



No Time To Lose: How The Civil Government Must Lead During Conflict

The report is based on contributions from an IPR team comprising former cabinet members, parliamentarians, senior experts, researchers, and former government officials with high-level experience of enforcement, information gathering, and policymaking. The Report's objective is stability of the country in these trying times and assistance to government. It recommends important ways in which civil government and civil society can combat militancy in the country. Their roles are critical for success of the current military operation.

ABOUT IPR

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4- Shami Road,
Lahore Cantt , Pakistan.
UAN: 111-123-586
www. ipr.org.pk

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1. INTRODUCTION

In a story that seems familiar, our governance flaws are evident again. With military action in North Waziristan in full gear, the country is clearly at war. It is likely too that the war may extend to other parts of the country. The political leadership and civil administration have been slow to respond. Wide scale complacency and a civil administration that is far from ready raise the fear that we could possibly lose in the cities what we would likely win on the battlefields.

We must avoid this at all cost. Whether or not the country succeeds in overcoming the critical issue of terrorism depends as much on performance of the civil government as it does on the military that fights on the war front. This is so for a number of reasons.

First, the inevitable human suffering must stay as low as possible. Managing this humanitarian crisis requires a well-planned relief and revival initiative. Second, a terrorist backlash is probable. Sleeper cells in cities and within key organizations could hit back resulting in loss of lives and property over a prolonged period. The civil administration must step up to fulfill the onerous role that this calls for. In fact, an alert civil administration could have restricted the scale of the threat in the settled part of the country had it played its role effectively in the past. This may well be the reason that the military action was delayed¹. Third, the nation cannot afford any ambiguity about the purpose of the war or the state's resolve to stick it out to the end. This requires consensus among state institutions on the objectives and the outcomes of the war. A similar broad consensus is needed among a large section of political parties. Clarity of objectives and broad support for them by all those in positions of power is the minimum need for success. Fourth and equally important, the whole nation must be on one platform in support of the war. Such support is key for the prolonged engagement that this military action likely entails. This requires clear direction by the political leadership. The people must know why war is critical for our survival.

Since the problem came to fore in 2008, governments have had a stop-and-go position on counter-terrorism resulting in hardly any progress at all. The political government in power during 2008-13 could not develop and make into law a CT plan. It set up an overarching NACTA, but dealt capriciously with its execution. Early this year, a comprehensive policy, the NISP, was issued, but we await its implementation.

Our assessment that there is lack of preparedness is based on two reasons. The record of accomplishment of past such efforts is weak to say the least and we have not seen an action plan by the government that assures that the performance this time would be different. Moreover, despite announcing a holistic strategy in the shape of NISP, there is no sign yet that government has started to set up the required organization. Nor is there evidence so far of a coordination mechanism or concrete actionable plans in pursuit of the strategy.

Similarly, there is a lack of effort on the part of the leadership to motivate public opinion in favour of war objectives. Research shows that such uniform support for the war within the country is critical for its success². The people must be on board with respect to the sacrifices that it entails in terms of loss of lives, property, and economic activity. They must specially be made aware that the cost of not going to war is higher than losses during operations. Random violence on a large scale and over a long period does not just exact high human and economic cost, but imperils the existence of the state itself.

This report is the result of past research and hands on experience of IPR task force members. It has two parts. The objective of this report is to:

- Part 1: Discusses the requirements and challenges of governance for the success of this conflict. The next section covers this topic. The response to the challenges will be in both the short and long-terms.
- Part 2: The report will conclude with findings and recommendations for the government.

IPR has commissioned this report specifically in the wake of military action that began on 15 June 2014. This report does not cover all forms of violence in the country that arise from insurgency or ethnic and sectarian differences. Its context is the present military conflict.

Part 1

2. Governance Requirements and Challenges during Conflict

2.1 Winning the Next Round:

This report focuses on the role of the civil government in counter-terrorism in the context of the military operations. It takes as given that the military has the ability to win decisively an asymmetrical war in a region of the country. Also, we understand that it would fight the war to the end. Policy of strategic depth and India centricity are commonly believed to be the underlying problems at the root of terrorism and have been around for some years. A corollary of these policies is the distinction between good and bad militants. For the present, we understand that these have been relegated to the back seat. In this report's view, the country cannot be rid of terrorism if these policies continued.

The successful Swat operation shows the military has the ability to win an unconventional war though some still doubt this especially in the case of urban warfare³. Continuous betrayal of agreements by militants and the military's confidence in its ability must convince them that past vacillation between action and negotiation does not work. In addition, there are signs of a rethink within the military about their policy of aiding some militants while confronting others. Yesterday's allies seek to destroy the state today³. There is space for optimism given the seriousness with which the operation has begun and the high stated objectives of the COAS, Pakistan Army. In recent weeks, he has spoken clearly at the NDU that 'Terrorism in Pakistan needs to be eliminated'⁴ and expressed similar resolve at the Corps headquarters Peshawar that North Waziristan will be purged of all kinds of terrorist groups⁵. In a briefing to the media, the DG ISPR is even more emphatic. He refers to military action as a 'war of survival', which he said would lead to permanent peace in the country⁶. Our recent agreement with Afghanistan to 'take action against all terrorists without distinction and their hideouts' is in line with the COAS's resolve⁷. We understand that the concern behind the agreement is not limited to the whereabouts of Mr. Fazlullah. Recently, DG ISPR reiterated that all militants were targets, including the Haqqani network⁸. Any military action without a change in the traditional security paradigm will be no more than temporary setback for the militants.

If these changes have taken place, the real battle will be won or lost not just in the mountains of Waziristan, but in the installations, streets, and markets of the cities. This requires that political leaders and civil administration play their roles effectively and fill a large existing gap in our approach to militancy. Whether or not the political leadership comprehends what it takes to complete this fight is moot. If

they do, it is not clear if they have the will and the acumen to execute with success. Many factors affect success of a counter-terrorism operation⁹:

- Political institutions and consensus among parties
- Track record of policing, investigation, and prosecution, and trust or the lack of it in the police among citizens
- The speed and effectiveness of the criminal justice system
- Regulation of terrorist financing
- Regulation of terrorists' open use of IT and the media
- Ambiguity about who the enemy is and a narrative about why the fight is critical to our survival
- Institutional framework to execute the counter-terrorism strategy including special provisions in the budget

2.1.1 Possible Backlash from TTP

Lets look at the kind of adversary we face. The Taliban are well trained and armed and though their guerilla tactics are not new, they have often surprised far superior forces. They inculcate deep beliefs among the followers, which make them inflexible in negotiations and resilient in battle. They use religion and beliefs to obfuscate issues and create ambiguity in public opinion. The Taliban are connected to a network of organizations internationally that provide finances, arms, and refuge when needed. They have decentralized into cells and spread across the country. They create space for themselves in the weak links in our governance structure. An enemy as prepared and resilient as the Taliban needs to be confronted with a well thought strategy. It appears that we are far from putting one together.

One terrorist attack comprising three planes changed the framework of internal security in USA. A society that places high value on individual freedom readily accepted personal scrutiny. A series of attacks over several years have not moved us to revisit internal security. In fact, frequent rationalization, justification, and explanations lend comfort to the militants at the expense of the victims. Frequent TV time gives them the appearance of legitimacy and allows them to seek validation of their points of view.

There has yet been no reaction from the militants to the recent military action. Yet it could likely happen. If the terrorists hit back at visible or unsuspected targets the country could become a battleground. Urban centres may become the theatre for action. It is not clear if the government is prepared to counter such reprisals on a wide scale. This may affect public opinion and the resolve of the leaders.

Having examined the nature of the enemy, let us look at the issue of possible blow back from two dimensions. Preventing terrorist attacks and minimizing their consequences¹⁰.

2.1.2 Prevention of future attacks

We know that the militants are motivated to attack, could we possibly reduce their ability to do so¹¹. This requires agility and preparedness in preventing an attack as well as to reduce its impact. It is important to limit the means of perpetrating an attack (such as restricting access to explosives or finances). Thus far, it seems that government has not had much success with either. Their network inside and out of the country provides access to both. Porous borders make all manners of arms and explosives available to them. Penetrating terrorist hideouts and cells is not easy as they have severe screening process.

On the other hand, the country's security apparatus is encumbered by the environment in which it operates and its structure. This reduces effectiveness of our counter-terrorism response:

- Weak environment
 - Ambiguous political ownership and cause not clearly stated: No political leader in position of decision-making or of national stature has led the call for a war against the terrorists. While federal leaders voice support in form, the views from the provinces range from lukewarm to reluctant support for military action. There is no sense of urgency for a comprehensive CT plan in place or substantial follow up on CT preparedness. In one province, police officers often wonder if they have a clear mandate to go after the terrorists because of the conflicting signals from the leaders.
 - Ambiguity about terrorism: Terrorism in Pakistan has been a tool of foreign policy. State institutions sponsored some militant organizations. It is important for operational officers to be clear about who is the enemy¹². Political leadership must be unambiguous. A CT strategy cannot be divisible.
 - Weak governance with porous borders: While governance is weak all over the country, there are areas where it is especially lax or where our laws do not apply. FATA with a population of four million or so¹³ is outside the ambit of Pakistan's law. PATA has an alternate judicial system, while many laws of the country do not apply to the B Area of Baluchistan. Civil police is not present in FATA and the B Area of Baluchistan. In addition, there are areas in the settled part of the country where policing is weak. Southern Punjab has a large

enough presence of terrorist 'foot soldiers' to make policing ineffective¹⁴. Parts of large urban centers too have become no go areas because of a mix of mafia and terrorist operatives. Porous borders allow sanctuaries and arms trade on both sides from and to FATA, KPK, and Baluchistan.

- Weak policing:
 - Difficult to penetrate cells that are ideologically air tight
 - Low motivation and capacity to enforce, investigate, and prosecute
 - Low pressure from political leaders
 - Cultural differences among many forces and among layers of government

- Counter-terrorism Structure¹⁵: No comprehensive CT policy is in execution in the country. Financing for NISP is insufficient and perhaps an indication of government's priorities. Current state of affairs does not infuse confidence. This is marked by:
 - Disjointed command structure: The CT effort is divided to say the least. In the police command, the CID leads CT in each province. A number of other organizations have their own equivalent units. These include FIA, IB, ISI, and MI¹⁶. In several parts of the country, para-military forces take lead on CT. In Karachi, for example, it is almost in the hands of the Rangers. This results in duplicate efforts, waste of resources, and lack of ownership for offences that fall in the domain of another force.
 - Lack of capacity: The police in Pakistan are short in numbers, receive inadequate training, and do not have the equipment to spy on the well-organized and secretive militants. There seems to be an issue of motivation also as according to police officers investigation of cases suffers from alarming indifference, which leads to weak prosecution. Ham handed action as in rounding up 250 people from one neighbourhood to investigate the firing on planes do little to build confidence for the police among the people.
 - Lack of legal cover: Much of the intelligence work is done by agencies that make two thirds of all terrorist arrests. Agencies had no legal authority to do so and their evidence was not admissible in court. Facts, such as scene of crime and recovery of weapons have to be reconstructed. This makes for a weak case in the court¹⁷. It is to be seen how the recently approved Protection of Pakistan Act deals with the matter because ultimately the cases could go to court. The new Act gives the power of a police officer to members of armed and civil armed forces. These do not extend to intelligence agencies

specifically, particularly to their civil functionaries. Many additional lacunae in existing law also make it difficult to investigate and prosecute. Evidence in court from private witness prevails over those from public witness. The CrPC is an old laws and not expected to provide for suicide bombing. The more recent ATA too did not recognize suicide attacks. It does not say what quantity or type of weapons makes a terrorist crime. There is a lack of laws for cybercrimes, which prevents a check on terrorist use of internet to spread their message and use it to raise funds¹⁸. The Protection of Pakistan Act is more encompassing and takes care of some of the flaws. Its list of scheduled offences is broad. The effectiveness of the Act depends on its implementation and its judicious use by the government. The structure and rules for the 'special courts' would be important also. Past efforts, such as ATCs, have been ineffective.

- Guarding the turf and ineffective information sharing: Adding to other problems, divided CT intelligence, and execution results in guarding the turf and lack of coordination among agencies leading at times to serious neglect and missed opportunity to prevent attacks
- Lack of protection to prosecution officers and trial judges: There are instances of attack on police officers and judges pursuing terrorist cases. They need physical protection to deal with such cases effectively.

Government has had uneven success in curbing access to financing by terrorist groups¹⁹. Government, so far, has focused on transfer of resources through formal channels by banned groups. This is inadequate, as terrorist organizations have built a haze to cover financing of their activities. Their cover is based on a complex network of organizations that front as charities and businesses including schools, clinics and much more. Money comes from both internal and outside sponsors. More than half of their funds are raised internally through charities. Crime too is a source such as abduction for ransom, bank heists, and smuggling including export of drugs. With increased checks by the government, external aid to them is channeled through 'hawala'. Government has to play catch up with the many ruses and innovations in channeling funds and their laundering. The growing militant network makes it possible for them to finance their activities.

Civil intelligence and policing have limited ability to preempt the blowback through information gathering and clean-up operations. Some work has begun, but it does not appear to be nearly enough. It is not clear, also, how local administrations have penetrated their ranks. The recent attack on Karachi airport in all likelihood was planned at a sleeper cell in the city. It is only the latest among the many such attacks in the country that have taken place on key installations and on civilian targets²⁰.

Policing at the local level to gather information about possible terrorists is key to prevention. Weakness in information collection, coordination with national intelligence agencies and with police agencies in other provinces, and tracking terrorist activities prevent nipping in the bud many of the attacks. Where terrorists are caught, investigation and prosecution of cases is tenuous and an ineffective and insecure judicial system often allows them to go free.

2.1.3 Minimizing Consequences

Prevention is the desirable option, but the second best is minimizing the effects of an attack if it were to happen. Recent history shows three kinds of explosive attacks: high yield explosive as in the Marriot incident delivered by a suicide bomber in a vehicle. Suicide jackets are the most common followed by road ambush using IEDs. Attacks on civil and military installations of the kind made on the Karachi airport, Mehran Airbase or GHQ are through armed men and possibly with the help of inside moles. They also work out weak links in the security.

To reduce the effect on the population, city and municipal governments must have the ability of firefighting, rescue, and evacuation, and of clearing debris to recover those trapped within. Most local administrations are ill equipped to handle these functions at all leave alone in a timely manner. Cities need also trauma and burn centres for treatment and rehabilitation of victims. TV images show that the government and hospitals no longer send ambulances, which has become the domain of volunteer organizations.

Attacks on installations demoralize the people and spread grief and gloom. Restoration of services is key. More so, it is important to show alacrity of response and not the laxity and neglect that accompanied an incident at Karachi airport where people were trapped in a cold storage. Leaders must show concern beyond a press release condemning the attack. They must meet the aggrieved, direct the rescue efforts, and take the nation in to confidence about their resolve. Silence from Islamabad adds to despair and aggravation of citizens. Beyond the immediate, it is equally important to return to business as usual and to normal economic life.

2.2 Building a narrative:

The politicians play a critical role in mobilizing public opinion in favour of military action. They have not done so, a lapse that cuts across most political parties.

2.2.1 War without a cause

This is not a war without a cause. It is a battle for survival, but that is not how it appears from what the leaders say. Few political leaders of national stature have advocated against terrorism or built public opinion in favour of its elimination. They have also done little to plan and implement a CT strategy. To give it 'legitimacy and durability', the CT plan (including military action) must be underpinned by a broad consensus among leaders and the people²¹.

It is not hard to see why the leaders hesitate in their support. Political leaders who have openly targeted the militants with their words have been attacked and they or their families killed. Previous interruptions of civilian governments may have stalled development of parties as an institution. Political parties show a culture, evolving for sure, where the here and now is more important than pursuing a national agenda. Most parties build support for themselves on narrow causes. Ethnic loyalty and narrow electoral interests prevail over national priorities. One large political party has had election alliances with a quasi- terrorist party. This was a way to seek accommodation with the Taliban. They have 'publicly tried to appease the militants by offering them a quid pro quo: allowing them space in return for not attacking' the province with their main support base²². Large parties are the preserve of dynasties, which take away the ability to form and articulate views on national agenda based on consultations and competing perspectives. Pleasing the top person and compliance becomes the norm. In fact, this is true for all parties where the top person decides party positions on national issues without much space for differing voices.

The culture of political parties is still evolving. It will take time for them to strengthen as institutions. At present, the focus of the civil government is on military action and to an extent on IDPs, but not on the critical support needed from civil administration. There is continued ambivalence on implementing the NISP or building any coherent structure and strategy to counter terrorism in a systemic way. They consider it an issue to be handled by the army because of the history and context of dealing with terrorism. It is true that policy on terrorism has been the preserve of the military. Even now, perhaps it is not clear fully if the military has given up entirely their policy of selective dealing with militants.

Yet the political leadership cannot abdicate their responsibility. The fragmented CT structure referred to in 2.1.2 above must be aggregated and brought to speed to deliver. Political leaders have done little to gain a position in the policy space even when offered the chance to do so. In February 2013, former COAS, Pakistan Army briefed the press blaming the civil government for a lack of CT effort. The News daily reported him to have stated "On the key issue of war against terrorism, the army is not to be blamed but the civilians have not formulated a comprehensive anti-

terrorism policy and they could not decide what to do. They threw the ball in the court of the army without giving them policy guidelines”²³. He is reported to have said that the then leadership needed considerable persuasion for even the launch of the 2009 Swat operation. In May 2013, he sought public support for the army²⁴ without which any action would not have legitimacy. A report by the Washington based Foreign Policy magazine on the killing of Hakimullah Mehsud recalls severe criticism for the drone strike by Pakistan’s civilian leaders, but supported by the military voiced through a retired officer²⁵. The report attributes civilian disquiet and chagrin at being shown ‘impotent’ and unable to deal with terrorism.

Even if the above are examples of doublespeak, unlikely as they appear to be, such public pronouncements offer a crack in what they perceive as the Army’s preserve, which civilians have not opened further. Clearly, it is not entirely for want of space that the civilian leaders have not been active on terrorism. Their ambivalence is for a number of reasons given earlier. Parties are not the forum for policy making that they ought to be. Positions on national issues are not made by parties, but by individuals. Leaders are risk averse and have a short time horizon. They would rather cut deals with militants and their sympathizers for immediate gains rather than take the challenging and risky course for a national cause. It is expedient for them to leave CT in the hands of the military. The performance of their government is such that they do not find it easy to call for sacrifice by the people and build a case and a higher purpose in support of the war. It remains a war of survival for the nation, but one whose cause remains muted.

2.3 ‘Speechless Emissaries’²⁶: An inevitable humanitarian crisis

Cleaning up of a situation that has festered for years will have ramifications. To begin with, the non-combatant population in affected areas of Waziristan would need to be evacuated. They must have shelter and all other living needs. Three weeks into action, the reported count of displaced persons is high. In fact, in the absence of regular briefings by civil government, reports of their numbers vary. In one instance on the same date, the reported estimate by two national dailies was ‘over half a million’²⁷ in one case and ‘reaching 800,000’²⁸ in the other. An indicator of government’s ability to handle the crisis is that at the start of the operation there was no estimate of what the total number would likely be though there are statements now that the original estimate was 600,000. (NDMA website gives an estimated total of 752,320 registered displaced persons from NWA on 8 June 2014). Nor was there a plan for their rescue or how the whole effort would be financed. The fiscal budget that was announced just before start of military action and which came into effect recently, needs revision already. Official handouts reassure that aid to IDPs is adequate. Independent reports show otherwise with many IDPs awaiting food, medicine, and shelter²⁹. The National Disaster Management Authority and its

provincial and local partners have been tasked to handle this responsibility. While their record of similar work during the 2009 Swat clean-up was adequate (though with reports that much more needed to be done), there is little information about how they are proceeding this time. NDMA's website, so far, has limited information. On ground, relief effort in North Waziristan is divided among government agencies led by the FATA Disaster Management Authority and local administrations³⁰. We know too that the Army is involved in relief and support to IDPs.

Given the scale and frequency with which Pakistan has dealt with refugees, internal as well as external, the lack of laws, framework, and institutions in the country is surprising. Let us see this issue in a framework:

- Nature of the IDP problem
- Institutional and structural requirements to manage them

2.3.1 Nature of the Problem:

Despite a history of dealing with large numbers of internally displaced persons from frequent conflicts and natural disaster, information about them is hard to come by. UNHCR's latest numbers for Pakistan puts them at about 750 thousand by end 2013³¹. (In fact, the document on the same page gives three numbers for IDPs in Pakistan ranging from 701 thousand to 'over one million'). Disaggregated data by age and gender, which is crucial to a sound plan, is even scarcer.

It appears that people are displaced in quick bursts. Millions had to leave their homes after the 2005 earthquake. Estimate for IDPs from the Swat operations and FATA was 2.7 million between April and July 2009³². There is little information of how they were settled, but clearly, they are no more considered IDPs as the UNHCR estimate of 750 thousand shows. Regardless, the expected figure from the current conflict will be high as seen from the number of 800,000 above. This is a major by-product of the war and must be handled purposefully. The ground forces had to delay operations to allow their evacuation. In fact, one political party had called for halt in the operation in order to evacuate affected non-combatants³³.

To begin with, government should have made efforts to minimize dislocation. The way recent talks with TTP had progressed war was inevitable. Government could have developed plans and assigned responsibilities for their care. Deprived of their homes, loved ones, and established sources of food and earning, the move is a trauma for them. International experience shows high mortality rates among IDPs because of excessive physical and emotional costs and severance of ties with the community³⁴.

The enormous numbers and its sudden pace makes government's task even more difficult. This is specially so as response is mostly ad-hoc. Some displacement

from FATA was already taking place. Militant activities caused continuous stress and many people moved on their own through family and tribal networks.

“The most challenging sector by far is protection”³⁵ Trapped in a war between the state and militants they are suspect in the eyes of many. Their ethnicity makes them unwelcome among host communities. They, especially women and the young need physical protection and recognition of their rights³⁶ as victims of the war.

There are two other dimensions of the problem. To fill in gaps in the state’s (apparently) weak support of IDPs, terrorist related social organizations could gain ground. There are reports of such organizations active in camps and helping with evacuation near the areas of operation^{35, 37}. Also, embedded terrorists or their sympathizers could move to settled areas in the cover of IDPs to escape military action. This is a difficult call for the government and one that can never be executed to perfection. Regardless, almost all displaced persons need help and have rights. Their trauma must be minimized as a human issue.

2.3.2 Institution and Structure:

There is no single office in Pakistan or in the UN system assigned to meet the IDPs challenge. The office most often given this task is NDMA and its equivalents in provinces. Likewise, in the UN system, the UNHCR or the UNOCHA perform the job. So far, government has resisted calling for international assistance (though there are news of help from WFP and ICRC³⁸ and from USA and UAE as claimed by their Ambassadors in Islamabad³⁹). This is a laudable objective, but IPR expects it will not trump the even higher goal of easing the pain for IDPs. Government’s position on outside help is in line with the accepted principle that IDPs are primarily the home state’s remit.

There is no law in the country to address the issue of IDPs, to regulate and identify them, and to empower them with rights⁴⁰. Similarly, government has no definition for IDPs or stated guidelines and standards of how they are to be helped. Without standards, it is not possible to monitor assistance to them.

While NDMA and its provincial counterparts have developed expertise to assist disaster victims their work needs strengthening. Personal experience of IPR task force members shows a need for better coordination among NDMA, PDMA and donors. Organizational objectives often take preference over welfare of the victims. While this is true for most organizations, it is not acceptable in one that is to provide help and succor. There is no move yet to involve community leaders from the IDPs in planning assistance programs and monitoring delivery.

Part 2

3. No time to lose: Conclusion and Recommendations

There are important near term and long-term factors that affect success of the action against militants. The long-term factors are those that are embedded deeply in the society's views about extremism and in the enduring security paradigm of the country. Long-term issues relate also to the decline in effectiveness and service culture of the civil administration and weakness in parts of the political leadership. Short-term measures are the will and ability to respond quickly and effectively to the challenge on hand:

3.1 Following are the conclusions:

- IPR endorses the views of the country's leadership that this is a critical war being fought for survival. Such a war must be fought with commitment in the battlefields as well as in the cities and not just by the military, but also in their respective roles, by politicians, civil administration, media and civil society, and the people as a whole. Broad support for military action is key to prevail over the militants as the war is expected to be prolonged and calls for sacrifice from the people. Though the change in outlook of the people on the subject of terrorism is possible in the long-term it calls for every effort to appeal to their patriotism in support of the military. The war's means must be kinetic as well as non-kinetic.
- The real battle is not just the one fought by our soldiers. The real battles are to:
 - Prevent and reduce the blowback by terrorists among civilians by limiting access to means of perpetrating terror.
 - Mitigate consequences of the war, by providing quick and adequate relief to the IDPs. In case of future attacks, it is necessary to provide fast rescue, evacuation, and medical treatment as well as to quickly normalize affected services and revive economic activity.
 - Enforcing a focused change in culture and responsiveness of the civil administration
 - This includes also to prosecute and convict militants effectively and quickly
- The war requires the political leadership to set up rapidly a coordinated structure with assigned responsibilities across the many CT organizations and through the three levels of government. This means that politicians in power own and coordinate the effort as well as monitor and hold accountable the functionaries.

- The war calls also for special interim laws and rules to strengthen the hands of law enforcement agencies and enhance their effectiveness.
- The recently passed Protection of Pakistan Act may prove effective. Of course, this cannot be at the cost of citizen rights and rule of law.
- The war would perhaps be long though of uneven intensity. It could exact possibly high costs in terms of loss of lives and property as well as on economic activity. This requires political resolve and periodic appeals to the people that terrorism is a threat to the state.
- The militants mostly have their command structure in the Pakistan Afghan border, but have presence in settled areas. The war requires differentiated strategies for the different nature of each battleground. Locating sleeper cells and apprehending militants in cities is different from confronting them in mountainous regions.
- Expected fallouts from the war include:
 - Increase in terrorist attacks, perhaps after a lull. The terrorists would likely want to show their power and presence and to inflict visible damage
 - Possible increase in crimes by terrorists particularly hostage taking for ransom to finance their activities, which IPR experts consider likely as militants have carried out such activities for some years now
 - Militants may use the possible resultant gloom among affected people to build a narrative against the war and to weaken resolve of the state and the people. It is critical that government takes political parties on-board. In case some political parties endorse the expected TTP narrative for political ends, the adverse effect would be hard to contain. It may also rule out possibility of future operations.
 - Damage to the militant's centre of activities in North Waziristan means that they may have found refuge in Afghanistan or in other tribal agencies, and settled areas. They could likely build cells in new regions, which call for an adapted strategy by the military, the para-military, and the police.
- The local administration in NWA must be ready and in place to follow up on military operations and fulfill their responsibilities. As the military advances and clears up areas of militants, the local law enforcement agencies must assist with check post duties, jointly at first and entirely soon after. With use of air and artillery in the operations, there is likely considerable damage to property and infrastructure. Local officials may begin with debris removal, loss estimates, and

FATA secretariat and the government may begin planning reconstruction and rehabilitation. It is important to restore normalcy as soon as possible. Government may lead and not leave it for the Army or donors.

- Government must respond cohesively by coordinating among all stakeholders. Military would continue to conduct intelligence as well as air and ground activities. Politicians must play their role as leaders to build morale of the nation and ensure an emergent CT plan so that civil administration responds adequately. They must not allow the IDPs issue to escalate. Media and civil society must support the war objectives, strengthen the hands of the government, and counter doubts that militants may sow.
- IDPs are potentially a source for information gathering. They may be questioned for information about militant organizations' capacity including their cells and supply chain.
- Currently, the military is involved also with relief of IDPs. They perform these duties to fill in gaps in civil administration's response. There is a cost for doing so as the best use of their resources is for military operations.
- The government has done well to contact counterparts in other countries and, in particular, to sign a bilateral agreement with Afghanistan to do away with sanctuaries on either side of the border³⁹. This may require continuous pressure on Afghanistan from the military and the foreign ministry. (For example, Pakistan's patience on Fazlullah is being tested). We must also respond to Afghan requests about sanctuaries in Pakistan. We cannot expect Afghan cooperation if the operations do not touch Afghan militants who find refuge here. A stable Afghanistan is in our interest with benefits that exceed those envisaged through the policy of support to Afghan Talibans.
- Civil society, the media and religious scholars have an important role in changing public opinion and disseminating information and ideas. They may part of the government's response.

As a medium to long-term measure, it is important also to reduce the capacity for militancy among the non-Pashtun organizations. They are in the midst of settled areas with potential to do considerable damage should their capacity turn to intention. This is also one of the sources of supply of new militants. This is a delicate matter and needs to be addressed gradually, but surely. Sudden action that results in factions or splinter groups may worsen the problem.

3.2 Recommendations

In the last few years, enough time has been lost and now with military action in place, civil administration must catch up. Events have overtaken discussion about executing a comprehensive counter-terrorism plan that NISP has conceived. It is time now to move on emergency basis to plan, and execute an effective implementation mechanism targeted to meet the immediate objective of success of military action. It is possible that government may not agree with some of the recommendations below. Some, such as building a narrative or the security paradigm, require that government itself first believe in them. The recommendations are what IPR experts consider essential and are possible to implement to rid the country of militancy.

The recommendations are in three parts: a. counter-terrorism support by civil administration, b. building public support, and c. support to IDPs and return to normalcy:

- a. **Counter-terrorism Support:** IPR recommends a set of activities for immediate response.
 - Legal:
 - Without taking a position on the propriety or otherwise of the Pakistan Protection Act, IPR recommends that it must be brought to serve the stated objective of law enforcement during conflict. Government must make rules for enforcement of the Act. Its provisions for special courts to deal with acts of terrorism must become effective so that it does not suffer from the fate of ATCs. For its efficacy, government must avoid its misuse in any way.
 - Until now, the law did not admit evidence by intelligence agencies in courts. A majority of arrests on charges of terrorism are made by intelligence agencies. Reconstructed evidence is easily dismissed in court. Government has yet to make rules for implementation of the Protection of Pakistan Act. These may ensure that evidence of intelligence agencies are admissible in courts. This will also ensure that all action by the state is in accordance with rule of law.
 - Enforcement:

As implementation of NISP has not begun, federal government may fill in with emergent measures. These recommendations are immediate and short-term measures:

- Federal government may convene immediately a meeting of federal and provincial law enforcement agencies, intelligence agencies, military and para-military for a comprehensive threat assessment. The meeting be held regularly to monitor fallout.
- Each government may designate a focal organization with a dedicated focal team to deal with terrorism. In the absence of a NACTA head a senior Interior Ministry officer may be designated as the dedicated focal person
- Based on the above, the focal agencies may make a plan for prevention and response to acts of terrorism. They may establish roles, assign responsibilities, and put in place a monitoring mechanism
- Federal and provincial Cabinets may approve these plans and ensure their adequate funding. The Prime Minister and provincial CMs may monitor their execution and hold officials accountable within their respective jurisdictions. Prime Minister may also lead a committee of intelligence heads to coordinate intelligence on terrorist activities and issue instructions to respond.
- Each provincial government may create special cells for handling crime by militants. These cells must have the power to investigate and to recover human beings and their property.
- Selected police and para-military officers must be assigned to the focal organizations and special cells. These officers must have a track record of successful handling of such cases, neutrality, and possibly rectitude. This would mean creation of a corps of excellence to handle terrorism cases.
- The Protection of Pakistan Act provides for special courts to handle terrorism cases. Rules may be made early to give them powers and to set deadline for decisions. They may have adequate funds. We suggest here too a corps of excellent judicial officers may deal with terrorist cases. There should be deadlines and high level monitoring of their performance
- All investigating, prosecuting, and judicial officers must have security and protection to dispense their responsibilities without fear
- Government must begin rapid capacity building and training of law enforcement officers as well as investigating, prosecuting, and judicial officers with the specific objective of combating militancy.
- Chief Executives of the federal and provincial governments must ensure that LEAs remain politically neutral and without the interference, that encumbers normal police operations.

b. Building Public Support: In effect, this is a long-term effort. Over years, Pakistan has become an insular society with little tolerance for diversity, especially of religious differences. While Muslim militants have caused huge loss of lives of our soldiers and the people, there is still ambiguity about who is the enemy. Once taken root, these views take a long time to change⁴¹. Yet they can change with persistence and show good result where the state takes lead⁴². For that to happen the leaders and institutions that influence public opinion, overtly and covertly, must be convinced themselves of the need to change. They may make public pronouncements and briefings to the media. They must have the security and protection before they do so. Some short-term measures in support of military action are needed immediately. IPR recommends the following:

- Build consensus for the operations among political parties. The present divisive political environment is unhelpful. Government must lead to create amity and to reduce temperatures. The consequences of competing narratives and doubts about the operations by a major political party are severe and may become hard to contain.
- Continued appeal to peoples' patriotism and support for our soldiers.
- Identify the militants as the enemy with potential to damage the state and highlight with facts and information how militants are dangerous for stability of the state.
- There is a need to have human-interest stories about soldiers and people who have lost their lives. This does not happen perhaps because of the effect on morale. Done effectively and touchingly it may perhaps raise morale and build popular support. Such an approach was successful during the 1965 war.
- Government may specially work with religious leaders to build the narrative in favour of military action and to state clearly that indiscriminate killing of Pakistanis is inhuman and unacceptable, regardless of the hidden hand behind such attacks.

Recognize the role of civil society, the media, and religious scholars and work with them to build support. Information ministry may hold regular meetings, if possible, with the military to share government's side of the story and to provide them with credible information. In separate informal meetings with editors and senior members of the media, government may provide background information and share plans. They may also provide information to NGOs about cost of war, loss of lives, and evidence about the inhuman behavior of some militants. Government may share ideas with religious leaders about why military action is critical for the country and who is the real enemy,

c. Support for IDPs and return to normalcy

- Identify who is responsible for handling the settlement of IDPs, federal or provincial government and designate responsibilities for organizations
- Review an integrated structure for their relief including NDMA, PDMA, DDMA with assigned and accepted roles for each and their coordination with police, and other local agencies, but with a single reporting system
- Responsible offices must devise and seek approval from Cabinet a plan to re-settle IDPs. The plan will list the services and support to be provided as well as assign responsibility among offices for doing so. It must set standards for services and estimate a budget for Cabinet approval.
- The approved plan must be made known to the public and each head of household should know the services due to them and the office that will provide these services.
- It is important to restore normalcy immediately. Leadership may monitor regularly relief for IDPs. A separate and realistic rehabilitation and revival plan may be put in place for their resettlement and for re-building infrastructure and homes affected by military action. These may be announced early. Government may designate responsibilities of civil agencies, set standards of reconstruction, set timelines, and provide adequate funding. It is important to involve representatives of the affected persons and local community leaders in resettlement and reconstruction.

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