterrence’, *Nonproliferation Review*, 14 (1) (2007): 33–60.
- [18](#) For example, see DODD 5210.42 Nuclear Weapon Personnel Reliability Program (PRP), 25 May 1993, ASD((C3I)), thru Ch 2, 15 December 1995, available at: < http://www.fas.org/nuke/guide/usa/doctrine/dod/dodd-5210_42.htm>
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- [25](#) Bunn and Weir, ‘Terrorist Nuclear Weapon Construction’: 140.
- [26](#) Ferguson and Potter, *Improvised Nuclear Weapons*: 15.
- [27](#) See ‘Plutonium Production’, *Federation of American Scientists*, June 2000, <<http://www.fas.org/nuke/intro/nuke/plutonium.htm>>
- [28](#) Bunn and Weir, ‘Terrorist Nuclear Weapon Construction’: 140.
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- [30](#) Potter, ‘Nuclear Terrorism’: 135.
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- [33](#) Ibid: 142.

- [34](#) IPFM, *Global Fissile Material Report 2007*: 12.
- [35](#) However, as noted above, this civilian ‘reactor grade’ plutonium (i.e. containing between 50 per cent and 70 per cent Pu-239) could still be used to construct an IND.
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- [37](#) IPFM, *Global Fissile Material Report 2007*: 17.
- [38](#) Ibid: 16.
- [39](#) Charles D. Ferguson, ‘Risks of Civilian Plutonium Programs’, *Nuclear Threat Initiative Issue Brief*, July 2004, <http://www.nti.org/e_research/e3_52b.html#fnB7>
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- [42](#) IAEA, *Nuclear Research Reactors of the World*, (Ref. Data Series 3): 59–69.
- [43](#) Bunn and Braun, ‘Terrorism Potential for Research Reactors’: 719.
- [44](#) Ibid, p. 720, and Ferguson and Potter, *The Four Faces*: 197.
- [45](#) Ferguson and Potter, *The Four Faces*: 233.
- [46](#) Michael Levi and Henry C. Kelly, ‘Weapons of Mass Disruption’, *Scientific American*, 287 (5), (2002): 77–81; and P. Andrew Karam, ‘Radiological Terrorism’, *Human and Ecological Risk Assessment*, 11 (3), (2005): 501–523.
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- [49](#) Jonathan Medalia, ‘Terrorist “Dirty Bombs”: A Brief Primer’, *CRS Report for Congress*, 1 April 2004: 1–6.
- [50](#) Bunn and Braun, ‘Terrorism Potential for Research Reactors’: 720.
- [51](#) See Devin T. Hagerty, *The Consequences of Nuclear Proliferation: The lessons from south Asia*, Cambridge, MA: MIT Press, 1998.
- [52](#) See Rizwan Zeb, ‘David Versus Goliath? Pakistan’s Nuclear Doctrine: Motivations, Principles and Future’, *Defense and Security Analysis*, 22 (4) (2006): 387–408; and Bhumitra Chakma, ‘Pakistan’s Nuclear Doctrine and Command and Control System: Dilemmas of Small Nuclear Forces in the Second Atomic Age’, *Security Challenges*, 2 (2) (2006): 120–125.

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- [57](#) Ibid: 163–164. See also John D. Steinbruner, 'Nuclear Decapitation', *Foreign Policy*, 45 (Winter 1981/82): 16–28.
- [58](#) Feaver, 'Command and Control': 165.
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- [60](#) Paolo Cotta-Ramusino and Maurizio Martinelli, 'Nuclear Safety, Nuclear Stability and Nuclear Strategy in Pakistan', *Concise Report of a Visit by Landau Network-Centro Volta*, 21 January 2002, <<http://lxmi.mi.infn.it/~landnet/Doc/pakistan.pdf>>
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- [64](#) Kenneth N. Luongo and Naeem Salik, 'Building Confidence in Pakistan's Nuclear Security', *Arms Control Today*, (December 2007), <http://www.armscontrol.org/act/2007_12/Luongo>
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Index

- ‘Afghan jihad’ (1978–1992) [124–6](#)
- Afghanistan: relationship with Pakistan [121–32](#)
- Afridi [142](#)
- Ahmed, K. [111](#)
- Al Huda [56](#)
- al-Rehmat Trust [81](#)
- All Pakistan Muhajir Students Organisation (APMSO) [82](#)
- Alliance for the Restoration of the Democracy (ARD) [17](#)
- annual confidential reports [71](#)
- Ansar-ul-Islam [146](#)
- ‘Arabist shift’ [108](#)
- ‘arc of destabilization’ [174](#), [175](#)
- Arendt, H. [4](#)
- authority [4](#)
- Awami National Party (ANP) [5](#)
- Aziz, S. [14](#)
- ‘back-channel contact’ [93](#)
- Bashir, K. [56](#)
- Beijing Platform for Action (BPFA) [74–5](#)
- Bhutto, B. [7](#), [15](#)
- Bhutto, Z.A. [6](#), [12](#)

313 Brigade [110](#), [114](#)

C² system [199](#), [200](#)

‘cantonment colonialism’ [11](#)

Chasma Nuclear Power Plant – Unit [1](#) (CHASNUPP 1) [204](#)

Chaudhry Court: challenges [37–9](#); challenges from constitutional politics [39–42](#); challenges ‘from within and without’ [38–9](#); challenging dynamics of the empowerment of [37–8](#); constitutional supremacy or parliamentary supremacy [40–1](#); institutional challenges [42](#); judicialization of governance [34–5](#); judicialization of politics [35–7](#); judicialization of politics and governance [28–43](#); new political dynamics and role of political parties [41–2](#); political and judicial empowerment of [32–7](#); transformation from a regime court to people’s court [30–2](#); trust deficit between court and government [39–40](#); vs democratic government [33–4](#); vs Musharraf’s authoritarian regime [32–3](#)

China–Pakistan relations [174–84](#); counter-terrorism cooperation [177–8](#); counter-terrorism/insurgency efforts [176–7](#); economic cooperation and integration [182–4](#); military cooperation and arms transfers [180–2](#); regional balance of power [178–80](#); security and stability of the region [175–6](#); seizing the initiative [184](#)

chronic political instability: explaining through SIM [3–8](#); prospects of political stability [21–5](#); strengths and weaknesses of the three forms of government [8–21](#); triadic politics and [3–25](#)

‘Close Border Policy’ [138](#)

Cohen, S. [14](#)

Composite Dialogue (CD) [97](#)

Confidence Building Measures (CBM) [94](#)

constitutional supremacy [40–1](#)

Council for Islamic Ideology (CII) [21](#)

Dars-e-Nizami [51](#)

‘delegative’ system [198](#)

democracy: prospects of political stability [21](#); strengths and weaknesses [12–17](#)

Developmental Control Committee (DCC) [199](#)

Dhanapala, J. [206](#)

‘diversionary war tactic’ [103–4](#)

‘Durand line’ [121](#)

Employment Control Committee (ECC) [199](#)

environmental sensing devices [201](#)

Federally Administered Tribal Areas [77](#), [131](#), [137](#), [157](#); first period (1947–1979) [140–1](#); four political periods [140–9](#); fourth period (2008–present) [147–9](#); political administration [138–9](#); second period (1979–2001) [141–3](#); third period (2000–2008) [143–7](#)

‘Forward Policy’ [138](#)

‘four-point solution’ [94](#)

‘Friendship 2010’ [178](#)

Frontier Crimes Regulations (FCR) [138](#), [143](#), [149](#)

‘Frontier Gandhi’ [140](#)

Hafiz Quran [55](#)

Harkat-ul-Ansar (HuA) [114](#)

Harkat-ul-Jiahd-i-Islami (HuJI) [108](#), [111](#), [113–14](#)

Harkat-ul-Mujahideen (HuM) [108](#), [115](#)

Hassan, R. [58](#)

Hezb-e Islami [125](#)

Hisbah bill [21](#)

Hizb-ul-Mujahideen (HM) [108](#), [117–18](#)

ideological legitimacy [5](#)

‘India factor’ [168](#)

India–Pakistan peace process [91–105](#); achievement [93–5](#);
Afghan factor [99–100](#); brief history of contemporary Indo-
Pak relations [91–3](#); external players [101–2](#); important
CBMs signed between India and Pakistan (2004–2008)
[105](#); lack of consensus on terrorism [98–9](#); lack of
incremental approach [97–8](#); lack of reassurance or driven
by revenge [102–3](#); New Delhi’s status quo bias [96–7](#);
Pakistan’s revisionist bias [97](#); unpredictable Pakistani
policy shifts [100–1](#); what ails the process [96–103](#)

insensitive high explosives [201](#)

institutional hegemony [40–1](#)

‘institutionalized corruption’ [11](#)

Inter Services Intelligence [7](#), [108](#)

‘Iron Amir’ [122](#)

Islami Jamhoori Ittehad (IJI) [7](#)

Islami Jamiat-i-Tulabah (IJT) [18](#)

Islamic Fundamentals [56](#)

Islamism strengths and weaknesses [17–21](#)

Jaish-e-Muhammad [81](#), [110](#), [115–16](#)

Jamaat-e-Islami [125](#)

Jamaat-ud-Dawa [110](#), [144](#)

Jamat-e-Islami (JI) [17](#)

Jamat-e-Ulema Islam-Fazlur Rehman (JUI-F) [17](#)

Jamat ud-Da’awa [81–2](#)

Jamiat-e-Ulama Islam (JUI) [142](#)

Jamiat-ul-Ansar [110](#)

Jamiat-Ulema-i-Pakistan (JUP) [18](#)

Jammu Kashmir Liberation Front (JKLF) [107](#)

Jamshed, J. [57](#)

Javed, T. [58](#)

Jemamh Islamiyah [113](#)

jihadi organizations: 9/11 and its impact [110](#); brief background [107–10](#); Harkat-ul-Jiahd-i-Islami [113–14](#); Harkat-ul-Mujahideen [115](#); Hizb-ul-Mujahideen [117–18](#); Jaish-e-Muhammad [115–16](#); jihad in Kashmir [107–8](#); Lashkar-e-Taiba [116–17](#); progressive Arabization of [108–10](#); regional and international links [112–18](#); state in Pakistan and their regional and international links [107–19](#); state of jihadis today [110–12](#)

‘jihadi proxies’ [144](#)

judicialization: politics and governance in Pakistan [28–43](#)

‘judicialization of governance’ [34–5](#)

Jundullah [82](#)

‘Kalashnikovization’ [126](#)

Karachi Nuclear Power Plant (KANUPP) [204](#)

Kerry-Lugar Bill [10](#), [160](#)

Khan, A. [6](#)

Khan, A.R. [122](#)

Khan, K. D. [19](#)

Khan, Y. [6](#)

Khuda-i Khedmatgaran [122](#)

Khudai Khidmatgars [140](#)

Lamb, C. [15](#)

Lashkar-e-Jhangvi (LeJ) [82](#), [116](#)

Lashkar-e-Taiba [81–2](#), [108](#), [113](#), [116–17](#)

Lashkare-Toiba [47](#)

Laskar-e-Islam [146](#)

‘lawyers’ movement’ [31](#)

legitimacy [4](#)

Levy, J.S. [103–4](#)

Lewis, J. [208](#)

madrassas [142](#)

Madrussah-ul-Arabia [51](#)

Malik, J. [18](#)

‘manipulated fraternity’ (1992–2001) [126–8](#)

media: advertisements [73–4](#); affirmative action [69–71](#); and women as an issue in Pakistan [62–4](#); derogatory language [71–2](#); employee evaluation [71](#); fewer women in Pakistan media [66–7](#); gender policies in media houses [66](#); improving women’s profile [70–1](#); media bias and women in the world of sport [73](#); Pakistan context [62–76](#); Pakistan’s response to international commitments [74–5](#); training for employees [70](#); way forward [67–8](#)

militant’s landscape: historical context [78–9](#); implications [84–6](#); Islamist organizations and their impact on body politic [77–87](#); mapping the organizations in Pakistan [80–4](#); religious parties (2002) [80–1](#)

military dictatorship: strengths and weaknesses [8–12](#)

‘Mr. Ten Percent’ [16](#)

mujahideen [141](#)

mullahs [142](#)

Musharraf, P. [7](#)

Mutahidda Qaumi Movement (MQM) [82](#)

Muttahida Majlis-e-Amal (MMA) [5](#)

Nasr, V. [17](#)

National Command Authority (NCA) [199](#)

National Reconciliation Ordinance (NRO) [16](#), [24](#), [35](#)

nuclear terrorism: acquisition of an intact nuclear weapon [193–5](#); definition, requirements and obstacles [191–7](#); Pakistan, international security and [206–8](#); Pakistan and the ‘four faces’ of [190–1](#); Pakistan’s nuclear doctrine and command control systems [197–201](#); sabotage of

radiological dispersion device [195–7](#); safety and security of Pakistan’s civilian nuclear facilities [204–6](#)

NWFP Prohibition of Dancing and Music Bill (2005) [21](#)

NWFP Prohibition of Use of Women in Photograph Bill (2005) [21](#)

Ottawa dialogue [93](#)

Pakistan: and the ‘four faces of nuclear transmission’ [190–208](#); cyclical triadic politics [6–8](#); explaining instability through SIM [3–6](#); international security, nuclear terrorism and [206–8](#); Islamist organizations and their impact on body politic [77–87](#); judicialization of politics and governance [28–43](#); nuclear doctrine and command control systems [197–201](#); prospects of political stability [21–5](#); relationship with China‘ [174–84](#); religious parties (2002) [80–1](#); safety and security of civilian nuclear facilities [204–6](#); safety and security of nuclear arsenal and production facilities [201–4](#); state of jihadi organizations and their regional and international links [107–19](#); strengths and weaknesses of the three forms of government [8–21](#); Supreme Court institution, political context and transformation [29–32](#); threats all the way down [197–208](#); triadic politics and chronic political instability [3–25](#); understanding hybrid seminaries and social revolution [46–61](#); women, media, equity and equality [62–76](#)

Pakistan Muslim League (PML) [7](#)

Pakistan Muslin League-Nawaz Sharif (PML-N) [5](#)

Pakistan National Alliance (PNA) [19](#)

Pakistan People’s Party (PPP) [5](#), [6](#), [7](#)

Pakistan–Afghanistan relations [121–32](#), era of the ‘Afghan jihad’ (1978–1992); dual-track relationship after 2001 [128–31](#); era of ‘manipulated fraternity’ (1992–2001) [126–8](#); foundational history [121–4](#)

Pakistani Taliban evolution [137–50](#); economy of tribal areas [139–40](#); FATA’s four political periods [140–9](#); political administration of FATA [138–9](#)

Pakistan–US relationship [155–70](#); ‘buy-out’ option [159–60](#); coercion of Pakistan [158–9](#); ‘do it ourselves’ option [160–1](#); emphasizing the threat to Pakistan [161](#); India factor [162](#); looking ahead [167–70](#); mismatch between policies and objectives [158–62](#); objectives in light of the rational institutional design framework [156–8](#); Pakistan’s reaction to US policy [162–5](#); reversing the perverse incentives [165–7](#)

parliamentary supremacy [40–1](#)

Patterson, A.W. [201](#)

Peace Act (2009) [160](#)

permissive action links [201](#)

personnel reliability programs [200](#)

political agent [138–9](#)

popular legitimacy [5](#)

power [4](#)

Provisional Constitution Order (PCO) [31](#)

Pugwash Initiative [93](#)

Punjabi Taliban [144](#)

Putnam, R. [104](#)

‘Quetta Shura’ [129](#)

Reconstruction Opportunities Zones (ROZ) [85](#)

Red Shirts [122](#)

Reflections Model school [56](#)

‘Refugee Tented Villages’ [125](#)

Rehman, M.F. [19](#)

‘revolutionary legality’ [30](#)

Rubin, B.R. [125](#)

Services’ Strategic Forces Command (SSFC) [199–220](#)

Sharia bill [21](#)

Shariah ya Jihad [54](#)

Sharif, N. [7](#), [16](#), [19](#)

Shimla Agreement [100](#)

Siddiq, A. [10–11](#)

Sipah-e-Sahaba [82](#)

Sipah-e-Sahaba Pakistan [111](#)

Sipah-e-Sahiba [116](#)

social revolution [46–61](#); flyer in Karachi [59](#); *madrassahs* studied in the field and their affiliation [49–50](#); Sawab and compliance to the social order [55–8](#); stories from the field [48–54](#)

spent nuclear fuel (SNF) [205](#)

stability–instability model (SIM) [3](#)

Strategic Dialogue [167](#)

Supreme Court [29–32](#); constitutional supremacy or parliamentary supremacy [40–1](#); institutional challenges [42](#); institutional structure and powers [29–30](#); new political dynamics and role of political parties [41–2](#); political history [30](#); transformation of Chaudhry Court [30–2](#); trust deficit between court and government [39–40](#)

Talibanization [144](#)

‘Talibanization’ [131](#)

Tehreek-e-Khuddam-ul-Islam [110](#)

Tehreek-e-Taliban Pakistan (TTP) [81](#)

Tehreek-i-Taliban Pakistan (TTP) [161](#), [165](#)

Tehreek Khuddam ul-Islam [81](#)

Tehrik-e-Nifaz-e-Shariat Muhammadi (TNSM) [142](#)

Tehrik-i-Taliban Pakistan (TTP) [145](#)

triadic politics: chronic political instability and [3–25](#); cyclical [6–8](#); democracy strengths and weaknesses [12–17](#); explaining instability through SIM [3–8](#); Islamism strengths

and weaknesses [17–21](#); military dictatorship strengths and weaknesses [8–12](#); prospects of political stability [21–5](#); strengths and weaknesses of the three forms of government [8–21](#)

‘troika’ [16](#)

United States: emphasizing the threat to Pakistan [161](#); looking ahead [167–70](#); Pakistan’s reaction to US policy [162–5](#); relationship with Pakistan [155–70](#); reversing the perverse incentives [165–7](#)

Wahabi/Salafist ideology [108](#)

Weber, M. [4](#)

women: affirmative action [69–71](#); and media as an issue in Pakistan [62–4](#); at the top [64–6](#); derogatory language in media [71–2](#); employee evaluation [71](#); environment at the workplace [69](#); facilities at the workplace [69–70](#); fewer women in Pakistan media [66–7](#); gender policies in media houses [66](#); improving profile in media [70–1](#); media advertisements [73–4](#); media bias and women in the world of sport [72–3](#); Pakistan context [62–76](#); Pakistan’s response to international commitments [74–5](#); training for employees [70](#); way forward [67–8](#)

Wrong, D. [4](#)

Zardari, A.A. [16](#)

Zinni, A.C. [10](#)