

## What Pakistan can learn (by Khalid Aziz)

The ICG's recent report, "*Aid and Conflict in Afghanistan*," issued on 4<sup>th</sup> August is a critical appraisal of the efforts made during the past ten years in that unfortunate country. It warns, "*There is no possibility that any amount of international assistance to the Afghan National Security Forces (ANSF) will stabilize the country in the next three years unless there are significant changes in international strategies, priorities and programs.*" One may ask if progress could not be achieved in the last ten years, how would it be possible to do so in the next three? Experience says that the international community and Mr. Karzai have now missed the opportunity to make a positive difference in Afghanistan.

Another finding and a lesson for the Pakistan military also for its operations in KPK and FATA, is that leadership over development and re-habilitation of internally displaced persons should remain with civilian institutions and communities, otherwise the efforts are not sustainable and the money spent results in wastage. The report notes that "As more and more districts come under Taliban control, despite U.S. claims of substantial progress, and [as] the insurgency spreads to areas regarded until recently as relatively secure, displacement and humanitarian needs are also rising. *The U.S - led counter-insurgency doctrine that aid should consolidate military gains has been at best unsuccessful, if not counter-productive.*"

There is an unexplainable disconnect between what the doctrine for instance states in the Field Manual 3-07 of the US Army dealing with Stability Operations and what actually happens in real life. The manual highlights the absolute importance of legitimacy as the basis for military actions. Legitimacy of action is considered as, "The cross-cutting principle central to building trust and confidence among the people. *Legitimacy is a multi-faceted principle that impacts every aspect of stability operations, from any conceivable perspective.*"

However in reality one finds that the principle is not followed by either the US military or its Pakistani counter-part. The following examples would suffice. About two years ago the US decided to eliminate the field commanders of the Taliban in Afghanistan through night raids. In many cases these raids, that now average 15-20 per night, resulted in the deaths of scores of innocent persons including women and children. These actions not only violated Human Rights but were *illegitimate in the eyes of the Pushtuns*, who were the target of such actions.

The violation of the sanctity of the home of a Pushtun (Purdah) is considered most repugnant by him and is a shame (Sharam) that can only be restituted by revenge (Badal); if it can't be avenged by the affected family, then it becomes incumbent upon the larger clan to seek vengeance. Thus a "Black-Ops" or a drone attack may achieve the immediate objective but invariably leaves behind others who would seek to avenge the deaths; it is a cultural compulsion generated by the Pushtun code of conduct – Pushtunwali.

Similar instances abound in the case of Pakistan. One of the most violent of the Swat Taliban who became notorious during their rule in Swat from 2007 to April 2009, is Bin Yameen. He went to Afghanistan in November 2001 accompanying Sufi Mohammad's lashkar to support the Taliban. He was captured and after returning from captivity he was working in Peshawar when he was arrested at night along with his wife from his house. He felt dishonored and after a stringent series of interrogation and before his release he promised to his interrogators that he will take revenge by slitting the throats of any security personnel that he captured. Later he returned to his native Swat, joined the extremists and beheaded many security officials that

were captured. Such cases of cultural insensitivity committed by security forces abound in both Afghanistan and Pakistan and fuels the war.

Another area where legitimacy and violation of the rule of law cause problems is in the matter of arrests; it is common practice that when a person is picked up during military operations in Afghanistan, he is interned in one of the many "black prisons", where a person is forcefully interrogated. In many instances persons have confessed to end their agony. A similar situation prevails in Pakistan, where even after more than a year since the conclusion of active operations in Swat, there are still a considerable number of persons under military custody; their families and relatives live in anguish.

Long detentions without trial and the conduct of night raids in Swat like in Afghanistan are becoming a point of anger in the population. This will prolong violence that has now engulfed FATA and KPK and make it an issue of conflict with the state.

In the case of arrests, legitimacy demands the handing over of the accused to the police for investigation under the law. The reluctance to observe the rule of law in matters of detention causes bizarre results; on the one hand it leads to creation of monsters like Bin Yameen and on the other, since legal process is not followed, leads to acquittals in trials.

To absolve the military of future indemnities, Pakistan recently promulgated an anti- insurgency regulation for FATA and PATA that allows for indefinite detention of persons. Such a law tramples the concept of legitimacy as it violates the fundamental right of individuals.

Thus short term solutions multiply problems rather than solve them. It is therefore not surprising that all the major political parties of Pakistan, except the PPP, have condemned the new anti- insurgency regulation.

Although the ICG report deals with Afghanistan, yet many of its prescriptions are equally applicable to Pakistan and we could learn valuable lessons from it.