THE IMPLEMENTATION GAPS IN PAKISTAN'S NATIONAL ACTION PLAN AGAINST TERRORISM

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Abstract - The dastardly terrorist attack on Army Public School Peshawar (2014) was an apogee-a clarion call for Pakistan to counter terrorism. A political accord, National Action Plan (NAP) reached in the wake of the attack provided a glimmer of hope that days of extremism and terrorism may finally be over. But, as time proved later, it was only beginning of a false dawn. The seeds of this blight were painstakingly sown during the Afghanistan War 1979 to mid-80s. The policies pursued then with involvement of global stakeholders, came to haunt later. The post 9/11 clamp down on extremist and terror organizations neither deterred nor made any difference. For, they survived, resurfaced and backlashed. This paper attempts to examine various prongs of NAP to ascertain its accomplishments and failures. It highlights that with the exception of limited achievements in military aspects the NAP is virtually frozen in time. Far from acting on the NAP, widespread absence of political resolve, mollycoddling with heads of proscribed organizations and uninspiring approach towards safety and security of citizens have been witnessed in the state policies.

Index Terms - Counter-terrorism, extremism, militancy, reforms.

I. INTRODUCTION

The National Action Plan (NAP)-a 20-point national counter-terrorism strategy- was concluded in December 2014. [1] It was a consensual politico-military response that followed one of the deadliest terrorist attacks in the history of Pakistan. The attack on Army Public School at Peshawar on December 16, 2014 left 141 dead, 132 of them children. The All Parties Conference convened in the wake of the incident came up with NAP. The Plan identified policy initiatives aimed at cracking down on widely pervasive extremism and militancy in the country. Not only that the NAP galvanized all political parties and military leadership to publicly vow against terrorism, it also brought out government's counter-militancy efforts in the public debate. For, policies which needed to be reviewed and addressed by policy makers were highlighted.

Despite initial public rage at the barbaric act, lofty political claims and government's boisterous resolve, over three years later bulk of the points in NAP nonetheless remain far from having made any meaningful headway let alone accomplished in totality. As a consequence of apathy and resolve to catch the bull by horns, a deadly broad day attack on lawyer's community in Quetta on August 8, 2016 resulted in another ghastly carnage. In less than two years and in a single stroke, the militants were able to snuff out life from dominant proportion of provincial judicial faction.

A judicial inquiry report on the bloodbath in Quetta was published in December 2016. It was a scathing indictment-an abysmal reminder- on the political government's pussyfooting and lack of commitment on NAP. The report raised more questions than answered and demonstrated the government's nearly lackadaisical approach to prosecute the rising wave of extremism and militancy in Pakistan. The detailed report puts the country's Executive and Legislature in poor light. This paper aims to examine significant gaps in implementation of NAP almost three years following its announcement. The paper will utilize various media reports, independent and/or state-led inquiries which analyze gaps in the NAP implementation.

II. HARKING BACK

On 16th December 2014, nine heavily armed militants disguised in paramilitary uniforms stormed a branch of Army Public School (APS) at Peshawar. In the next two-hours a gory drama unfolded inside the APS. The militants went around every class and office looking for students and staff members. By the time militants completed their harrowing attack, at least 141 lay dead. [2] Mullah Fazlullah led Afghan based faction of the banned Tehreek-i-Taliban Pakistan (TTP) claimed responsibility. TTP declared the attack as revenge for the military operations in North Waziristan and killing of militants in government's custody. [3]

Since the Afghan war in 80s, extremist tendencies and radicalization has continued to expand its frontiers and even dominate Pakistan's regional security policies. The Red Army's march into Afghanistan in the fall of 1979 led to convergence of the U.S.-Pakistan geostrategic interests. A subsequent collaboration between CIA, ISI and Saudi Arabia gave rise to mushroom growth of religious seminaries

(madrassahs) across Pakistan. Financed by Saudi petro dollars and furnished with purpose specific hot-blooded textbooks printed at University of Nebraska United States, these hard-line, majority Deobandi, seminaries rolled out foot soldiers (Mujahideen) for "jihad" (Holy war) in Afghanistan. The common foe then was the 'godless' Soviet Red army. The expansion of this strand of seminaries as well as others in parallel and a generation of ideologically motivated manpower has since continued to swell almost unchecked in Pakistan. With state and private patronage (local and overseas), the Deobandi seminaries now hold a commanding position making almost 64 percent of the total in Pakistan. (For sect-wise details, follow Figure 1.)

To ensure an unending stream of Mujahideen for 'jihad', the madrassahs focused on systematic narrow indoctrination of pupil. The U.S. sponsored curriculum taught madrassah children counting with illustrations featuring number of 'infidels' killed or 'remaining'. It educated on addition and subtraction with images of tanks, missiles and landmines. [4] The madrassahs became recruiting and training camps which churned out nearly 180,000 foreign militants during the war. [5], [6] It also enabled CIA to arm and train roughly 550,000 Afghans. [7] But foreign support propped up diverse group of rebels, pouring in from Iran, Pakistan, Middle East, China, and the U.S. In the brutal nine-year long conflict, an estimated one million civilians were killed, over and above 90,000 Mujahideen fighters, 18,000 Afghan troops, and 14,500 Soviet soldiers. [8] The geopolitical interests had provided legitimate religious ideological cover to militant discourse.

With the Soviet withdrawal from Kabul in 1988, the U.S. also lost interest in Afghanistan and so did the international community. A power vacuum in Kabul left the trained militants to their own devices and the region fell into a civil war. In late 1994 there was a rapid rise of a majority Pashtun Sunni faction known as the Taliban (students). It was direct consequence of the anarchy and chaos which had embroiled and persisted in the country for years. With the cross border (social, ethnic and tribal) linkages these hardliners with previously ingrained myopic ideology continued to accumulate power in the region bordering Pak-Afghan including Federally administrated tribal areas (FATA). Their local sympathizers increased and they strengthened their foothold to fuel extremist tendencies among masses.

The Afghan war also left a lethal legacy in mainland Pakistan. As mosques, madrassahs alongwith gun and drug culture continued to flourish without any checks or stringent measures by the state, so did the power of the clerics, religious right and interest groups or cartels. The mixing of mosque and politics coupled with socio-economic realities radicalized and divided the society on religious lines. Besides FATA, the flames engulfed urban and rural regions of Pakistan. Nevertheless, the ripening of such militant groups/networks [1] across the country and rise of hardline Taliban regime in its backyard did not discourage Pakistan in pursuing indirect strategy in neighbouring countries to accomplish ends of foreign policy. In order to advance regional objectives in Afghanistan and Kashmir, these policies only enabled and empowered specific groups. [9]

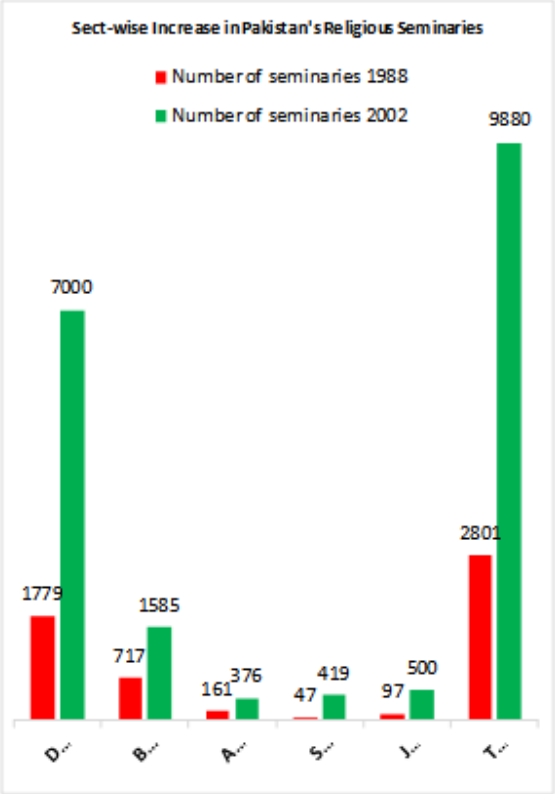


Figure 1 Source: [10]

III. THE POST 9/11 POLICY SHIFT

In the post-9/11 era, Pakistan used its diplomatic leverage to negotiate with the Taliban for handing over Osama Bin Laden (OBL) to the U.S. OBL was wanted by Washington for having masterminded the September 2001 attacks, allegedly. However, efforts by Islamabad remained futile. The Taliban leader Mullah Omar refused to hand over OBL whom he is presumed to have considered his guest and owed safety of life under tribal code. [11] Pakistan's policy vis -a-vis Afghanistan saw a subsequent shift. By mid-December 2001, the Taliban regime was ousted from Kabul after U.S. launched operation "Enduring Freedom" in October same year. Pakistan's opting to side with the U.S. was seen as a betrayal by the Taliban. The pro-Taliban militants and their

[1] Such as, al-Qaeda, Haqqani network, Taliban, Sipah Sahaba, *Lashkar-e-Jhangvi* and *Jiash-e Mohammad* etc.

sympathizers collectively forged TTP-a network of banned terrorist organizations. [12] But an internal spilt also occurred within the ranks of Taliban; one faction favoured Pakistan's position (anti Afghan Taliban-TTP Afghanistan) while the other turned against Pakistan anti Pakistan Taliban-TTP Pakistan). For, the latter, the West, U.S. and Pakistan were all legitimate targets for strikes for being allies in war against them.

The country has since bled and suffered both in blood and treasure. Since 2001, terrorism has cost Pakistan more than 80,000 lives [13] and around U.S. $118.31 billion[14] in form of material and infrastructural loss. Increased collateral damage due to the U.S. drone strikes in FATA is also believed to have stoked fires of militancy.

After Pakistan joined US led WoT, numerous military operations were launched in FATA and Swat to root out militant networks. However, each time the groups successfully managed to cut various peace deals with the Government of Pakistan; enjoyed breathing pause only to later openly breach the agreement and resume deadly activities. [15] Different factions of TTP remained involved in lethal attacks on security forces and civilians. Left either unchecked or dealt with lukewarm approach, these groups penetrated urban centers and targeted public places, mosques, markets, parks, airports and schools. People saw the APS incident as the proverbial last straw in the camel's back. It was initially believed as if a politico-military resolve to finally lock horns with the menace for an Armageddon had emerged in Pakistan. In that vein, the North Waziristan Operation "Zarb-e- Azab" -aimed at zero tolerance for all militant outfits without any discrimination [16] was launched on June 15, 2014. [17]

IV. NAP DIMENSIONS

A. The Military Dimension

The two dimensions of NAP sought a distinctly separate role for the country's civil government and its military. The military dimension of the NAP focused on establishment of military courts and launching of military operations (wherever, whenever needed) anywhere in Pakistan. This dimension was two pronged. One aimed at escalating strength and scale of ongoing operations (i.e. Karachi Operation and Zarb-e-Azb). The other prong intended to indiscriminately wipeout terrorists remnants, isolate them and to sever their links with their abettors. Rangers' combing operations were therefore also launched in certain areas of Punjab and Balochistan.

B. The Political Dimension

The political dimension and responsibility envisaged under NAP was much broader in scale and scope. It chiefly aimed at strengthening National Counter Terrorism Authority (NACTA), choking terrorists' financial support, banning of militant and or sectarian organizations, their glorification, vigilant check against their resurgence, madrassahs registration and reform, revamping of criminal justice system (police reforms) and FATA reforms.

V. NAP IMPLEMENTATION GAPS-OVERVIEW

A. Special Trial Courts and Resumption of Death Penalty

To ensure speedy trial of terrorists, establishment of special courts under military's supervision was considered inevitable. Initially, nine military courts (MCs) were setup; three in Khyber Pakhtunkhwa (KP), three in Punjab, two in Sindh and one in Balochistan. [18] In August 2015, two more military courts were instated in Sindh by the then Chief of Army Staff. [19]

By end of December 2016, the MCs had awarded capital punishment to about 161 terrorists while another 116 were given various jail sentences, mostly life imprisonment. The verdicts of the MCs in several cases have nonetheless been challenged in Superior Courts of the country. The death penalty which was resumed apparently as an anti-terror deterrence strategy did not lead to any major breakthrough or reduction in terrorist activities. Out of 428 executions between December 19,2014 and January 10, 2017, only 28 (including 12 who had been convicted by the MCs were for terrorism related offenses. [20] The overwhelming majority of those convicted were actually executed for offensives other than terrorism. [21], [22]. Despite reservations by certain political parties and social activists, the Parliament reinstated MCs for another two years. The basic purpose of establishing the MCs was speedy trial which unfortunately, served the purpose only partially. Moreover, being speedy does not necessarily mean being just as well; the ends of justice in the event may stand compromised. For instance, under the Code of Criminal Procedure 1898, an accused is given notice of the allegations as well as copies of evidence, a week before the charges are framed. But that aspect is missing in MCs where the accused is already considered terrorist. [23] The overall performance of Anti-Terrorism Courts (ATCs) has not improved either since the implementation of NAP. During 2014, 205 cases were heard in two ATCs of Rawalpindi, but there were convictions in less than ten cases only and the Islamabad ATC did not convict a single accused. [24] In fact, Islamabad High Court decreed to exclude[2] anti-terror clauses (ATA Section-7) against Qadri in Governor Salman Taseer's murder case. Qadri was

[2] However, the clauses were retained later by the Supreme Court of Pakistan.

convicted of terrorism by the ATC, which opened the possibility of retrial in a regular court. [25]

In Sindh the ATCs maintained conviction rate of approximately 33 percent and disposed of 677 cases during the first half of 2015. However, over 3,300 cases remained pending as the ATCs were overburdened. [26] Justice Amir Hani of Supreme Court- responsible to monitor performance of ATCs recently expressed dissatisfaction over the performance rate of Sindh ATCs. He has directed the Sindh Government to review its laws which have overburdened the ATCs with irrelevant cases. [27]

In Punjab, a high-level meeting was lately convened to review the progress of ATCs in the Province. However, the findings and decisions taken in the meeting are yet to be made public. This does not augur well of the policy makers on seriousness or commitment to stamp out the menace. [28]

Whether MCs have produced desired results or not, the general desire to rely further on such an arrangement indicates ineptness, sluggishness and general trust deficit in the country's judicial mechanism. It is as much a reflection on pusillanimity and ineptitude of country's legislature and in no small measure Federal government to enact laws commensurate with the dictates of NAP even when several major attacks like the one in Quetta had come in the aftermath of NAP. Besides, the verdicts of MCs can be challenged in Superior Courts which again put the trial at the mercy of slow paced judicial system. Instead of relying on MCs, the ATCs capacity and judicial writ needs to be reexamined. The Anti-Terrorism Act of 1997 and Anti-Terrorism (Amended) Act 2014 must be enforced in letter and spirit to achieve better results. If need be, new law must be legislated. Indeed, extraordinary situations warrant extraordinary measures. In the wake of 9/11, even a fiercely free society like the United States enacted new laws like the Patriot Act. India too has POTA in place to check terrorist activities in Indian Kashmir. Why Pakistan has not made special provisions to prosecute terrorists and check extremism even when statistical data shows the country having paid a humongous price since 2001 on this account defeats common sense.

B. Military Operations

The military operations in FATA and Karachi (albeit preceding NAP) have resulted in improving overall security situation in the country to a large extent. The provincial governments however remain unmoved. In Punjab, it took a tragedy like that of Gulshan-e-Iqbal Park massacre (March 27, 2016) to move the local government to act. After 72 innocent lost their lives and over 340 sustained injuries, a reluctant government finally initiated operation in South Punjab in April 2016. [29] However, the massacre could not make the government to act sternly enough against many radical/sectarian outfits that have strong roots and bases in the entire province of Punjab. The special branches of Rawalpindi and Islamabad Police reported in 2014 that militant organizations have well-established networks in Northern and Central Punjab and TTP had "full support from religious seminaries in Rawalpindi, where 20 Deobandi seminaries served as bases for terrorists to launch attacks in the twin cities."[30]

A string of attacks, the Quetta massacre (August 2016), the police training center attack (October 2016), the Shah Noorani's Shrine attack (November 2016), recent, Lahore Mall Road blast (February 13, 2017), Mohmand Agency and Hayatabad attacks and suicide bombing of the Sehwan Sharif Shrine, (February 2017) endorse that the access, capacity and reach of militants is largely intact. Ironically, the Ministry of Interior even in the face of series of such brazen attacks pursued policy of denial. This is evident from the fact that until recently, it failed to recognize (long held public and international perception) on presence of Daesh/ISIL in Pakistan. The Federal government also rejected Quetta inquiry report as "one sided". Following its dubious policy, the Ministry customarily alleged involvement of 'foreign hand'. Interestingly in some cases such allegations came even when initial investigations had not been completed. Not only that, even the new government has continued to 'outweigh the possibility' of enemy inside borders, it has also deliberately overlooked gaps in policy implementation. Such response substantiates one of the two points-one that government is too fearful of backlash from these outfits and mollycoddles for political gains or else the life and security of public at large remains a matter of little concern to it. By start of 2017, military confirmed launching of another operation-Radd-ul-Fasaad. "Pursuance of National Action Plan" was declared as the hallmark of the operation. Major strands of the operation include operations by Rangers in Punjab, continuation of ongoing operations, effective border security management, de-weaponization and explosive control across the country. [31]

However, military campaign in the fight against terrorism is neither a permanent solution nor sustainable. The overhauling of civil law enforcement bodies, particularly police and intelligence agencies is inescapable need. Highly coordinated and planned attacks throughout 2016 and 2017 indicate that the brief pause achieved through military expeditions had only provided a temporary relief. If the political aspects of the NAP are neglected further, the military gains would fizzle out faster than expected.

C. Banned Militant Organizations

The NAP mandated curtailing the activities of proscribed organizations, their communication networks, funding sources as well as facilitators.

Although the government maintains a list of 70 terrorist outfits, most of the organizations were on the list much before NAP was announced. By 2017, four i.e. Daesh/ISIS/IS/ISIL, JamatUlAhrar (JuA), Lashkar-e-Jhangvi Al-Almi (LeJA) and Ansar-ul-Hussain had been added to the list. [32] The proceedings of Quetta inquiry clearly expose government's apathy and negligence on acting against those outfits in letter and spirit. Following passage from the report is instructive:

"…the Federal Government is vested with the power to proscribe a terrorist organization, therefore provinces are dependent on the Federal Government to do so. In the aftermath of the August 8th, 2016, attacks the Government of Balochistan on August 16th, 2016, wrote to the Ministry of Interior of the Federal Government to proscribe Jamat-ul- Ahrar as, in addition to having claimed to have carried out the August 8th attacks, it was also responsible for: the explosion on February 14th, 2014 (FIR No.51/2014), had attacked a police officer on July 6th, 2016 (FIR No.115/2016), and had attacked a Frontier Corps vehicle on July 27th, 2016 (FIR No.128/2016). The Government of Balochistan wrote another letter also dated August 16th, 2016, to the Ministry of Interior of the Federal Government to proscribe Lashkar-e-Jhangvi Al-Almi and referred to five specific FIRs that recorded their crimes, which included the murder of policemen and Frontier Corps personnel. The Ministry of Interior did not to respond to either letter of the Government of Balochistan nor proscribed the said organizations." [33]

Although the government placed Jamat-ul-Daa'wa (JuD) and Falah-e-Insaniat Foundation (FIF) on watch list and Hafiz Saeed under house arrest [34] its policy remained largely enigmatic. Even such rare and reluctant moves seemed ironic, fabricated and superficial once they coincided with the media reports of the then Interior Minister's meeting with the heads of three banned militant groups (SSP, Millat-e-Islamia and ASWJ). [35] Reportedly, the said Minister who was 'coincidently' the Chairman of the Executive Committee of NACTA, not only heard their demands but conceded as well. And this happened in Islamabad's strictly guarded Red Zone.

The circumstantial evidences strongly suggest that even after so-called ban such organizations and their members move freely, enjoy public support and continue to expand their network. The public gathering of 'banned' ASWJ in the Federal Capital on October 28, 2016 is only one such example. When inquired by the Quetta commission as to why such gathering was permitted the Interior Minister responded: "It is not my responsibility to grant or deny permission for public meetings. It falls within the purview of District Administration. On inquiry, I was informed that neither ASWJ sought permission nor such permission was granted."

The response seems a reflection of the government's indifferent approach to these proscribed outfits. The Minister's argument suggests that in future too, if any banned outfit did not seek permission, it could organize public gathering wherever it may like to. The fact is further endorsed by a report drafted by the Sindh Home Ministry which identified that 62 banned religious/sectarian (including 35 which re-emerged) organizations are functional in the province. [36]

In the entire period since NAP, no serious effort was made by the government to clamp down on militant organizations, let alone, check on their glorification or resurgence. Such callous attitude on part of the government and its law enforcing institutions is recipe for a dreadful precedence. The inaction and incapability of the government not only creates governance issues but also endorses the fact that the political turf has been taken over by the religious right and extremists.

D. Strengthening of NACTA

Strengthening of NACTA and launch of a vigilant counter terrorism force was pledged in NAP. The raison detre of NACTA appears in the preamble of the mandate. It states: "WHEREAS, the menace of terrorism and extremism is becoming an existential threat to the state and needs to be responded to and addressed comprehensively; AND WHEREAS, in order to eliminate this menace, a focal institution to unify state response by planning, combining, coordinating and implementing Government's policy through an exhaustive strategic planning and necessary ancillary mechanism is needed." [37].

The Act instituting NACTA also made the organization responsible to implement decisions of its Board and Committee, conduct profound research upon terrorism/extremism, develop and review counter strategies and periodically report to the Federal government regarding implementation of such strategies. In the wake of NAP, the NACTA was desired to effectively coordinate and collaborate as a central body on counter-terror information between numerous committees constituted.Overestimating NACTA's performance, Federal government proclaimed that execution of the NAP significantly declined the terrorist activities. [38] But much against that, NACTA remained a dead horse. Although statistics cannot be independently verified but the fact that organization saw several heads change hands within short time of few years and attacks on urban centers going on with impunity is enough to disprove government's claim. Not only that NACTA remained failed to establish a joint intelligence sharing mechanism as required in its mandate by September 2018, media reports indicate it is considering to wipe it out any such possibility in the future also. [39]

As per the Quetta inquiry report (follow page 38-39), NACTA is moreover guilty of failure to implement its

own decisions i.e. launching de-radicalization program and counter terror narrative in local languages. The NACTA Board of Governors which was legally bound to provide "strategic vision" and meet throughout the year, at least once every quarter, failed to meet even once over a period of several years. NACTA's Executive Committee has not bothered to meet ever after December 31, 2014. It is hence that the commission remarked: "What distinguishes NACTA, its Executive Committee and its Board is their collective failure to comply with their statutory mandate. The NACTA Act has now been in place for over three and a half years and it was enacted because extremism had become "an existential threat to the state and needs to be responded to and addressed comprehensively", but this remains overlooked and unaddressed."

E. Registration and regulation of Madrassah

Registration and regulation of religious seminaries has come out as perhaps the most crucial and controversial aspect of NAP so far. Although government claimed to build consensus regarding registration process, various independent researches endorse that it failed to make public any tangible proof on progress achieved. [40] Attempts to monitor madrassah funding and syllabus reforms were perceived and portrayed by the clergy equivalent to crackdown on madrassah. Country wide protests against search operations in seminaries were threatened. [41] Although clergy protests every now and then that government has started a crackdown against seminaries without any notice. [42] The bitter truth is that more almost four years have passed, governments have changed but any tangible response in this regard has largely remained docile and unassuming. Hence, almost 35,337 registered and 8,249 unregistered madrassahs as functional in Pakistan (Follow figure 2).

By September 2016, the officials could not develop a consensus among stake holders regarding madrassahs registration form, let alone get it approved from the Prime Minister. [43] Besides, unchecked and/or illegal expansion, mosques and seminaries have continued to advance their activities even in the Federal Capital on CDA land. The Interior Ministry itself acknowledged that it has "absolutely no influence" to "discipline" 90 percent of the mosques operating in Islamabad. [44]

An intelligence report forwarded to the Interior Ministry in January 2016, identified the ties of militant groups and land grabbers with the "Lal Masjid mafia" which has started to reorganize its militant wing -the Ghazi Force. The report stated formation of "a small all-girls seminary in the Sector G-7/3 Islamabad – is managed by the Lal Masjid administration." "They are reportedly planning to grab Al-Falah Mosque, located adjacent to this seminary, as the management of Al-Falah Mosque has resisted and filed a case against them in court." Similarly, the report refers to the construction of another female seminary (Jamia Hafsa) branch in the Mal Pur village (Islamabad), against the wishes of local residents." It further named "notorious land grabber "Taji Khokhar" being active in "arranging land for the construction of seminaries, funded by the Lal Masjid administration, and also assists them with their court cases." Whereas, it also identified that "property tycoon Malik Riaz and former MNA Shah Abdul Aziz of Karak as the controversial cleric's "sympathizers". Reportedly, relevant departments when consulted by media over this issue only blamed each other and labelled the matter 'beyond' their authority. [45]

Despite such facts, provincial governments, Ministry of Interior and Religious Affairs proclaimed that the madrassah reforms are imminent. Even if they have taken rare measures for the reforms; any coordinated effort seems missing. [46] Therefore, their efforts have not moved beyond basic steps. Such as, preparation of registration forms for madrassahs, low scale search operations and identification of unregistered madrassahs. It needs to be mentioned that it is not the first time that any government has tried to implement madrassah reforms. Apparently, it seems difficult that the NAP could offer any significant change to handle this issue. However, a clear lack of political resolve cannot be overstated.

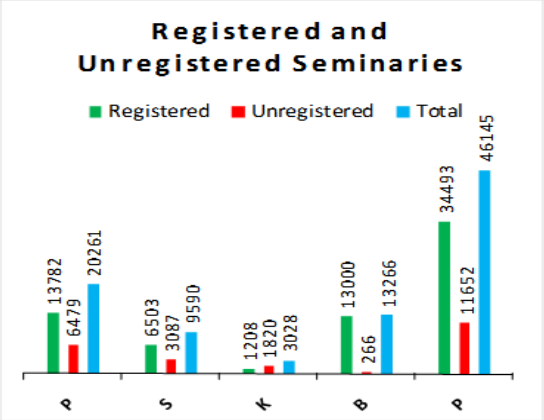


Figure 2 Source: Punjab: [47] Sindh:[48] KP: [49] Balochistan: [50] *In some cases 35,337 registered and 8249 unregistered, hence, marginal error of 2559 in total.

F. Police Reforms

The NAP did not mention police reforms specifically, probably, since it was considered an integral part of "reforming and revamping of criminal justice system." With approx. 1604 police stations[3] and 1121 chowkies[4] the police have wide spread presence across

[3]This figure includes 42 police stations of Azad Jammu & Kashmir (AJK) too.

[4] The figure does not include number of *chowkies* in AJK.

the country.[5] [51],[52] Provided that it is reformed, trained to deal with non-conventional threats; and depoliticized, it can be the most appropriate force to counter-terrorism. The police sacrifices have remained instrumental in anti-terror activities. It is estimated that since 2002, almost 4,000 police personnel have lost their lives in the line of duty. Nearly, "1,500 police personnel have been killed in Sindh in terrorist attacks and target killing; 1,457 martyred in Khyber-Pakhtunkhwa; 450 in Balochistan; 370 in Punjab and many others in FATA, Gilgit-Baltistan and Azad Jammu and Kashmir." [53] Due to lack of modern training, equipment and political will to reform, the police force is delivering far below its potential. The principal hurdle is political meddling and politically motivated appointments, transfers of officials which results in reducing administrative efficiency and lowers morale. The principles of merit and competency which should be the only consideration in appointments or transfer of officials are trampled by the elite under political expediency.

With the induction of Police Ordinance 2016, the KP IG Police is now exercising autonomy over postings of officers – a power which previously rested with the Chief Minister. The province has emerged as an exception. However, whether this piece of legislation would bring some objective changes is too early to predict. The revamping of criminal justice system involves several institutions ranging from watch and ward and investigation to prosecution and from courts to prisons, all need major reforms. Clearly this seems a pipedream at best, at least for now.

G. Restriction on Hate Material

The NAP also promised to de-radicalize society by restricting any content igniting hatred, sectarian strife or intolerance. This included watchful control over communication mediums which can be exploited by hate mongers, such as, cyberspace, printed content or loudspeakers for sermons in mosque, etc. The control of medium used to spread provocative and incendiary messages though a sensitive issue has severe unintended consequences. An illustration of this was the assassination of sitting Governor Punjab Salman Taseer in 2011 by his own guard who was inspired by fiery sermons of a cleric. [54].

Data revealed from independent sources indicates that there is some achievement on this front. By August 2016, the police and Counter Terrorism Department Forces filed more than 14,869 cases against hate mongers. Most of the arrests have been made for misusing loud speakers or sound amplifiers. (Follow Figure 3 for region wise details.) The printed and electronic mediums were too targeted albeit selectively. Sources further indicate that 6,000 cases were registered across the country against shopkeepers who were somehow engaged in trade of hate based or anti state tirade. [55]

The government's approach to counter hate speech/extremist material can be classified as "restrictive" which mainly targets the hate-mongers, the materials and the means of dissemination of those materials. This approach is costly, as it provides the government leverage to dismantle all the dissenting voices, even the non-radical ones which per se is a threat to democratic values.

Instead, the non-restrictive approach which reaches out to the audience of hate speech by preventing them from being receptive to the speech is more result oriented. [56] However, a blend of both approaches would be the suitable course of action.

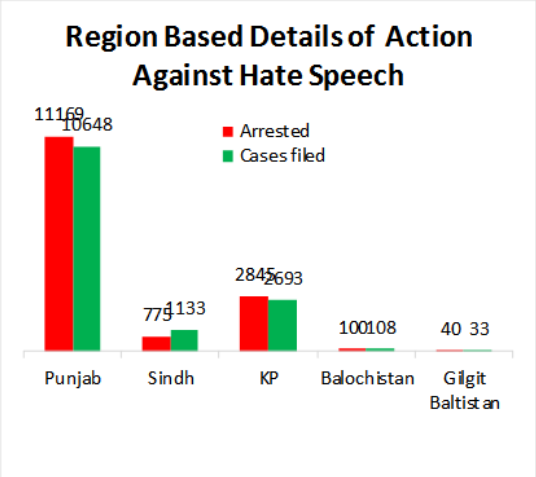


Figure 3 Source: [57]

H. FATA Reforms

A six-member FATA Reform Committee which was setup in November 2015 presented its first report in August 2016. The report recommended for certain legal, administrative and economic reforms. Although the Committee claimed to consult "representatives of all political parties and other members of the civil society, including traders, media representatives, and youth", it did not identify the stakeholders. Apparently, the FATA Parliamentarians had not been consulted which may challenge the representation criterion. Inter alia, the recommended merger of FATA with KP aroused controversy. Chiefly, right wing political parties and a group of tribal heads expressed reservations and opposed the merger. The government itself deliberately delayed the reforms package for months, which was enough to arouse rightful apprehensions among stakeholders. [58]

Finally, in March 2017, the Federal Cabinet approved the much-awaited package. A Federal Committee along with FATA Secretariat will oversee and implement the package. It mainly suggests merger of FATA in KP, replacement of FCR with Riwaj Act,

[5] The statistics is based upon figures updated in 2006 and 2012 for AJK and Pakistan respectively.

retention of Jirga system and extension of jurisdiction of High and Supreme Court to FATA. However, juxtaposing of the merger with five years transition period could raise genuine concerns. It is moreover difficult to assume that the parallel judicial systems as mentioned in the package will benefit the marginalized factions of society, especially, when those institutions have clearly favored a class and patriarchy based structure. [59]

CONCLUSION

Although Pakistan has been the worst victim of terrorism over the past eighteen years, the state has not demonstrated either a true departure from previous futile regional security policies nor a real political resolve or urgency to combat the twin menace of extremism and terrorism. A ray of hope which surfaced in the wake of APS attack and subsequent NAP was shortlived. It died down shortly afterwards. A series of deadly incidents and tragic loss of lives have not moved either the Federal or provincial governments to act in earnest. The state machinery remained paralyzed various times during clerics' sit-ins held in Islamabad during last two years. It only goes to prove that successive governments have remained spineless and timid. An inactive and unproductive NACTA, unchecked growth of madrassahs and mosques, near absence of new legislation and sheer dependence on military operations or courts does not in any way augur well of the civilian regimes. It is also a blot on the democratic values of the country and commitment of its policy makers.

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