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Naeem Ahmed

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The paper critically examines Pakistan's counterterrorism strategy, which it adopted after the 9/11 incident, by arguing that it has proved ineffective and counterproductive to uproot the terrorist network of Pakistan-based militant Jihadi and extremist groups, which also have links with Al-Qaeda. In this respect, the paper, besides defining and assessing Pakistan's counterterrorism strategy, also analyzes various factors which have contributed to the inefficacy of the country's counterterrorism strategy. Moreover, the paper also analyzes implications of the ineffectiveness of Pakistan's counterterrorism strategy for domestic, regional and international security. In the concluding analysis, the paper emphasizes upon the need of formulating an effective counterterrorism strategy of Pakistan.

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Naeem Ahmed

January 2014

The author

Naeem Ahmed is an Assistant Professor at the Department of International Relations, University of Karachi, Pakistan. Ahmed did his Ph.D. in 2007 and his dissertation topic was: "State, Society and Terrorism: A Case Study of Pakistan after September 11". Ahmed has also been a recipient of Fulbright Pre-Doc scholarship at the University of Cincinnati, Ohio, USA, in the year 2003. He has several research publications on his credit both in national and international research journals. His field of research is religious extremism and terrorism with particular reference to Pakistan. He is the Editor of *Pakistan Journal of International Relations* (PJIR).

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Résumé

The paper critically examines Pakistan's counterterrorism strategy, which it adopted after the 9/11 incident, by arguing that it has proved ineffective and counter-productive to uproot the terrorist network of Pakistan-based militant Jihadi and extremist groups, which also have links with Al-Qaeda. In this respect, the paper, besides defining and assessing Pakistan's counterterrorism strategy, also analyzes various factors which have contributed to the inefficacy of the country's counterterrorism strategy. Moreover, the paper also analyzes implications of the ineffectiveness of Pakistan's counterterrorism strategy for domestic, regional and international security. In the concluding analysis, the paper emphasizes upon the need of formulating an effective counterterrorism strategy of Pakistan.

Mots-clefs

La stratégie anti-terroriste pakistanaise et ses implications pour la sécurité nationale, régionale et internationale

Abstract

Cette étude porte un regard critique sur la stratégie contre-terroriste du Pakistan adoptée après les attentats du 11 septembre, dans la mesure où elle a été inefficace, voire contre-productive. Elle n'a pu déloger les réseaux terroristes des groups jihadistes et extrémistes basés au Pakistan, qui ont aussi des liens avec al Qaeda. L'évaluation de la stratégie contre-terroriste pakistanaise porte donc aussi attention aux divers facteurs qui ont contribué à son inefficacité. Les conséquences de cet échec sur la sécurité nationale, régionale et internationale sont également analysés. En conclusion, l'étude souligne la nécessité de formuler enfin une stratégie efficace pour vaincre le terrorisme.

Keywords

Sommaire

Introduction

Since the 9/11 incident, Pakistan has been witnessing a persistent wave of anti-state terrorism[1] and sectarian violence,[2] perpetrated by the home-grown terrorist network of militant Jihadi and extremist groups. The spectrum of militant violence has broadened, where the militant groups have now turned against the Pakistani state and its people. Internal security has collapsed to an extent that General Ashfaq Pervez Kayani, Pakistan's Chief of Army Staff, in his policy speech on 14th August 2012, acknowledged it by declaring 'internal threat' bigger than that of the 'external threat.' (Inter-Services Public Relations (ISPR) Press Release, 14 August 2012).

Although General Kayani's remarks reveal the gravity of the threat, the counterterrorism strategy, which Pakistan has adopted since its joining of the US-led "war on terror" in the wake of the 9/11 incident, has proved ineffective and counter-productive to dismantle the terrorist network of militant groups, despite launching several military operations in the Federally Administered Tribal Areas (FATA) and Provincially Administered Tribal Areas (PATA)[3], signing of peace agreements with the militants, and introduction of various anti-terrorism laws. All these measures have remained half-hearted and inconsistent to yield significant outcomes.

The lackluster track record of Pakistan's counterterrorism strategy is rampant with intrinsic ambivalence, wedged between a commitment to combat the Taliban militants and at the same time collaborating with other groups to deal with the external threat from India and at times Afghanistan. This policy is emanated from Military-defined national security doctrine of Pakistan, which is subjected to the country's multiple strategic requirements in the region, particularly in India and Afghanistan; the long-running civilian-Military discord, often resulted in Military's favor; and the lack of consensus in the Pakistani society on the ownership of the "war on terror", questioning the legitimacy to fight the Taliban militancy.

Locked into these three factors, the inefficient counterterrorism strategy of Pakistan, as a consequence, not only has severely disturbed its domestic security, but also equally affected the regional and international security. While Pakistan's counterterrorism strategy has so far remained incapable of eliminating the home-grown terrorist network, the success in implementing it largely depends upon a major shift in its national security policy. At best, the Military-defined India-centric security paradigm, which defines the country as a national security state, needs to be replaced with a civilian-dominated alternative path, which embarks upon making the country a strong democratic and welfare state, ending support for militant Jihadi groups, and promoting peaceful relations with neighbors by respecting their sovereignty. The need to craft an effective counterterrorism strategy in order to address the Taliban threat is far more necessary today than ever to save Pakistan from being a failed state.

Against this background, the paper critically examines Pakistan's current counterterrorism strategy, by arguing that unless Pakistan's Military reinterprets its security narrative vis-à-vis its neighbors, particularly eastern and western, and accepts the supremacy of civilian forces, an effective strategy to uproot home-grown terrorist network will not only remain a pipedream, but also detrimental to Pakistan's security as well as the regional and international security. This Working Paper is organized as follows: first, the paper gives a brief overview of militant Jihadi and sectarian groups operating in Pakistan in order to understand the country's militant landscape. It is then followed by an overview of Pakistan's counterterrorism strategy by discussing military and non-military options. The next section gives an assessment of the strategy by analyzing various factors for its ineffectiveness. It then analyzes implications of the feebleness of Pakistan's counterterrorism strategy for domestic, regional and

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

2. Sectarian violence is mainly carried out by extremist Sunni Deobandi groups against the Shiites, which are the largest minority sect, comprising 15 to 20 per cent of the total 180 population of Pakistan.

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

international security. The paper concludes with the need for formulating an effective and concrete counterterrorism strategy of Pakistan to ensure domestic, regional and international security.

The Domestic Militant Landscape of Pakistan

Pakistan has been an abode of numerous militant extremist and Jihadi groups, which have operated for decades. With "close operational links with the Afghan Taliban and Al-Qaeda as well as with each other" (Siddiqa, 2009: 64), these groups can be divided into four categories: first, the domestic sectarian groups, such as, the Sunni-Deobandi Sipah-e-Sahaba Pakistan (SSP) and Lashkar-e-Jhangavi, which have traditionally focused on targeting the Shiites. The second category comprises the Pakistani Taliban, which are represented by the Tehrik-e-Taliban Pakistan (TTP), an umbrella organization of as many as 40 militant groups, based in Pakistan's tribal areas. (*Daily Times*, 16 December 2007). Established by Baitullah Mehsud in South Waziristan in December 2007, and currently led by Maulvi Fazlullah, who was appointed its Amir after the killing of Hakimullah Mehsud in a US drone strike in North Waziristan on November 1, 2013, the TTP aims "to enforce Shariah and to unite against the NATO forces in Afghanistan and do defensive Jihad against the Pakistan army." (Ibid). The third set of militant groups consists of the anti-Indian militant Jihadi groups, which are commonly known as the 'Kashmiri groups', such as the Deobandi outfits of Jaish-e-Mohammad (JeM) and Harkat-ul-Mujahideen; the Ahl-e-Hadith groups such as Lashkar-e-Taiba (LeT); and Jama'at-e-Islami-linked organizations of Hizbul Mujahideen and Al-Badr. (Fair, 2009: 40). And the fourth group comprises the Afghan Taliban, mainly represented by the Haqqani network, led by an Afghan War veteran Jalaluddin Haqqani, based in North Waziristan; and the Quetta Shura of Mullah Omar.

Pakistan's Military denotes the first two categories as 'bad Taliban', because they perpetrate terrorism inside Pakistan against the military installations, security forces and the civilians. On the other hand, the last two categories are considered as strategic assets and termed as 'good Taliban', as they carry out Pakistan's geo-strategic interests in Afghanistan and India. Despite severe regional and international pressure, Pakistan has been reluctant to launch any military operation against these groups.

One of the important groups associated with Mehsud's TTP and has a long history of battling Pakistani State for the implementation of Shariah, is the Tehrik Nifaz Shariat-i-Mohammadi (TNSM).[4] Besides these home-grown militant groups, Pakistan is also the home of several foreign militants such as Arabs, Uzbeks, Chinese Uighurs, and Chechens. These militants came to Pakistan's FATA region during the Afghan war of 1979 and settled there. Presently, they are in alliance with the Pakistani Taliban and use the tribal areas as their sanctuaries.

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

Evolution of Pakistan's Counterterrorism Strategy

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

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4. It succeeded in getting Shariah implemented in Malakand District of North West Frontier Province, now Khyber Pakhtunkhwa (KPK), first in May 1994, and then in February 2009 under the Nizam-e-Adl Agreement.

In order to combat the menace of terrorism, Pakistan needed an effective counterterrorism strategy. Although it is difficult to define the concept of counterterrorism, which like terrorism is a very complex issue, as what Paul Wilkinson argues that "there is no universally accepted counterterrorism policy [because] every conflict involving terrorism has its own unique characteristics." (Wilkinson , 2006: 203). However, counterterrorism strategy can be viewed as "a set of measures that states apply in response to acts of terrorism." (Kelman, 2012: 12-13). The Oxford English Dictionary defines counterterrorism as, "political or military actions or measures intended to combat, prevent, or deter terrorism, sometimes (in early use) with the implication that the methods utilized resemble those of the terrorists." (*Ibid*).

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

Military Options

Since 9/11, Pakistan's security forces have conducted a number of small and large military operations against the militant groups in the tribal areas.[5] These security operations can be divided into two phases: Pre- and post-May 2009. The pre-May 2009 security operations were intermittent and simultaneously followed by peace agreements, though did not last long, with militants. However, it was after the deepening of law and order situation in Swat and the adjacent settled

5. According to the official source of Pakistan Army, until 2012, the Military has conducted 251 major and 735 minor operations in the "war on terror." See 'the Summary of war on terror in 2012', available at: http://www.pakistanarmy.gov.pk/ (accessed: 12 July 2013).

areas of Buner that the Military decided to take on militants by launching major security operations in Swat in May 2009, and then moved into South Waziristan in October 2009.

Although the US-led Operation Enduring Freedom in Afghanistan required Pakistan to stop the infiltration of militants into its tribal areas, its security forces conducted the first major military operation, called Al-Mizan (Justice), in South Waziristan against Al-Qaeda and the Taliban militants in June 2002. With an objective of clearing the area of militants, particularly foreign militants that threatened Pakistan government, it deployed around 70,000 to 80,000 forces in the FATA, to conduct operations. (Jones & Fair, 2010: 46). Failing to drive foreign militants out of the area amid strong resistance from tribesmen, particularly Ahmedzai Wazirs, the government in December 2003 announced an amnesty for foreigners. (International Crisis Group, "Pakistan's Tribal Areas: Appeasing the Militants", December 2006: 14).

However, the security situation in South Waziristan deteriorated when in January 2004 militants attacked on Army camp in Wana. Pakistan's security forces launched a major 'search-and-destroy' operation, known as Operation Kalosha, in March 2004 with the same objective of clearing the area of the foreign militants. (Ibid). The 13-day operation could not dislocate the foreign militants, contrary to the claim made by the Army. (*Daily Times*, 27 March 2004). However, the killing of eight soldiers, who had been missing since their convoy was ambushed on the main Tank-Wana Highway on 22 March 2004, on the same day indicated that the operation had backfired.

As the security situation in South Waziristan continued to worsen with the rising of the Military's casualties, then Pervez Musharraf's regime abandoned the military operations and opted for an appeasement policy by signing peace deals with the local militants. One of such deals was the Shakai Agreement, which was signed between the Military and militant commander Nek Mohammad on 24 April 2004. The deal offered the local militants a general amnesty and monetary incentives in return for their pledge of good behavior and loyalty to the Pakistani state by renouncing militancy. The militants were also asked to handover or register foreign militants with the authorities and ensure that they would not use Pakistani territory for cross-border attacks. (*Daily Times*,

25 April 2004). However, with the killing of Nek Mohammad in a US drone strike in June 2004, the agreement collapsed. (*Daily Times*, 19 June 2004).

Another peace deal which the Military signed with the local militants, then led by Baitullah Mehsud, who succeeded Nek Mohammad, was Sararogha Agreement in February 2005. Under the Six-point Agreement, Baitullah and his associates were given amnesty by the government, and in return they not only pledged loyalty to the Pakistani state, but also agreed to call off attacks on Pakistan's security forces. Moreover, the government also agreed to remove troops from Mehsud-controlled areas and compensate militants for homes razed or damaged during military operations. (International Crisis Group, "Pakistan's Tribal Areas": 17). Ironically, militants were not required to surrender foreign militants and lay down their arms. However, the peace deal remained short-lived, and finally ended in early August 2007 because of three reasons: first, the abduction of 200 Pakistani security forces in South Waziristan in August 2007 by Baitullah group had risen tension between the group and the Military. (*The News International*, 1 September 2007); two, the Military's covert support to the Taliban commander, Maulvi Nazir, in an attempt to evacuate foreign militants, particularly Uzbeks, from South Waziristan further deteriorated trust between it and Baitullah group (Jones & Fair: 57); and last, the Red Mosque operation, known as 'Operation Silence', in Islamabad in July 2007, in which hundreds of militants were killed and injured, also enraged the Taliban militants, who not only started "a relentless suicide bombing campaign in cooperation with allied Pashtun and Punjabi militants" (Ibid), but also decided to join hands together to ensure their survival. As a result, they formed the TTP in December 2007 under the leadership of Baitullah Mehsud.

The security situation further declined when in January 2008 militants took control of Sararogha Fort in South Waziristan and killed seven Pakistani security forces, as claimed by the Military. (*Daily Times*, 18 January 2008). Consequently, the Army launched a full-fledged security operation, 'Zalzala' (Earthquake), against Baitullah's hideouts in South Waziristan. By May 2008, the Army cleared most of the area and began to withdraw after claiming the victory. (Jones & Fair: 60).

After a limited success in South Waziristan operation, the Military then moved into Khyber Agency, and launched an operation, code named Sirat-e-Mustaqeem (Right Path), in June 2008. The Agency not only had emerged as a center of sectarian conflict between Barelvi Ansar-ul-Islam and Deobandi Lashkar-e-Islami, but also a major hub of the Taliban militancy.[6] However, the operation could not dislodge militants; rather the Military brokered a deal between the two rival groups in July 2008, which collapsed within a year. In the meantime the Hakimullah-led TTP also made its inroads into the Agency, particularly after the killing of Haji Namdar in August 2008 in a US drone strike. (*IRIN News*, 30 May 2011).

In September 2008, security forces entered Bajaur and launched an operation, known as 'Operation Sher Dil' (Lion Heart), against the militant networks led by Faqir Mohammad and Zia-ur-Rehman, both of whom were believed to have links with Al-Qaeda. (Rahmanullah, April 2010: 4). Although security forces succeeded in clearing several villages of militants, the militancy could not be completely wiped out. (Jones & Fair: 65). Therefore, after the Operation, the Military signed a covert peace deal with Faqir Mohammad, who pledged not to target the Military and civilians in exchange of not being implicated by the security forces. (*Dawn*, 25 February 2009).

After Bajaur, the Army then turned to Mohmand Agency for additional security operations. Mohmand witnessed violence when militants took over a mosque in Lakaro in July 2007. In order to isolate militants, the Military signed various peace deals with the tribal elders, who pledged to deny safe havens to the local militants and foreign fighters in the Agency. (International Crisis Group, "Pakistan: Countering Militancy in PATA": 6). However, the peace deals collapsed within a year when militants fleeing the military operations in Bajaur were given sanctuary

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

in Mohmand, and as a result, the security forces resumed their operations in the Agency and cleared the area, they claimed, by March 2009. (Ibid).

Another region where the Military launched security operations was the Swat Valley of Malakand Division in the PATA. A beautiful tourist spot, Swat became a hub of military and political power of Sufi Mohammad and Maulvi Fazlullah, who had adopted a violent path to implement Islamic Shariah. In order to dislodge the Swat Taliban, the Military launched a series of security operations, 'Rah-e-Haq' (True Path) from 2007 to 2009.[7] However, amid continued attacks on security forces, the Military not only had to withdraw from the area, but also agree to militants' demand of implementing the Shariah in Malakand Division, by signing the controversial Nizam-e-Adl Agreement with the defunct TNSM in February 2009. The Agreement in effect ceded control over the territory to the TNSM by imposing Shariah through Qazi courts. (Ibid: 1).

A Shift in Direction

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

Three important factors contributed to the Military's change of mind. First, huge political support played a major role in convincing the Military to conduct the security operation in Swat. The All Parties Conference (APC), which was convened by the then ruling Pakistan Peoples Party (PPP) on 18 May 2009, passed a unanimous resolution for the military operation in Swat. (*The News International*, 19 May 2009). Second, the TNSM militants' advancement into Swat's neighboring district of Buner also perturbed the Military.[8] Seizing control of the district for three weeks before retreating back into Swat, the militants established a Shariah-based government.

Moreover, Sufi Mohammad's 19th April speech in which he not only challenged the Constitution of Pakistan, but also renounced democracy by calling it an infidel system incompatible with Islam, had compelled the Military to sternly deal with militants. Last, the TNSM's violation of Nizam-e-Adl agreement by refusing to lay down weapons and its continuous attacks on security forces in areas under its control provided enough justification to the Military for commencing an all-out security operation against them.[9] By using an intensified air and ground offensive, (Jones & Fair: 67), the Army had been able to vacate the area from the militants by June 2009 and establish the writ of the state. The TTP-Swat leader Fazlullah fled to Afghanistan's Nuristan province. (International Crisis Group, "Drones: Myth and Reality in Pakistan", May 2013: ii).

The relatively successful military operation in Swat also encouraged the Military to conduct a decisive operation in South Waziristan and other tribal agencies of the FATA. The security forces launched 'Operation Rah-e-Nijat' (Path of Salvation) against the Hakimullah-led TTP faction and foreign terrorists in South Waziristan in mid-October 2009, by deputing two divisions of Army, and using fighter-jets and gunship helicopters to target the militants' hideouts. (Jones & Fair: 67). After fierce fighting with militants and bearing heavy casualties, the Military took control of the area by June 2013, and drove the TTP faction out from South Waziristan to North Waziristan. However, the gruesome security situation has still bound the security forces to continue their stay in the Agency, as reiterated by General Kayani during his visit to South Waziristan on 20 June 2013. (*The News International*, 21 June 2013).

In addition, the Military launched the 'Operation Koh-e-Sufaid' (White Mountain) in Kurram Agency on 4 July 2011 against the Taliban militants, who had occupied the Thall-Parachinar road, the main artery that connects the Agency to Peshawar, in order to besiege the local Shiite population of Kurram.[10] With the employment

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

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

9. According to the ISPR, between the period from the signing of the peace deal and the launching of the military operation in May 2009, more than 30 security personnel were killed in four suicide attacks and seven ambush acts on Military convoys. See ISPR Press Release No PR124/2009-ISPR, dated: 8 May 2009. Available at: http://www.ispr.gov.pk/front/main.asp?o=t-press_release&id=630 (accessed: 13 June 2013).

10. Home of a significant number of Shiite population, the

of 4,000 troops, heavy artillery and air power, the operation culminated in June 2013, and the Military regained the control of the area as claimed by it. (*The News International*, 2 July 2013). Moreover, by June, the Military also succeeded in taking over the Khyber Agency by clearing the Maidan area of Tirah Valley, a stronghold of the TTP militants, after launching a full-blown security operation against the TTP in April 2013. (*Daily Times*, 21 June 2013).

Besides military operations in the tribal areas, Pakistan's intelligence agencies with the help of Rangers and Police also carried out various swift manhunt operations in major cities of Pakistan to apprehend the leadership of Al-Qaeda and the Taliban, although their top leadership has never been captured.[11] The security forces only succeeded in arresting the second and third-tier leadership of Al-Qaeda and the Taliban.[12]

Till the writing of this Working Paper, the Military, it claimed, has succeeded in taking control of Swat, South Waziristan, Kurram, Khyber, Mohmand, Orakzai and Bajaur. However, despite full-scale vigorous military operations in the tribal areas, the militant network has not been completely eliminated. Not only are the pitched battles between militants and security forces in

the tribal areas still going on, but major cities of the country continuously witnessing the scourge of terrorism.[13] The Military has yet to launch a decisive large-scale security operation in North Waziristan, where the main leadership of the TTP has been centered, and using the territory for terrorist activities in Pakistan as well as inside Afghanistan.

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

Non-Military Options

Since the 9/11 incident, Pakistan has promulgated several amendments in the already existing legal frameworks, dealing with terrorism, such as the Anti-Terrorism Act (ATA) of 1997,[14] as well as introduced new legislations to make the anti-Terrorism regime more stringent. In January 2002, the government promulgated the 'Anti-Terrorism (Amendment) Ordinance 2002', which called for targeting the entire terrorist network with severe punishment, including death penalty, to the people involved in aiding and abetting terrorism. The Ordinance included the Military personnel, not below the rank of Lieutenant Colonel, as one of the three Anti-Terrorist Court (ATC) members of the bench to ensure speedy trials. (*Dawn*, 1 February 2002). In November 2002, another amendment was made in the Ordinance 2002, which authorized the police to hold a suspect for up to 12 months without filing any criminal charges. (Anti-Terrorism (Amendment) Ordinance 2002', 16 November 2002). The accused could only be released on presenting one or more sureties to prove his innocence; otherwise to be presented before the court within twenty-four hours. Another amendment to the ATA 1997 in November 2004 gave right of the appeal to the

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Agency witnessed a severe level of sectarian violence in 2007 when the Sunni-Taliban militants entered the area and backed the Sunni tribesmen against the Shiites. The situation further worsened when the TTP militants, fleeing Pakistan's security forces operation in Swat and South Waziristan in 2009, joined hands with their associates in Kurram and also in the neighboring Orakzai Agency.

11. Osama bin Laden was killed in a covert military action by the American Seals in Pakistan's garrison city of Abbottabad on 2 May 2011. On the other hand, Ayman Al-Zawahiri, Al-Qaeda's current command, and Mullah Omar, the Supreme leader of the Taliban, are still at large.

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

13. On 15 September 2013, two senior Military officers, Major General Sanaullah, the Commanding Officer of the Malakand Division, and Lt. Colonel Tauseef Ahmed, were killed in Upper Dir, KPK. [*Dawn*, 16 September 2013]. On 22 September 2013, in a twin suicide attacks on a church in Peshawar more than 70 people were killed. [Dawn, 23 September 2013].

14. The ATA of 1997 was promulgated in the wake of the severe sectarian terrorism in the country during 1990s. Under the Act, Anti-Terrorism Courts (ATCs) were created to ensure speedy trials within seven days. [Kennedy, 2004: 391-392].

victims or the legal heirs of the victim against the judgment of the ATC in the High Court within 30 days of the ATC decision. (Anti-terrorism (Amendment) Act, 2004, Gazette of Pakistan, Extraordinary, Part I, 30th November, 2004). Moreover, Anti-Terrorism (Second Amendment) Act 2004, promulgated in January 2005, incorporated further modifications in the ATA 1997. According to it, the word '14-years' was replaced by 'imprisonment for life' as far as the maximum jail term for the militants was concerned. In order to hear the appeals of the victims or heirs of the victim, the Act also called for establishing of 'Special Benches' of High Courts, consisted of not less than two judges. The Act also enhanced the powers of the ATCs for trying offences related to the abduction or kidnapping for ransom as well as use of fire-arms or explosives by any device, including bomb blast, in a place of worship or court premises. (Anti-terrorism (Second Amendment) Act, 2004, Gazette of Pakistan, Extraordinary, Part II, 11 January, 2005).

The military operations in Swat and South Waziristan in May and October 2009 respectively, compelled the government to re-examine the ATC infrastructure. The operations caused a severe backlash from the Pakistani Taliban, who carried out attacks on Armed forces, civil armed forces and law enforcement agencies. The extraordinary security situation demanded more stringent laws to ensure severe punishment for the terrorists in order to deter terrorism. This required further amendments in the ATA 1997. On 1 October 2009, the government issued Anti-Terrorism (Amendment) Ordinance, which permitted the extra-judicial confession before the responsible investigative security personnel in the ATCs. Moreover, the remand period was extended from 30 to 90 days, and the burden of proof had been shifted to the accused. (*The News International*, 6 November 2009). The government, through a special presidential order, also extended the Ordinance to the PATA, and established new ATCs in Peshawar and the Malakand region. (Yusuf, 2010: 23).

In the wake of the worsening security situation, the government, in June 2011, promulgated the Regulations Action in Aid of Civil Powers – 2011 for FATA and PATA, which not only authorized the armed forces to imprison a suspect till the continuation of action in aid of the civil power, but also provided that a statement or deposition by any member of the armed forces, or any officer authorized on his behalf, would be sufficient for convicting an accused. Moreover, the regulations also gave "a set of offences, punishable with death penalty or imprisonment for life or up to 10 years along with fine and forfeiture of property." (*Dawn*, 12 July 2011). Under section 14, an oversight board comprising two civilians and two military officers was established to review cases of each person interned within a period of time not exceeding four months, from the issuance of the order of internment. The laws also allowed the authority to set up notified internment centers, which were established near the Pak-Afghan border at Landi Kotal to detain persons accused of terrorism. (*Dawn*, 26 March 2013).

On 20 December 2012, Pakistan's National Assembly passed the "Investigation for Fair Trial Bill, 2012", which authorized the government to intercept private communications of an individual, who is likely to or suspected of engaging in preparations to conduct an act of crime or terror. (*The Business Recorder*, 21 December 2012). In March 2013, the Parliament passed the Anti-Terrorism (Amendment) Bill 2013, which empowered the government to seize property of any person involve in financing terrorism. (Dawn, 5 March 2013). It also extended the definition of terrorism through an amendment in Section 6, ATA of 1997, according to which the threat of terrorism would now include, "intimidating and terrorizing the public, social sectors, business community and preparing or attacking the civilians, media persons, government officials, installations, security forces or law enforcement agencies." (*Pakistan Today*, 14 March 2013). The Amendment also authorizes the government to detain the suspect for three months without any challenge in a court. It also prohibits the issuance of passport, arms licenses and credit cards to the activists of banned outfits as well as bars the leaders of the outlawed groups from travelling abroad. (*The News International*, 13 March 2013).

Moreover, in March 2013, the Parliament passed a bill for the formation of a new independent body, National Counter-Terrorism Authority (NACTA), with functions 'to receive and collate data/information/intelligence, and disseminate and coordinate between all relevant stakeholders to formulate threat assessments; to formulate comprehensive counterterrorism and counter-extremism strategies; and to establish links with

the international entities for facilitating cooperation in areas related to terrorism and extremism.' (National Counter-Terrorism Authority Act 2013). Headed by the Prime Minister, the Authority would comprise: Chief Ministers of all the provinces including Gilgit-Baltistan, the Prime Minister of Azad Jammu and Kashmir, the Minister for Law and Justice, one senator to be recommended by the Chairman of the Senate, one Member of National Assembly to be recommended by the Speaker of the National Assembly, the Secretary Ministry of Interior, the Director General Inter Services Intelligence (ISI), the Director General Intelligence Bureau (IB), the Director General Military Intelligence (MI), the National Co-coordinator, the Director General Federal Investigation Agency (FIA) and the Inspector Generals of Police of all provinces, AJK and Gilgit-Baltistan. (*The Business Recorder*, 21 December 2012).

On 20 October, 2013, President Mamnoon Hussain promulgated Pakistan Protection Ordinance (PPO), which authorizes the law enforcement forces to shoot-on-sight a terror suspect, to search any premises and make non-bailable arrest, without any warrant, a person who has committed or is likely to commit a scheduled offence,[15] which is punishable with imprisonment for up to ten years. The Ordinance also empowers the law enforcement agencies to keep the suspect under preventive detention for up to three months without presenting him before the court for trial. The PPO also authorizes the government to establish a new force of prosecutors and parallel judiciary in order to expedite the trial of terrorists. The PPO designates a person an 'enemy alien' if his identity is not ascertained and is involved

in waging of war or insurrection against Pakistan depredation on its territory. Under the PPO, the government is authorized, on the request of the prosecuting agency, to determine the place of custody, inquiry, investigation and trial of a scheduled offence anywhere in the country. An accused facing the charge of a scheduled offence would have the obligation to prove his innocence. An appeal against the final judgment of a special court shall lie to the Supreme Court. (Protection of Pakistan Ordinance 2013, Gazette of Pakistan, Extraordinary, Part-I, 31 October 2013). The Ordinance has yet to be passed by the National Assembly to become a law.

As far as banning terrorist groups is concerned, since 9/11 Pakistan has outlawed 45 militant organizations in different phases. To begin with, the Musharraf regime banned JeM, LeT, SSP, Tehrik-e-Ja'afaria Pakistan (TJP), TNSM and Tehrik-e-Islami on 14 January 2002 in the wake of the regional and international pressure after the terrorist attack on the Indian Parliament in December 2001. Al-Qaeda was outlawed on 17 March 2003, followed by Millat-i-Islamia Pakistan (former SSP), Khuddam-ul-Islam (former JeM) and Islami Tehrik-e-Pakistan (former TJP) on 15 November 2003. In 2008, the government banned Lashkar-e-Islami, Ansar-ul-Islam, Haji Namdar Group and TTP. In 2012, the government banned Ahl-e-Sunnat Wal Jama'at (former SSP). (*Dawn* 10 December 2012). Interestingly, the government has not yet proscribed Jama'at-ud-Dawa (JuD – former LeT), despite its alleged involvement in Mumbai incident in 2008. The JuD has portrayed itself as a welfare organization by establishing model schools madrassahs, health centers and hospitals.

Although the anti-terrorism legislation in Pakistan (since 1997) is a "bold departure from the normal legal system", (Kennedy: 390), it has proved insignificant to prevent terrorism. Not only has it failed to undertake speedy trials of the suspect terrorists, but also remained less successful to ensure the enforcement of the ban on the militant groups, which have resurfaced with new names, exposing the weakness of the state to establish its writ.

The following section assesses Pakistan's counterterrorism strategy by analyzing various factors which have impeded its effectual functioning:

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

An Assessment of Pakistan's Counterterrorism Strategy

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

First, Pakistan's counterterrorism strategy is preoccupied with its strategic interests in the region, particularly in India and Afghanistan. In the case of India, Pakistan's strategic interests rest mainly in Kashmir,[16] which the latter considers an 'unfinished agenda' of the Partition Plan of June 1947. Pakistan's failure to achieve Kashmir's independence from India through wars and bilateral negotiations compelled it to adopt the policy of engaging the latter in a low intensity conflict by using militant Jihadi groups as its proxies. It is true that Pakistan has dealt with the domestic sectarian terrorist groups heavy-handedly "through arrests, targeted assassinations, and aggravated intergroup massacres" (Tellis, 2009: 9), several members and leaders of these outlawed Deobandi sectarian outfits have escaped the wrath of the state as they also enjoy the overlapping membership of "Pakistan-friendly" militant Jihadi groups, which are fighting in the Indian-held Kashmir and are considered as 'strategic assets' by the Military. They also use the same training camps, resources and to a large extent same ideological inspiration. (Amir Mir, "Sectarian Monster", *South Asia Intelligence Review*, June 2005). According to one source, quoted by Ayesha Siddiqa, "terrorism in this region and country does not depend on an organization but on a network of resources. Any incident depends on which particular network is available at a given time. Omar Saeed Sheikh had used the Lashkar-e-Jhangavi's network, available at that time, to deliver the Wall

Street Journal reporter Daniel Pearl to the final assassins from Al-Qaeda." (Siddiqa: 67). These multiple linkages have made the government's task difficult to identify the enemy.

As far as Afghanistan is concerned, Pakistan embarks upon the policy of establishing a pliable government in Kabul, which would fulfill twin tasks of its security policy. First, such a government may not raise the issues of Durand Line[17] and Pakhtunistan,[18] thus, help secure its western borders. Second, such a government would also deter the growing Indian influence in Afghanistan, which is a major concern of Pakistan. Pakistan's vulnerabilities enhanced when India signed 'Strategic Partnership Pact' with Afghanistan in October 2011.[19] Moreover, Pakistan also blames the Indian consulates in Afghanistan for aiding Baluch insurgency, thus, threatening the very integrity of Pakistan. (*Dawn*, 24 February 2012). Pakistan's security agencies view that the growing Indian "influence can only be neutralized by building links with elements that encounter India-friendly Kabul." (Siddiqa: 69). In order to achieve these goals, Pakistan has been yearning on the policy of supporting friendly groups, which would ensure its strategic interests in the future Afghan political set up, particularly after the scheduled withdrawal of American and NATO forces by 2014. For this purpose, the Military has avoided targeting the Afghan Taliban, particularly the Haqqani Network, during the security operations in the FATA region, despite intense American pressure.

Second, the skewed civil-military relations in Pakistan have also undermined the efficacy of Pakistan's counterterrorism strategy. It must be noted that Pakistan's political history is rife with a continuous tussle for supremacy between the Military and the civilian forces, where most of the time, not always, the balance of power has remained in favor of the former. Therefore, it is the

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16. Water is also the most pressing threat between India and Pakistan as reiterated by General Kayani during his interaction with media persons in February 2010. According to him, "A reality will not change in any significant way until the Kashmir issue and water disputes are resolved." [Quoted in Cyril Almeida, "Kayani spells out threat posed by Indian doctrine", Dawn, 4 February 2010].

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

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

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

Military which defines Pakistan's national security policy, and whenever the civilian forces have tried to act independently, the former has pushed the latter back very hardly. This resulted in the civil-military standoff, as could be seen in cases of the Kerry-Lugar Bill in October 2009,[20] the memo-gate scandal in 2012,[21] and until recently the formation of NACTA.[22]

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

Moreover, both the Military and civilians are also at loggerheads on extending security operation to North Waziristan. While the Military relates it to seeking support of the civilian forces (*The*

News International, 11 August 2011), which, on the other hand, link it with first building national consensus.[23] In reality, the civilian forces are indecisive and reluctant to bear the responsibility of the blame if a severe backlash comes out from the militant forces.

Furthermore, on the issue of talks with the Pakistani Taliban, both the Military and civilian forces have also contradictory views; whereas the former vehemently rejects any 'unconditional' talks with the Pakistani Taliban on the grounds that they are involved in terrorist activities against the Pakistani state's institutions and its people; the latter oppose any kind of precondition to commence negotiations with the militants.[24] Although a recently held Pakistan Muslim League-Nawaz Group (PML-N) sponsored APC on 9 September 2013, attended by all the major political and religious parties, offered 'unconditional' peace talks to the Pakistani Taliban (*Daily Times*, 10 September 2013), the Military gave a very careful response. Giving an impression that both the civilian and Military leadership were on the same page on the issue of national security (*Daily Times*, 10 September 2013), it is ascertained that the gulf in civil-military relations is too deep to be bridged instantly through any consensus between the two institutions. General Kayani's statement after the killing of two military officers in September 2013 in Upper Dir clearly shows the widened civil-Military divide. General Kayani said, "While reaffirming army's support to the political process, unequivocally, the terrorists will not be allowed to take advantage of it. Army has the ability and the will to take the fight to the terrorists." (*Daily Times*, 17 September 2013).

Last, various Pakistani governments since the 9/11 incident have also failed to develop a consensual narrative in the society on the ownership of the US-led "war on terror." The Military denotes the "war on terror" as nation's war and calls for public support to win it, as is evidenced from General Kayani's 14th August 2012 speech. On the other hand, the major political parties, such

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20. The Bill was a US' non-military aid package of $ 1.5 billion annually for five years to Pakistan. Pakistan's civilian leadership supported the Bill, while the military opposed it because of stringent conditions attached to it.

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

22. Promulgated in 2009, the NACTA Ordinance was subjected to the controversy between the civilian and Military leadership. The then Interior Minister, Rehman Malik, wanted to bring the Authority under his control, while the military leadership was reluctant to serve under civilians.

23. Speaking at the South Asia Free Media Association forum in October 2012, then president Asif Ali Zardari ruled out the possibility of launching any military operation in North Waziristan until a consensus was reached. [*The Express Tribune*, 21 October 2012].

24. The 157th Corps Commander meeting, held on 14th February 2013, the Military rejected any unconditional talks with the TTP. [Amir Mir, "Talks with TTP means talks with LJ, say Khakis", *The News International* 3 March 2013].

as the incumbent PML-N,[25] Pakistan Tehrik-e-Insaaf (PTI)[26] and JI[27], which are ruling in KPK, as well as the JUI-F,[28] have clearly stated that the "war on terror" is not Pakistan's war and that that it is an American war. In the absence of the popular support, the Military's resolve to fight the internal threat not only has questioned its determination, but also hampered effectiveness of Pakistan's counterterrorism strategy, which, in turn, has surely affected its domestic, regional and international security.

Security Implications

Since the strategies employed by Pakistan in the "war on terror" to rein in terrorism have proved less successful and counter-productive, the severe security implications could be seen not only at the domestic level, but also at the regional and international level as Pakistan-based network of militant groups have regional and global reach as well.

Domestic Level

Pakistan has suffered immensely due to its ineffective counterterrorism strategy. The very first manifestation at the domestic level could be seen in the form of frequent terrorist incidents, including suicide attacks and sectarian violence that have caused thousands of deaths of both the security personnel and civilians. The available figures reveal a very daunting picture. According to a report submitted by the ISI in the Supreme Court in March 2013, since Pakistan's joining of the US-led "war on terror" in 2001, 49,000 Pakistanis have lost their lives in different terrorist attacks inside the country. (*The Express Tribune*, 27 March 2013). The report says that in terms of

causalities, the last five years (2008-March 2013) have been costlier than the period from 2001 to 2008. Around 25,000 people have killed in the last five years, as compared to 24,000 from 2001-2008. The report further says that as many as 5,152 civilians have been killed and 5,678 injured in 4,256 bomb blasts and 235 suicide attacks since 2008. (Ibid). A surge in the suicide attacks could be observed after the Red Mosque incident in Islamabad in July 2007. Although in 2012 the suicide bombings have dropped by 27 per cent as compared to 2011, the sectarian violence has spiked by 53 per cent. (Pakistan Institute for Peace Studies Report 2012).

Another domestic implication is that in spite of full-fledged intensive military operations in the tribal areas, not only the senior TTP leadership, including Fazlullah, has survived and managed to escape, but also the TTP network has expanded to the major cities of Pakistan, including Karachi, where it has made an alliance with the sectarian Deobandi outfits and in conjunction has unleashed major terrorist attacks in Pakistan.[29] This spreading of the TTP also helps it to escape from the military operations, as well as the US drone attacks.

Besides the TTP, the Al-Qaeda network has also not been completely eliminated. According to Zahid Hussain, despite American claims that the Al-Qaeda network has been crippled after the killing of hardcore leadership, the reality is that a new Al-Qaeda has emerged in Pakistan which is largely consisting of local militants and Islamic militants from other countries. The network, Hussain views, has grown in strength due to its alliances with the Pakistani Taliban and other outlawed Sunni sectarian outfits. (Zahid Hussain, "Al-Qaeda battleground", *Dawn*, 12 June 2012). The most frightening scenario for Pakistan is that these groups ardently reject its Constitution and political system, and call it anti-Islam. They want to replace it with their own version of Islamic Shariah with the justification of the use of force.

Regional Level

At the regional level, Pakistan's ineffective counterterrorism strategy not only has jeopardized

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

26. According to Imran Khan, PTI Chief, "We made a big mistake by sending troops to the tribal areas. We must abandon this war and convince our people that this is not our war." [*The Nation*, 9 September 2013].

27. In an interview to Radio Pakistan in April 2013, the JI Amir, Syed Munawar Hassan, said, "The JI from the very first day opposed the alliance in war on terror, saying that it not our war." [*Radio Pakistan*, 21 April 2013].

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

29. According to an ISI-Military Intelligence (MI) joint report, submitted to the Supreme Court on 25 March 2013, "The TTP has merged itself with the sectarian outfits." [*Dawn*, 26 March 2013].

the security of its neighboring countries – India, Afghanistan, China and Iran, but also its bilateral relations with them. In case of India, Pakistan's continued covert support, even after the 9/11 incident, to the Kashmiri groups, particularly the LeT and JeM, and kept them out of the ambit of its counterterrorism strategy irked New Delhi, which has been accusing Islamabad of its backing to the militant groups in orchestrating the cross-border terrorism. As a consequence, the relations between the two nuclear neighbors since 9/11 have rarely remained normalized. Although both countries witnessed a brief period of normalization of relations during the Composite Dialogue process (2004-2008), the Mumbai incident put the peace process to a standstill. The massacre, which continued for about three days, caused more than 160 deaths, both Indians and foreigners. Nine of ten militants had also been killed.

The Indian government attributed the attack to the LeT for perpetrating the terrorist activity, and demanded Pakistan to handover the LeT Amir Hafiz Saeed, for masterminding the attack. Although Government of Pakistan detained Saeed under the Maintenance of Public Order (MPO) Law, no criminal charges were brought against him. (Ilyas Khan, "Hafiz Saeed: A Profile", *BBC News*, 2 June 2009). The Lahore High Court released Mr. Saeed in June 2009, mentioning lack of evidence against him. (*The News International*, 3 June 2009). Since then, Saeed has been freely moving in the country, addressing various gatherings by showing his active presence particularly at the platform of Difaa-e-Pakistan Council (Defence of Pakistan Council – DPC).[30]

A ray of hope for establishing peace between India and Pakistan had been seen when the Indian Prime Minister, Manmohan Singh and then Pakistan's Prime Minister, Yousuf Raza Gilani, agreed to resume talks, during their meeting in Thimphu, Bhutan, at the 16th SAARC Summit conference in April 2010. However, the recent tense situation at the Line of Control (LoC) has shattered hopes of resumption of peace talks, following Indian accusations that the Pakistan army killed five Indian soldiers in an ambush on an army post in Poonch area of Jammu and Kashmir

on 6 August 2013. (*Daily Times*, 7 August 2013). Although Pakistan vehemently rejected Indian allegations, the JI-affiliated Hizbul Mujahideen took the responsibility of the attack. (*The Hindustan Times*, 24 August 2013).

Similarly, frequent terrorist attacks in Afghanistan have also raised several questions on the efficacy of Pakistan's counterterrorism strategy. Many a times, the Karzai government has accused Pakistan of failing to dismantle Taliban militants' sanctuaries in the tribal areas, and as a result their incursion into Afghanistan. Despite international pressure, particularly of the US, Pakistan has been reluctant to launch crackdown or a full-scale military operation against militants, particularly those Taliban groups, which have signed peace deal with it and pledged not to conduct their militancy in the country. Pakistan is even least concerned as long as the Mehsud-led TTP carries out its terrorist activities in Afghanistan. Pakistan's dubious approach vis-à-vis the militant groups has further jeopardized the security of Afghanistan, where the Taliban insurgency has still not been controlled despite the heavy presence of western troops since 2001.

Two other neighboring countries of Pakistan – Iran and China – have also been suffering from terrorism, perpetrated by terrorist groups that have links with Pakistan's militant groups. It must be noted that like in India and Afghanistan, Pakistan does not have similar strategic interests in Iran and China. However, Pakistan's dreary counterterrorism strategy has equally disturbed the internal security of these two countries. As far as Iran is concerned, it has become the victim of terrorist activities of Pakistan-based Jundullah group (not to be confused with Jundallah, a pan-Pakistan offshoot of Baitullah Mehsud's TTP). Linked with the Al-Qaeda and the TTP, Jundullah, is an Iranian Baluch dissident group, which was established in 2003.[31] Based in Pakistan's Baluchistan province, Jundullah advocates the rights of the Iranian Sunni Muslims.

The Pakistan-Iran relations reached to the lowest ebb in 2009 when a series of suicide attacks took place Iranian cities of Zahedan and Sarbaz in May and October 2009 respectively. The

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30. An alliance of 40 right-wing political parties, the DPC established in October 2011 with three important objectives: opposition to re-opening of NATO supply route to Afghanistan; opposition to US drone strikes; and opposition to grant the Most Favored Nation (MFN) status to India.

31. For Jundallah's links with Al-Qaeda and TTP see: Raja Karthikeya, "Jundullah a wedge between Iran, Pakistan", *Asia Times*, 7 August 2009. Available at: http://www.atimes.com/atimes/South_Asia/KH07Df04.html (accessed: 29 March 2013).

Iranian government closed the Iran-Pakistan border, though for a brief period. Iran remained furious until it captured the group's head, Abdolmalek Rigi, in February 2010, on an intelligence tip off of Pakistan's spy agency when he was on flight from Dubai to Kyrgyzstan. (*Daily Times*, 19 February 2012). Rigi was hanged in June 2010. (*BBC News*, 20 June 2010). Despite the loss of leader, and the crackdown on the group by Pakistan's security forces, the Jundullah group is still active in perpetrating terrorist activities in Iran.[32]

Two other issues, which are closely associated with Iran's interests in the region and also affecting its relations with Pakistan, are the continuous killing of Shiite population in Pakistan by the Sunni extremist groups; and Pakistan's Afghan policy of supporting a Pashtun Sunni dominated friendly government in Kabul. Iran has long been demanding Pakistan to provide security to the Shiite population, which has been constantly targeted by the Sunni extremist groups, whose leadership openly incites the Sunni Muslims to kill the Shiites as per their religious duty.[33] Moreover, Iran has been very much worried of Pakistan's Afghan policy, which extends an active support to Sunni militant groups to play a dominant role in the future Afghan political set up. Iran is extremely opposed to the coming of pro-Pakistan Taliban-like government, which would persecute Afghan Shiites. Hence, Iranian security and strategic interests in the region are mainly depended upon how seriously Pakistan set out its counterterrorism strategy, which aims to take on all the militant Jihadi and sectarian groups indiscriminately.

In the case of China, a direct implication of Pakistan's ineffective counterterrorism strategy on Chinese security is the rising Uighur militancy in its Muslim majority province of Xinjiang, which borders Pakistan. China believes that the East Turkestan Islamic Movement (ETIM)[34] has its links with Pakistan-based militant groups, which provide military training to the ETIM cadre, who then carry out terrorist activities in China. Therefore, China requires Pakistan to exterminate the Uighur camps in the FATA region.

Although Islamabad shares Beijing's concerns, and obliges the Chinese intelligence by capturing and extraditing to China many Uighur militants in the past ten years or so, the relations between the two countries had been shaken, when China, in its first-ever public condemnation in the wake of the Kashgar violence in July 2011, claimed that "the attackers had been trained in explosives in ETIM camps run by Chinese separatists in the Waziristan tribal regions of Pakistan." (Amir Mir, "China seeks military bases in Pakistan", *Asia Times Online*, 26 October 2011). This also pressed then ISI head Lt. General Ahmed Shuja Pasha, to rush to China for assuring the Chinese authorities of Pakistan's pledge to counter the ETIM. (Rashid, 2012: 197). The Chinese concerns and demands are a clear sign of the mounting anxiety of Beijing vis-à-vis Islamabad's failure to control militant groups actively operating inside its borders.

International Level

The failure of Pakistan's counterterrorism strategy equally undermines the international security, particularly of the Western countries. The key concern of the international community is the global connection of the local militant Jihadis and the Al-Qaeda, or at least the South Asian base of Al-Qaeda, which has now disseminated to the Middle East on the Sahel.[35] According to the former British Prime Minister, Gordon Brown, "three quarters of the most serious plots investigated by the British authorities have links to Al-Qaeda in Pakistan." (Fair, 2011: 6). Similarly, in May, 2008 Admiral Mullen claimed, "I believe fundamentally if the United States is going to get hit, it is going to come out of the planning of the leadership in FATA—Al Qaeda specifically." (*The News International*, 11 May 2008).

The foreign capitals believe that a strong and effective terrorist network, which has its links in Pakistan, is operating at the global level. For instance, in the wake of the London bombings on 7

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32. In December 2010, a suicide bomber killed 41 people in Chahbahar, a southeastern Iranian province of Sistan-Baluchistan. [*The Guardian*, 15 December 2010]. Similarly, in October 2012, a suicide bomber blew himself up outside a mosque in Chahbahar, killing two members of the Basij (volunteer forces). [*Tehran Times*, 19 October 2012].

33. See Maulana Aurangzeb Farooqi's anti-Shia message from hospital bed in Karachi. Available in Urdu at: https://www.youtube.com/watch?v=UonOQ1LPt0A. [The message was recorded after Maulana Farooqi had survived an armed attack in Karachi on 25 December 2012].

34. ETIM is an ethnic Uighur separatist organization, which

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aims to create an Islamist state in the Xinjiang province.

35. For details see: Jean-Pierre Filiu, "Al-Qa'ida and the Jihadi Dynamics in the Sahel", *Middle East Insights*, Middle East Institute, National University of Singapore, No. 91, 13 February 2013.

July, 2005, it was revealed that one of the British-born suicide-bombers, Shahzad Tanweer, had attended a madrassah in Pakistan, run by the JuD. (*Dawn*, 26 February 2006). On 2 May, 2010, Faisal Shahzad, a Pakistani-born American citizen, attempted to explode a car bomb in the New York city's Times Square. During the interrogation, it was revealed that Shahzad learned bomb-making techniques from the Pakistani Taliban in the FATA. (Rashid: 155).

According to Ahmed Rashid, "The Pakistani Taliban have made it clear that unlike the Afghan Taliban, they are ready to work with Al-Qaeda to train western militants who will carry out attacks in their home countries. The Pakistani Taliban are now not merely trying to overthrow the Pakistani government – they have become the part of the global Jihad." (Ibid: 156). There are also reports about the TTP's sending of militants to Syria for fighting alongside the Sunni militants against the Shiite regime of Bashar al-Assad. (Ahmed Wali Mujeeb, "Pakistan Taliban sets up a base in Syria", *BBC News*, 12 July 2013). However, the TTP officially denies it. (*The Express Tribune*, 16 July 2013).

Equally, another group, which has the capacity to make the international security vulnerable, is the LeT/JuD. During his visit to Pakistan in July 2010, Mullen clearly warned that the LeT had become "a very dangerous organization and a significant regional and global threat." (*Daily Times*, 25 July 2010). The LeT's involvement in the Mumbai carnage also reveals an international dimension. It was disclosed that David Headley Coleman (née Daood Gilani), a US citizen of Pakistani origin, facilitated the attack. It spurred renewed fears about American homegrown terrorism and the LeT's ability to attack the American homeland. (Fair, 2011: 1). Quoted in Jones and Fair, "Rightly or wrongly, some American officials believe it is only a matter of *when* LeT will strike a devastating attack on U.S. soil, rather than *if*." (Ibid).

Concluding Analysis

An analysis of Pakistan's counterterrorism strategy reveals that it lacks a tangible strategy and has so far relied on ad hoc, imprudent, and incident-to-incident based approaches, based on both the military and non-military options to combat terrorism. The security operations not only have remained inconclusive and incomplete, followed

by negotiations and ceasefires with militants, but also discriminatory as they singled out those elements of the TTP (Mehsud-led faction), which fight against Pakistan's security forces; while sparing those groups (e.g. Haqqani network and Hafiz Gul Bahadur group in North Waziristan; and Maulvi Nazir group in South Waziristan), which have pledged not to carry out attacks on Pakistan's security forces, but have focused on the western forces in Afghanistan. It means that Pakistan is satisfied as long as the militant groups carry out terrorist activities in Afghanistan, ignoring the fact that it has a blowback affect on Pakistan's security as the largest and the most powerful TTP faction of Mehsud is also in alliance with the other Taliban groups for carrying out attacks in Afghanistan. The formation of the Shura-e-Murakeba (Observation Council) is an example of such an alliance of Taliban groups.[36]

It is clear from these observations that the existing counterterrorism strategy of Pakistan has failed to stamp out the terrorist network of home-grown militant groups. The militant network has rather strengthened and expanded not only across Pakistan, particularly its urban centers, but also has its reach regionally and globally. Consequently, the terrorist syndicate not only has endangered the internal security of Pakistan, but also made the regional and international security vulnerable.

Although the incumbent PML-N government has been very enthusiastic to begin talks with the militant groups, it is unrealistic to expect the Taliban militancy be ended through negotiations. There are two major factors to substantiate this argument: first, peace talks may not result in ending militancy of the Pakistani Taliban, who, in turn, have to oblige to Pakistan's Constitution and political system, which according to them is un-Islamic. The TTP, for instance, stringently views that the objective of its struggle is to establish Shariah in Pakistan. (Siddique, 2010: 20-28). Second, in case peace talks fail and the government uses 'force' as the last resort, it is more likely that this option would also remain unsuccessful as the Military would continue to distinguish between 'good' and 'bad' Taliban, as per requirement of its strategic interests in the region and its dominant role in the domestic politics of

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36. Established on 2 January 2012, the Observation Council is an alliance of five Pakistani and Afghan militant organizations – the TTP, the Afghan Taliban, the Haqqani Network, and the militant outfits of Gul Bahadur and Mullah Nazir.

Pakistan, where the weak civilian forces are in no position to challenge the powerful military establishment. It means that Pakistan's counterterrorism strategy would continue to oscillate between intermittent military operations against the militants and short-lived peace talks with them.

Therefore, it is concluded that an effective and result-oriented counterterrorism strategy of Pakistan requires a substantial overhauling in its military-defined national security policy. This needs Pakistan to take four major measures: one, to build national consensus on the ownership of the "war on terror"; two, to create balance in civil-military relations; three, to identify the enemy against which it has to launch the military operation; and last, to reinterpret its security policy vis-à-vis its strategic interests in the region.

First, in order to formulate a national strategy with consensus, the government needs to mould public opinion in its favor in order to create an impression that this is Pakistan's war, and that it is not fighting at the behest of the US. It is true that a "favorable public opinion made it possible for the Army to launch the operation in Swat", according to Maleeha Lodhi, Pakistan's former ambassador to the US, as quoted by Ayesha Siddiqa. (Siddiqa, 2011: 152).

Second, a relentless civil-military friction has severely affected the state's ability to counter the Taliban militancy. Therefore, an effective counterterrorism strategy necessitates a balance in civil-Military relations.

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

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

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