National Action Plan (NAP) – Analysis, Implications & Way Forward for Pakistan

Security Challenges for Pakistan in the 21st Century

1st – 30th November

NUST Research Team
Contents

Abstract .................................................................................................................................................. 3
National Action Plan ............................................................................................................................. 4
Comparative Analysis of National Action Plan against Existing National Counter-terrorism Strategies ..... 6
National Action Plan – Analysis on Shortcomings .............................................................................. 12
  1. Operational flaws .......................................................................................................................... 13
  2. Military courts ............................................................................................................................... 15
  3. Structural flaws .............................................................................................................................. 16
  4. Tackling an ideological war by military force .............................................................................. 17
  5. Other issues .................................................................................................................................. 19
Way Forward .......................................................................................................................................... 20
  6. Review basic definitions in Pakistan’s counter terrorism legislation ........................................... 20
  7. Introduction of reforms to the criminal justice system of Pakistan ............................................. 21
  8. Criteria based monitoring of stakeholder’s performance .............................................................. 21
  9. Choking funds of the terrorist factions ......................................................................................... 22
  10. Proper check and utilization of mass means of communication ................................................ 23
References ............................................................................................................................................... 25
Abstract

As a response to the Peshawar attack of 16th December 2014, the government of Pakistan formulated a nationwide counter-terrorism strategy in the form of the National Action Plan. The NAP was a multidimensional attempt to counter terrorism, in order to eradicate it completely. This study is an analysis of the National Action Plan that identifies the initial context within which it was formulated against the actual deliverables it has achieved, as it nears the end of its first year of implementation. A systematic study of the policy itself, its aims and objectives and the enabling framework that it requires to achieve these goals reveal that despite its merits, the Plan has a long way yet to go. This study identifies four main factors that act as setbacks to the Plan’s progress and is followed by a set of recommendations to improve existing counter-terrorism legislation and infrastructure as well as to enhance any future attempts to eradicate the terrorism problem from within Pakistan.
National Action Plan

The National Action Plan was formulated in December 2014, as a collaborative effort from Pakistan’s leadership to combat terrorism through a coherent, nationwide strategy. The Plan was agreed upon in the All Parties Conference and thereafter entered the implementation stage. Unfortunately, there have been questions raised on the effectiveness of the Plan and the ultimate sustainability of such a policy, even if it was supposed to be successful in the short term.

The last decade has seen the escalation of instability, insecurity and political violence in the country as a result of Pakistan’s role as a “frontline state” in the Global War on Terrorism (Abbasi, 2013). Pakistan Army launched a military operation Zarb-e-Azb on 15th July, 2014 against the Islamist insurgents based in the North Waziristan district of the Federally Administered Tribal Areas (FATA) in the country (Zahid, 2015). Less than six months after, Pakistan was faced with one the deadliest terrorist attacks on its soil. Seven men affiliated with the Tehrik-i-Taliban (TTP), attacked Army Public School in Peshawar and massacred 141 children (BBC News, 2014).

Many security officials and civilians saw the barbaric incident as a backlash by militants targeted by the military operation (Telegraph.co.uk, 2014) which has been widely acclaimed as Pakistan’s successful operation in the War against Terrorism. After much deliberation and a marathon of meetings, the country’s leadership agreed upon the National Action Plan, which is dubbed by Prime Minister Nawaz Sharif as “the defining moment” in Pakistan’s fight against terrorism (Centre for Pakistan and Gulf Studies, 2015).

The Plan (Table 1) constitutes a 20 point agenda that spreads counter-terrorism efforts across different dimensions such as finances, ideology, weaponization etc.
### National Action Plan (NAP)- Twenty Points

| 1. | Execution of convicted terrorists |
| 2. | Establishment of special trial courts |
| 3. | Ensure no armed militias are allowed to function in the country |
| 4. | Strengthening and activation of NACTA |
| 5. | Countering hate speech and extremist material |
| 6. | Choking financing for terrorists and terrorist organizations |
| 7. | Ensuring against re-emergence of proscribed organizations |
| 8. | Establishing and deploying a dedicated counter-terrorism force |
| 9. | Taking effective steps against religious persecution |
| 10. | Registration and regulation of madrassas |
| 11. | Ban on glorification of terrorism and terrorist organizations through print and electronic media |
| 12. | FATA Reforms |
| 13. | Dismantling communication networks of terrorist organizations |
| 14. | Measures against abuse of internet and social media for terrorism |
| 15. | Zero tolerance for militancy in Punjab |
| 16. | Taking the ongoing operation in Karachi to its logical conclusion |
| 17. | Baluchistan reconciliation |
| 18. | Dealing firmly with sectarian terrorists |
| 19. | Policy to deal with the issue of Afghan refugees |
| 20. | Revamping and reforming the criminal justice system |

*Table 1 Adapted from http://nacta.gov.pk/Download_s/Presentations/National_Action_Plan_NACTA_Pakistan.pdf*
Comparative Analysis of National Action Plan against Existing National Counter-terrorism Strategies

The National Action Plan is the third national counter-terrorism strategy introduced by the Sharif government. The first was the National Internal Security Policy (NISP) – a 64 point agenda – approved in February 2014, while the second was the Pakistan Protection Act (PPA) approved July 2014 (Group, 2015). Prior to these two, Pakistan saw its first national anti-terrorism strategy in the form of the Anti-terror Act (ATA) 1997. The act must be commended for being the first of its kind but did leave room for manipulation if the federal government should choose to misuse it in any manner. It’s most stark criticism is its broad definition of the word “terrorist” that eventually covered too many crimes within its ambit, if interpreted so (Bokhari, 2013). It is interesting to note that all three strategies were signed in under Nawaz Sharif’s government, which is more than efforts made by any other government to draft such legislation.

However, it is required to focus attention on the NISP and the PPA which were introduced under the current government within the same year and yet were succeeded by the National Action Plan a year later. The fact that all three were enacted within a year of each other begs the questions: what was the purpose of these acts? Why was it necessary to draft new legislation when similar ones existed? Has the National Action Plan been able to address the shortcomings (if any) of the previous acts?

The National Internal Security Policy was a practical approach to the terrorism problem that highlighted measures to enhance the functionality of the justice system through “soft” intervention. Essentially, it called for the modernization of the justice system and improvement in all aspects of this system starting from the first line of defense i.e. law enforcement agencies to the final verdict. The aim was to reduce terrorist activities by improving the efficacy of the Pakistani judicial system which was to eventually translate as a long-term benefit to the country. The implementation of the Security Policy fell under the ambit of NACTA i.e. the National Counter-Terrorism Authority. The Bill to establish National Counter Terrorism Authority in Pakistan was passed by parliament in 2009 and NACTA itself was to be established within a 90 day time period (senate.gov.pk, 2009). Though its legislative approval was delayed till 2013 and finally the Act XIX 2013 approved by parliament gave NACTA complete authority. NACTA is an
independent body answerable directly to the Prime Minister of Pakistan. NACTA’s functions are as defined below in Table 2.

Table 2 NACTA Goals. Adapted from [http://defence.pk/threads/nacta-national-counter-terrorism-authority-updates-discussions.320744/](http://defence.pk/threads/nacta-national-counter-terrorism-authority-updates-discussions.320744/)

<table>
<thead>
<tr>
<th>NACTA Goals</th>
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<tbody>
<tr>
<td>To receive and collate data or information or intelligence, and disseminate and coordinate between all relevant stakeholders to formulate threat assessments with periodical reviews to be presented to the Federal Government for making adequate and timely efforts to counter terrorism and extremism</td>
</tr>
<tr>
<td>To coordinate and prepare comprehensive National counter terrorism and counter extremism strategies, and reviews them on periodical basis</td>
</tr>
<tr>
<td>To develop action plans against terrorism and extremism and report to the Federal Government about implementation of these plans, on periodical basis</td>
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<tr>
<td>To carry out research on topics relevant to terrorism and extremism and to prepare and circulate documents</td>
</tr>
<tr>
<td>To carry out liaison with international entities for facilitating cooperation in areas relating to terrorism and extremism</td>
</tr>
<tr>
<td>To review relevant laws and suggest amendments to the Federal Government</td>
</tr>
<tr>
<td>To appoint committee of experts from Government and non-Government organizations for deliberations in areas related to the mandate and functions of the Authority</td>
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According to its prescribed functions, NACTA was to be the center of anti-terror efforts and was in charge of coordination and collaborative strategy design as well as implementation via information sharing, research and data collection or appointing committees to carry out particular aspects of the programs when and if required.

The Pakistan Protection Act 2014 was inherently different from the NISP as it addressed completely different objectives. The Pakistan Protection Act allowed for increased liberty to law enforcement entities to detain and interrogate suspects. It even allowed to “shoot on sight” if it is suspected that an individual may cause damage to property or property or inflict similar harm (Group, 2015). The broad discretion in the use of this authority as well as the circumvention of due process while detaining suspects without revealing the reasons for detention indicate that this was an attempt to enhance the functionality of the military, paramilitary or police officials (Uzair, 2014). Overall, the PPA 2014 granted a significant increase in the exercisable power of enforcement agencies and was the metaphorical iron fist of the Sharif government to counter
terrorism. The PPA is thus widely criticized as it aims to inhibit the fundamental rights of citizens in order to protect the same fundamental rights of life and liberty and is therefore, paradoxical in its very nature. Furthermore, it carries the assumption that fundamental rights are not held to be essential in times of war or combat. Finally, the content of the PPA is an amalgamation of criminal law, military law and law in times of war (Uzair, 2014). Without the development of relevant implementation structures, this amalgamation means there is a lack of clarity of jurisdictions defining the ambit of the military versus those of civilian law enforcement agencies. Furthermore, it causes confusion with regards to due process once a suspect is apprehended. Consequently, it may be found that the PPA had an inherent disconnect between the objectives it was trying to achieve and the actual capacity or method of achieving those objectives. In discussing the above two, we have made a few notable conclusions. The first is that there was a need to combat terrorism through relevant legislation by parliament. Secondly, while the NISP aimed to strengthen the justice system in essence, the PPA enhanced the role of enforcement agencies in this system. Thirdly, we realized that there were certain shortcomings in the above two strategies that formed a void, creating the need for further legislation in the form of the National Action Plan. By basic reasoning, one may assume that the National Action Plan thus addressed all previous shortcomings observed by prevalent law on counter-terrorism and is thus a more comprehensive and effective strategy.

A thorough analysis of both policies reveals that the National Action Plan for the most part rearticulated the goals and objectives of the National Internal Security Policy (NISP). However, NAP did offer two additional features i.e.

a) Implementation of the death penalty for convicted terrorists;

b) Establishment of special military courts to fast-track terrorism related trials of “jet black” terrorists (Rumi, 2015)

In order for the implementation of both the proposed action points, constitutional amendments were undertaken by the Government of Pakistan. For the establishment of military courts, it was required to amend the article 175 of the constitution which defines the jurisdiction and establishment of the courts, and to amend the Pakistan Army Act 1952. Under the 21st Constitutional Amendment Bill 2015 and Pakistan Army (Amendment) Bill 2015, both the bills
were passed by the Parliament. In addition, the government also lifted its long standing moratorium on death penalty (Centre for Pakistan and Gulf Studies, 2015).

It was decided that the number of military courts would be in accordance to the number of terrorists in the respective province. The rationale envisaged for the establishment of special courts was to enable fast and speedy trial of terror suspects (Manan, 2014). This also meant that the military courts had the blessing of the federal government (prior approval was required) to try any person who was suspected, claimed or known to belong to any terrorist group or organization using the name of religion or sect and committed an offence. Members of private armies, armed groups, wings and militias are also to be tried by these military courts (Centre for Pakistan and Gulf Studies, 2015). The federal government also had the additional option of transferring pending cases to these military courts (Centre for Pakistan and Gulf Studies, 2015). However, only three months after the NAP was put together, the federal authorities in all their wisdom decided to water down their counter-terrorism strategy after quietly excluding from the implementation process three key points in the NAP. These points included action against proscribed outfits, reform of religious seminaries and the repatriation of Afghan refugees (Wasti, 2015).

The following table shows the progress of the civil military leadership on all twenty points of the National Action Plan.

<table>
<thead>
<tr>
<th>National Action Plan (NAP)- Twenty Points</th>
<th>Progress</th>
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<tr>
<td>Execution of convicted terrorists</td>
<td>Around a hundred people have been hanged (Saleem, 2015).</td>
</tr>
<tr>
<td>Establishment of special trial courts</td>
<td>Military Courts have been set up and are operational. Special trial courts nominations of magistrate in these courts have been notified. 144 cases have been notified in all provinces. (Interior Ministry, June 2015)</td>
</tr>
<tr>
<td>Ensure no armed militias are allowed to function in the country</td>
<td>There has been very slow progress in reversing trend of militancy in the country (Khan, 2015). 932 affiliates of TTP identified and two cases have been registered.</td>
</tr>
<tr>
<td>Strengthening and activation of NACTA</td>
<td>NACTA remains toothless and is symbolized by not yet having dedicated leadership. A senior police</td>
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officer, albeit a professionally competent one, has dual charge of both NACTA and the National Police Bureau (NFB) (Sehgal, 2015). JID being established in coordination with MO Dte (ISI). Non paper submitted by MO Dte (ISI) and draft summary has been submitted to MoI for onward submission to PM office on the matter.

### Countering hate speech and extremist material

There has been very slow, if any progress made to measure or curb use of internet and social media in terrorism and extremism (Khan, 2015). Example: Qari Abubakar of Kasur was sentenced to five years’ imprisonment for delivering a hate speech at a public gathering. Reportedly, as of April 2015, a total of 21 have been convicted in Punjab (Saleem, 2015). 751 cases have been registered. 70 shops have been sealed.

### Choking financing for terrorists and terrorist organizations

Despite some steps made by the State Bank of Pakistan (SBP), there is no real action plan to combat such money laundering. Terrorists have already shifted to alternate money transfer, most of them hawala-based. There is a distinct lack of enthusiasm to control foreign funding to religious seminaries (Sehgal, 2015). Example: One of the Khananis, who has now been arrested in the US because of a sealed indictment by a grand jury, walked free from the courts in Pakistan notwithstanding a wealth of evidence against him. 125 cases have been registered. 144 have been arrested. 101.7 million, have been recovered in. 10.1 billion have been frozen by State Bank.

### Ensuring against re-emergence of proscribed organizations

No initiatives are introduced to curtail the re-emergence of banned organizations and individuals. Funds are still being directed to many defunct outfits still operating in the country under different names (Sehgal, 2015). 60 proscribed organizations have been identified. 7,662 activists have been placed in fourth scheduled. 18 cases have been registered. 25 arrests have been made. 99 affiliates have been placed on ECL.

### Establishing and deploying a dedicated counter-terrorism force

Raised with assistance of MO Dte. 5421 trainings. Panic button alert system has been activated in ICT (Islamabad Capital Territory) whereas; security audit is in process in provinces. Security guards for
| **Taking effective steps against religious persecution** | Media houses, hospitals and companies are getting trainings. Very little progress is made to control religious persecution, ending sectarian terrorism in the country (Khan, 2015). Elements excelling in spreading sectarianism regularly operate madrassas (seminaries) without check, holding street protests and donation drives (Sehgal, 2015). |
| **Registration and regulation of madrassas** | Estimates put this figure as 12,000 unregistered madrassas and 28,000 registered madrassas. They usually escape scrutiny since they occupy the additional room of a mosque where students are imparted nazaria Quran and hifz lessons (Sehgal, 2015). However, there is no credible information existing about the mushrooming of these madrassas. Standard Registration form has been developed and shared with provinces. Mapping by Police Bureau and NADRA has been completed for 12,792 and 354 madrasas of Punjab and Islamabad respectively. |
| **Ban on glorification of terrorism and terrorist organizations through print and electronic media** | Progress is fragmented and selective in its implementation. Hafiz Saeed is being banned by the Interior Ministry, while hate speech against minority groups like Ahmedis are continuing unchecked. Draft has been finalized on development of national narrative. Another draft has been finalized and sent to PM secretariat on amendment in PEMRA laws including provisions of switch/button for immediate cut of off transmissions. |
| **FATA Reforms** | No real political will can be seen to introduce reforms in the tribal region*. PC-I has been finalized by FBR for modernization of Torkham and other crossing points. Reports regarding IDPs return / rehabilitation, border management and extension of FIA laws have been submitted to governor KPK. |
| **Dismantling communication networks of terrorist organizations** | Biometric SIM Verification plan issued by the Ministry of Interior has resulted in blocking millions of unverified SIMs and will improve tracking of SIMs. 57.5 Million SIMS have been verified out of total 103 million. |
| **Measures against abuse of internet and social media for terrorism** | No infrastructure is developed to counter such propaganda. Meeting of National Assembly standing committee |
National Action Plan – Analysis on Shortcomings

The National Action Plan has received acclaim and recognition for the success it has attained. Under various operations targeting unregistered seminaries to efforts for the repatriation of refugees, the figures indicate success have been impressive. Unfortunately, regardless of what the purpose behind the strategy may be, the lack of political will and coherency has left the NAP

Zero tolerance for militancy in Punjab

Increased number of arrests and convictions in Punjab for cases of hate material, arms prohibition and security laws. Punjab reports highest decrease in crime rates in comparison to other provinces. Launched de-radicalization & de-weaponization programs.

Taking the ongoing operation in Karachi to its logical conclusion

The rangers are in action but the military is of the opinion that the progress is not matched by matching/complementary governance initiatives (Khan, 2015). No action plan exists for the depoliticisation of the police. Decline in crime, imp in law & order; Target killing 57%, Murder 37%, Extortions 37%. 38,570 criminals registered.

Baluchistan reconciliation

There has been some movement to bring together the separatists into the national mainstream and initiate a dialogue with them but the progress has been slow.

Dealing firmly with sectarian terrorists

No efforts have been made so far. 294 POs have been identified.

Policy to deal with the issue of Afghan refugees

There are over 3 million Afghan refugees in Pakistan. The 3rd extension of the stay of Afghan refugees in Pakistan expires on Dec 31. It is unclear whether a 4th extension would be granted or not (Khan, 2015). Data reconciliation of registered Afghans is in process by the provinces. In coordination with NADRA through biometric verification and 17,849 unregistered Afghan refugees have been deported.

Revamping and reforming the criminal justice system1

Reformation of police has been initiated but is at a slower rate than expected. Ministry of Law and Justice division finalized draft amendments in laws for strengthening criminal system of justice. Amendments are proposed in PPC, Police Act and Qanoon-e-shahadat.

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as a seemingly hollow gesture made for pacifying the masses post 16/12 and gaining political favor. As quoted from *The Creation and Development of Pakistan’s Anti-terrorism Regime, 1997–2002* by Charles H. Kennedy (Kennedy, 2002):

“If the purposes of establishing an anti-terrorism regime are to lessen terrorism, punish terrorists, improve the efficiency of the legal system, and dispense speedy justice, Pakistan’s anti-terrorism regime has been a complete failure. Conversely, if the purposes of an anti-terrorism regime are to improve one’s position relative to one’s domestic political opponents, or to improve public relations, or to rehabilitate one’s standing with the international community, then Pakistan’s antiterrorism regime has generally been a success.”

Below is a compilation of achievements attributed to NAP within its first year of implementation.

**Operational flaws**

A number of bodies were formulated for the implementation of the National Action Plan. NAP’s working mechanism comprises of three-tier structure consisting of a federal apex committee chaired by the Prime Minister (PM), the National Counter Terrorism Authority (NACTA) and provincial apex committees meant to facilitate NAP’s effective implementation and execution (Sehgal, 2015). The Prime Minister is assisted by the Board of Governors which has Ministers of Interior, defense, finance, law and justice along with Chief Ministers of the four provinces, DG ISI, Intelligence Bureau (IB), Military Intelligence (MI), FIA and IGs of provinces as its members. The main institutional mechanism, Provincial Apex Committee (PAC) was established in all the provinces of the country. These special panels were constituted to oversee the implementation of the NAP at the provincial level. These bodies included the civilian leadership of the province as well as the commanders of the Army corps in the respective province (Syed, 2015). Though the bodies were formulated to close down the gap between civil and military leadership at the provincial level, many saw this as the encroachment of the military establishment into the civilian systems. It is important to note that there was no mention of establishment of apex committees in the NAP and the decision to establish them only came afterwards in a press release by the Inter Services Press Relations (ISPR) (Rizvi, 2015).
Along with sending the interior ministry cases to be tried in military courts (International Crisis Group, 2015), one of the most crucial tasks of the apex committees is to devise a security plan for every province taking into account the local context of that particular province (Syed, 2015). There has been no significant progress in this particular aspect by any province. Moreover, there is a severe **lack of a systematic approach** to develop such plans at the provincial level. On paper, the policy guidelines to the province are to be provided by central committee, chaired by the prime minister and including nine cabinet members, along with fifteen subcommittees to oversee specific NAP components (Gishkori, 2015). However, there is no concrete evidence of the effective functioning of these committees. The impractical approach of the central government regarding NAP can be highlighted by the fact that eleven out of fifteen subcommittees are chaired by Interior Minister Chaudhry Nisar Ali Khan alone (Gishkori, 2015).

In reality, there is no framework available to ensure that the policies formulated at the provincial level are cohesive and complement each other. Terrorism is not restricted or limited to any particular geographical locality and any plan to curb terrorism has to look at the issue in a holistic manner. We saw that after the introduction of the 18th amendment the provinces faced severe financial and capacity crisis. Delegating the responsibility of handling the security situation has to be followed by parallel initiatives to empower the law enforcement agencies that are responsible for the implementation of the policies. However, no such initiatives are undertaken by the provinces. Involving military even for the police administration issues not only undermines the institution but also deters any possibility of growth in the future.

More so, NISP also introduced a number of bodies and institutes defining the security apparatus of the country. However, ten months after NISP’s formulation NAP was adopted which complicates the situation. The critical element of NAP, as is with any policy is effective implementation. For effective implementation, it is crucial to revamp NACTA, however the status quo presents a rather dismal scenario which is far from expectations. With the increase of what seems to be a civil-military trust deficit, NACTA has failed to operate as the central force guiding all counter-terrorism strategies and plans, and being the core of data collection and sharing. Owing to this, the operational aspects of NAP have been found wanting. There is huge uncertainty regarding the role of NACTA as a coordinating body for counterterrorism efforts. Moreover, blatantly neglecting to make budgetary allocations in the fiscal year for NACTA’s
development goes to show the half-hearted nature of the policy initiatives undertaken by the Nawaz government (Wasti, 2015).

**Military courts**

Pakistan has spent more than thirty years under military rule which has up to a great extent, halted the growth of establishment of strong civilian systems and institutes. Despite having a successful civilian transition in the 2013 elections and having a democratic system in place, due to the unpleasant relationship between civilian government and military leadership in the past, many still fear a shift in the balance of power in the favor of the latter. Establishment of military courts under the 21st amendment in the constitution of Pakistan not only threatens the delicate balance between the elected government and the military chiefs but also undermines the judicial system in place in the country.

Our study acknowledges that the criminal justice system in Pakistan is far from perfect and requires serious reforms in all its components ranging from investigation to prosecution; as the system has failed to deliver especially when it comes to dealing with terrorism related cases. As per the available statistics, judiciary in Pakistan has acquired a staggering acquittal rate of 74% in terrorism related cases between 1990 and 2009. This translates into 3 out of 4 terrorists getting freed by the courts in Pakistan (Muhammad, 2015). However, instead to catering to these problems by introducing reforms for the existing justice system, establishment of a parallel judicial system in the form of military courts appears as a quick fix to a fairly deep rooted problem.

The Pakistan Army Act (Amendment) Bill 2015 would only remain in force for two years (Centre for Pakistan and Gulf Studies, 2015) and after that the government will ultimately have to revert to the broken criminal justice system in Pakistan. There are no parallel reforms proposed under the National Action Plan that aim to build the capacity of the criminal justice system to deal with the daunting task of dealing with terrorism related cases in the near future. The plan lacks to provide a mechanism that will ensure smooth transition and shift from military courts to the criminal justice system of Pakistan which severely undermines the effectiveness of this policy initiative introduced under NAP.
Another major area of concern is **the legality of the establishment of military courts** in Pakistan. The Supreme Court of Pakistan in an eleven to six judgment validated the inviolability of military courts (Hussain & Chaudhry, 2015) and upheld the decision to establish military courts in the country. However, many legal experts are of the opinion that military courts undermine the fundamental rights of the citizens that are protected by the constitution.

In order to overcome the trust deficit and to take the political leadership in confidence, the military chiefs provided special guarantees to the politicians that the military courts would not be used against them. **Narrowing the scope of the operation** further, Madrasahs and Masjids were also excluded from military jurisdiction (Muhammad, 2015). This stipulation negates the principle of equality and places extreme discretionary powers in hands of the government and the military establishment as to ascertain which accused are to be tried under ordinary or the military courts. The amendment proposes that prior approval of the federal government is required to try any suspect by the military courts (Centre for Pakistan and Gulf Studies, 2015) but given the historical strategic superiority of military establishment in Pakistan, it is unlikely that this practice would be implemented. Even if this practice is followed to ensure some measure of accountability and to ensure balance of power, it would impede the process of speedy trial of terror suspects which ironically, is one of the strongest justifications of establishment of military courts in the country. If the ultimate power rests with the military to ascertain who classifies as a hardened terrorist and to convict them, it raises serious question about the **jurisdiction of the military establishment** in the country. These concerns are also shared by the International Commission of Jurists (ICJ) which termed the SC verdict to uphold the establishment of military courts as a blow to human rights and the rule of law. The ICJ is a network composed of 60 judges and lawyers from around the world dedicated to the promotion and protection of human rights through the rule of law (Pakistan Today, 2015) and claims that military trials are incompatible with the international law obligations and stands in contrast to the international standards of fair trial and independence of the judiciary (Pakistan Today, 2015).

**Structural flaws**

It is an unfortunate reality that **provinces were not fully consulted** when the NISP and NAP were being formulated. For any policy to work, it has to involve all stakeholders to increase the
sense of ownership and in order to come up with better informed decisions. This was not done in
the case of NAP and therein lays the root of many of the current problems that policy is faced
with. Although provincial apex committees were formulated in each province but the
government failed to determine that what falls under the ambit of the center and what are the sole
responsibility of the provinces. Hence, we see a divide when center asks the provinces to do
more and the provinces retaliate by claiming that it is not their jurisdiction to do so. One such
example is of monitoring and control of foreign donations and funding which is a central subject
and without any concrete initiative by the federal government, it severely undermines the ability
of the provinces to control terror financing in their respective provinces.

Making matters complex, militant groups within Pakistan constantly change their organizational
structure as they look for new ways to generate funds. Many of them have established public
welfare wings to shield their activities. Banned groups have been resurfacing as charity
organizations aiming to overhaul their image among the masses and to avoid being reprimanded
by the government. Such tactics do not only help them gain social acceptance but also allow
them to entrenched themselves within society which as a result expands their support base (Wasti,
2015).

The Federal Investigation Agency (FIA) is yet to devise a strategy for tackling terror
financing that works closely with the State Bank of Pakistan (SBP) and other financial
institutions in the country. Moreover in the absence of proper coordination system in place and
due to an historic disparity between the provinces, the implementation of NAP is occurring at
various momentum under each provincial government. For this purpose, the agenda states that
reforms are to be made in FATA and reconciliation efforts are to be made with Baluchistan.
However, since the approval of the National Action Plan, no substantial measures have been
taken towards the realization of these policy objectives, resulting in a fragmented effort to
counter terrorism.

**Tackling an ideological war by military force**

There is concern that the implementation of NAP is not executed with the same vigor with which
it was formulated in the first place. At the time of its inception, NAP was envisioned as the
coherent nationwide strategy to swiftly and effectively address terrorism across all fronts through
a cross-dimensional, simultaneous and aggressive attack. Unfortunately, within its first few months, it became evident that certain aspects of the Plan began to lose momentum which is why they have yet to be realized or are not progressing as swiftly as was hoped. Though the physical battle between state agencies and terrorists ensues, there is a lack of resources being used to counter the terrorist ideology.

It has been more than a decade since the advent of the War on Terror. Many strategies have been employed such as direct intervention through military force, indirect intervention via funding and aid, replacing governments that were thought to have lost the support of their people and even supporting authoritarian governments against greater regional threats. The results of such tactics have borne roughly the same characteristics and hence, are considered similar. The cyclical nature of these counter terrorism strategies have become overly predictable and governments involved in this war are now widely criticized for not being able to learn from their mistakes and improve their strategies. In a nutshell, the War on terror has consisted of using brute force against terrorist groups to quell them. The result is that even in successful operations, not all terrorist threats are removed; some members of such groups manage to survive through such actions. Due to the wide spread use of media and communication systems to dissipate information and manage coordination between terrorist factions, even if terrorist threats are removed from a particular geographical area, their ideas are not. Other members of these groups, supporters of their cause or those who have lost their loved ones due to state operations eventually regroup and the entire movement gains momentum again.

Of course, it can be argued that such issues are matters of law enforcement and strict border control, but the government at this point must ask itself, regardless of geographic region (the resurgence of terrorist ideologies from Afghanistan to areas like Syria and Iraq), why does terrorism persist? The answer is that while governments have been tackling terrorism by targeting the number of groups and number of weapons they’ve acquired, the idea itself has gone completely untainted. Failures in governance systems in the developing world have led to the increased susceptibility of their people to adopt anti-state or extremist ideologies. This coupled with the constant use of physical force such as (missiles (or/and drones??)) against its civilians have strengthened or in the very least, maintained the significance of holding on to such anti-state ideologies.
It must be realized that while enforcing stricter regulations and continuing operations against terrorist factions may help quell the symptoms of the problem but it has proven to merely be short term relief and has failed to eradicate the root of the entire terrorist issue. The National Action Plan, though has mentioned the use of media and information to first curb and then counter extremist ideologies, it like its predecessors has not been able to take substantial steps for the realizing this critical agenda point. Currently, terrorist factions are freely disseminating information across different media and there is continuous intolerance and biased views being shared across all platforms. Not only has the government not been able to curb this spread of ideas, they have not succeeded in creating a counter ideology that would help sway mass opinion in their favor and more importantly, reducing the susceptibility of the public to ideological brainwashing.

Other issues

Though action is being taken to register madrassahs and introduce a regulatory system, there is less optimism about the use of this technique to reduce religious extremism or sectarian divide. This issue is evident as though there has been a reduction in anti-state terrorist attacks; there has been a consistency in sectarian violence. This in turn questions agenda points that were focused towards reducing religious intolerance or vice versa, religious persecution by taking concrete measures to eliminate sources exacerbating religious divides within the society. Generally, NAP also called for banning the glorification or spread of terrorist ideologies by removing hate material especially by the use of social media. Though steps are taken to reduce animosity between sects (such as removal of anti-ahmedi posters), these steps are fragmented and often have a harsher social backlash than intended. Apart from their SIM verification plan the government has taken no concrete steps to cut off terrorist communications virtually and has failed to capitalize on the use of information dissemination to counter terrorism.

The government has taken steps such as the new policy in reference to INGOs in order to regulate funds entering the country and therefore, tracking funds that may be financing terrorist operations. However, this has not lead to the assurance that armed militias have completely stopped functioning in the country. This is partially due to the resurgence of black-listed groups under different names.
Way Forward

Review basic definitions in Pakistan’s counter terrorism legislation
An extensive review of basic definitions in Pakistan’s counter terrorism legislation is required. The government must refine key terms in consultation with relevant stakeholders namely the judiciary, military, academia and international support or legislative documents on the subject. Following questions must be addressed thoroughly in order to avoid overlapping jurisdictions and misuse of policies:

✓ What is terrorism? Is it to encompass illicit activities made under the banner of religious extremism, under the banner of separatist extremism or both? The agreed upon definition found in the Anti-Terror Act should then be carried forward in all relevant policies, rather than changed due to pressures or social retaliation. Current misuse of the definition for the purpose of implementation can be attributed to non-compliance or broad compliance of Sec 6(1) and (2) of the ATA 1997

✓ Who is categorized as a terrorist? Will a terrorist be limited to someone who commits physical acts of terrorism or will one be classified as a terrorist for vocally and explicitly speaking in favor of active terrorist factions to propagate their agendas? Or will it be both?

✓ In view of the above, punishment should be given based on the magnitude of an illicit activity that classifies it as an act of terrorism? Based on magnitudes, will the perpetrators fall under the jurisdiction of civil law enforcement, paramilitary forces or military forces? Similarly, which courts will they be tried under?

✓ What is the difference between international and domestic terrorism? Does Pakistan differentiate between the two? What is the legal ambit of the National Action Plan to effectively prosecute perpetrators that fall under the definition of international terrorism? Pakistan must differentiate classifications of terrorism based on i) the geographical area in which they occur ii) the roots or nationality of the perpetrators and iii) the target or intended target of these crimes
Introduction of reforms to the criminal justice system of Pakistan

✓ Comprehensive reforms need to be introduced to the criminal justice system of Pakistan. Though (sufficient action) a quick fix has been taken to establish military courts and begin the proceedings of arrested individuals in terrorism cases, there is little to no reform in the Pakistani criminal system that may lead to a stronger system once military courts are dissolved. This was a critical element of the National Action Plan in ensuring long term sustainability without relying on a military fallback. The main reasons for the deploring conditions of the judicial system are identified as the courts and judges not being sufficient in number; the prosecution has been incompetent and politically affected making the process ‘inefficient, expensive and corrupt (Daily Times, 2015).’ Our study suggests that instead of presenting military courts as an alternative, which would weaken and delegitimize the existing system without addressing the problem (Sattar, 2015), focus should be on doing away with these structural flaws and the strengthening the broken criminal justice system in the country.

Another alternative would be to have significant representation and involvement of criminal judges in the military courts. The capacity of the civil court structures must be enhanced over this two-year period. This would not only ensure better accountability but will also enable the judges so that they can easily take up the task once military courts finish their two years term.

Criteria based monitoring of stakeholder’s performance

✓ The government has to make the federal apex committee significantly more active in terms of providing guidelines and maintaining strong checks and balances on the provinces. The overarching security framework has to be provided by the centre and can’t be left up to the discretion of the provinces. The centre has to develop a monitoring mechanism to systematically measure the progress of each province and to highlight the potential trouble areas.

✓ The government has to clearly demarcate the boundaries and distinguish between the responsibilities of the center and the provinces. A comprehensive evaluation mechanism should be developed that periodically monitors the relative performance of the provinces
and ensures that all actions taken are in the light of the national security framework defined by the top tiers of the civilian and military leadership of the country. The government also needs to spell out the **tools** that it is/will be using to measure the progress and success of the National Action Plan. Otherwise, without a concrete system in place, it is always going to be a subjective call with some parties believing that the plan is doing well while others claiming the opposite. Undertaking a military operation and killing terrorists is only one aspect of the plan—a militarized solution. There is a dire need to develop a criterion that analyzes all aspects and quantifies the progress of the provinces against these set standards. In matters that fall under the ambit of the central government like foreign funding control, it has to clearly be communicated as to what and how the provinces can take action to assist the center.

- The government also has to clarify the role of NACTA as the coordinating body for counterterrorism efforts. If NACTA is the sole body responsible for coordinating and implementing the counterterrorism policy initiatives then appropriate amount of funds have to be allocated to the body so that it is financially stable to fulfill its responsibilities.

**Choking funds of the terrorist factions**

- There has been significant action undertaken to improve the registration, monitoring and security clearance of all the INGOs in Pakistan. Previously, the task was dealt by the Economic Affairs Division but now the Interior Ministry is responsible for it. No INGOs are allowed to work in FATA, Gilgit-Baltistan and other declared security zones (Anjum, 2015). Our study recommends that further actions needs to be undertaken to ensure that no funds from clean sources such as charitable organizations and legitimate business organizations are transferred to the terrorist wings operational in the country. It is necessary to significantly reduce the space that is granted to terrorist and militants to operate in Pakistan. Law-enforcement agencies wouldn’t be able to fully control the situation unless the sources of funding to militant organizations were effectively choked.

- Militant organizations are extremely careful about their financial matters and as shown in the famous military manual, Declaration of Jihad Against the Country’s Tyrants,’ al Qaeda instructs its cadres about handling money and unfortunately, the same principles have ostensibly been used by other militant organizations in Pakistan, including the
Taliban (Farooq, 2015). Making use of this knowledge, the Federal Investigation Agency (FIA) along with cooperation with the military cadre should devise a **comprehensive strategy** to trace the flow of money in the country. State Bank has to be involved in coming up a technological upgrade of the existing system to fix the loopholes in the financial system.

The government has to realize that any quick fixes won’t result in any substantial results to curb terrorism in Pakistan. The Foreign Office should assume an active role to trace and control the **foreign funding to religious seminaries** that are responsible for inciting sectarian violence in the country. Defunct outfits keep on resurfacing under different names and resume to secure funding for them. This phenomenon is well-known to the establishment and needs to be taken up as a top priority by the government. An immediate **census** should be conducted to identify the number of madrassas operational in the country and the task of registration of the unregistered religious seminaries should be delegated to the provinces and should be concluded with the coming months. Local governments should have the data readily available for the content taught and source of funding of every madrassa in their respective jurisdiction. The center should maintain a **centralized database** and in collaboration with the intelligence agencies in Pakistan, the top management should highlight at high risk areas and seminaries and equip the local bodies with enough resources to take preventive measure to tackle any potential threats.

In addition, the federal government should also maintain a **database of the arms licenses** issued by the provinces and impose severe penalty for issuance of non-prohibited bore arms licenses. Another important facet of security paradigm is the monitoring and control of **cybercrime** in Pakistan. As of now, no cybercrime law exists in the country. Given the technological development and advanced nature of crimes, it is imperative for the National Assembly to immediately pass the cybercrime bill that has already been cleared by the standing committee (Sajjad, 2015)

**Proper check and utilization of mass means of communication**

The government needs to ensure that terrorist factions are unable to spread their messages via mass media. This requires a collaborative effort from all media houses to uphold their code of ethics and not air any such information that helps promote extremist ideologies.
Simultaneously, the government needs to use all forms of mass media to spread messages that paint terrorists in an antagonistic light. This includes highlighting the sacrifices made by law enforcement personnel for the security of the country, spreading information about the atrocities committed by terrorists and countering their extremist ideas by showing talks or lectures from moderate and respected religious scholars. These measures are an attempt to inform the public about various religious interpretations and hence prevent them from sympathizing with, supporting or joining terrorist factions.

**Conclusion**

If we read the twenty odd points of the National Action Plan it appears that they are mainly a reiteration of the security policies that have been adopted in the past. There appears no novel issue that the policy aims to cater that the state machinery and a government in a normal course of action wouldn’t be obliged to do so. We agree that the massacre at Peshawar was a terrible incident and that it should be condemned at all levels and hence, it prompted the government to develop a response to pacify the general populace. However, analyzing the deep seated imperfections of the criminal justice system in Pakistan, we believe that any plan to eradicate terrorism would be futile unless it caters to root causes of the issue. NAP has been successful in some areas but for the most part, with the creation of a supra-democratic governance order – of apex committees and establishment of military courts necessitating amendment of the constitution has given birth to a plethora of other problems. NAP can be successful if balance of power is achieved between the civilian and military establishment and the center standardizes a security framework and performance criterion for implementation of anti terrorism policies by each province, be it the NAP or interpreting Anti-terrorism act. The efficacy of the plan mainly depends on using the new structures as an instrument to strengthen the already existing system in place by introducing reforms in the broken criminal justice system including the capacity building of the law enforcement agencies. The onus is on the center to spearhead the implementation of National Action Plan and to bring all stakeholders including the military and provincial governments under its ambit without jeopardizing the delicate balance of powers in the country.
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