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Security Sector Governance in Pakistan: Progress, But Many Challenges Persist

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ABOUT THE SSR ISSUE PAPERS

SUMMARY

The utility of the Pakistani army's domination over nearly all aspects of the state in Pakistan was brought into question following the US Navy SEAL raid on Osama bin Laden's hideout on May 2, 2011. Pakistanis wondered how these events could have occurred right under the military's nose. This issue paper examines the prospects for security sector governance in Pakistan and identifies the reforms that are necessary for Pakistan's government to make meaningful strides in this area. It begins by explaining the hegemonic role of the armed forces in the history of the state of Pakistan and the unique challenges of its contemporary security terrain before surveying security sector governance in several key areas: the security of Pakistan's growing nuclear arsenal; the all-powerful intelligence agencies; disaster management; law enforcement; the criminal justice system and support to jihadist groups. While the report elucidates persistent shortcomings of security governance in all areas, it also highlights key areas of recent improvement, including disaster management and control of nuclear arms.

Improved security governance in Pakistan is identified as a growing priority for the country's citizens, its government, the region and the international community more broadly, but meaningful progress in this area will require Pakistan's military to step down and its civilian institutions to step up. Although political will for such change is scarce, several ways in which the international community can encourage such reform are outlined, including conditions on military assistance and support for civilian institutions.

ACRONYMS AND ABBREVIATIONS

FATA	Federally Administered Tribal Areas
FCR	Frontier Crimes Regulation
IDPs	internally displaced people
IISS	International Institute for Strategic Studies
ISI	Inter-Services Intelligence Directorate
JM	Jaish-e-Mohammed
KPK	Khyber-Pakhtunkhwa
LeT	Ahl-e-Hadith Lashkar-e-Taiba
NCA	National Command Authority
NDMA	National Disaster Management Agency
PMD	Pakistan Meteorological Department
SPD	Strategic Plans Division
TTP	Tehreek-e-Taliban-e-Pakistan

INTRODUCTION[1]

Security sector governance in Pakistan is of vital importance for the country's beleaguered citizenry. While the hegemony of the military over nearly all state functions has been a long-festering concern for many in Pakistan, the questionable utility of the army's domination was thrown into stark relief on May 2, 2011, when several US Navy SEALs conducted a unilateral raid on the lair of Osama bin Laden. Bin Laden's sanctuary was nestled in the cantonment town of Abbottabad, a mere two kilometres from the Pakistan Military Academy.

The raid was deeply embarrassing and demoralizing for Pakistanis of various backgrounds, for two reasons. First, for 10 years their government had held that bin Laden was not in their country. Many Pakistanis were baffled that bin Laden was in fact in Pakistan at the time of his assassination. They wondered whether their own government had sponsored bin Laden or was simply too incompetent to discern his presence. Second, and equally problematic, Pakistanis were dumbfounded at the ineptitude of their own armed forces. US forces infiltrated bin Laden's compound with three helicopter-borne teams, blew up one malfunctioning helicopter, engaged in a 40-minute firefight, slew bin Laden and withdrew to Afghanistan with his corpse *before* the Pakistan Air Force could even scramble its F-16s.

The Pakistan army has long defended its pre-eminent claim to state funds on the basis that it is the organization best suited to defend Pakistan. It is, therefore, not surprising that Pakistanis woke on May 2 confused, embarrassed and deeply perplexed as to how these events could have unfolded right under the military's nose. They wondered whether the Americans, the Indians or the Israelis could also launch attacks elsewhere in Pakistan?

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1   This paper is based on and expands upon a shorter essay, "Pakistan's Security-Governance Challenge," by C. Christine Fair, *Current History*, 110 (735), April 2011, pp. 136–143.

Perhaps these foreign forces, or even more sinister ones, could seize Pakistan's strategic assets.

Later in May 2011, the Pakistani Taliban launched a brazen attack on an important naval base in Karachi, where American and Chinese nationals were present. Given the assailants' knowledge of surveillance shortcomings and the presence of foreigners at the base, it is believed they must have received assistance from within the navy. This bold operation, like several other assaults on major military installations in Pakistan in recent years, again raised the spectre of Islamist militants seizing Pakistani nuclear materials for terrorist attacks. Thus, while security governance in Pakistan has critical implications for the citizens of Pakistan, who are vested in maintaining some level of functional sovereignty, it is also a topic of increasing import for the citizens of other countries in South Asia and, increasingly, for the international community as well. After all, the same armed forces that were literally asleep when the United States launched its daring raid have had a long-standing relationship with an array of militants engaged in regional and international terrorism. Moreover, Pakistan has an ignominious track record of nuclear proliferation.

This issue paper examines the prospects for security sector governance in Pakistan and identifies the reforms that are necessary for Pakistan's government to make meaningful strides in this area. While the media, as well as scholarly and policy analytic literature, focus on Pakistan's grievous shortcomings and the perils they impose, Pakistan has made important steps in securing its nuclear weapons. However, these strides fail to mollify many critics at home and abroad, because the arsenal is not fully under civilian leadership. Equally noteworthy, Pakistan has made crucial advances in disaster management in the wake of the 2005 Kashmir earthquake, which killed some 70,000 people, and the 2010 monsoon-triggered mega-flood, which displaced 20 million people and

covered one-fifth of Pakistan's arable land. Apart from these important improvements, however, challenges and impediments to genuine security sector governance in Pakistan are very apparent. As this paper will discuss, making meaningful steps towards enhanced security sector governance will require Pakistan's all powerful military to step down and Pakistan's civilian institutions to stand up. This will require political will — which is always in short supply in Pakistan — and support from the international community, which is increasingly fatigued by the various political convulsions that seize Pakistan on any given day.

This paper first provides a general definition of security sector governance before discussing this concept in the context of South Asia and Pakistan in particular. It then explores several key areas of security sector governance, including: the security of Pakistan's growing nuclear arsenal; the all-powerful intelligence agencies; disaster management; law enforcement and the criminal justice system. It concludes with a discussion of the implications of these and related issues for the United States, as it continues to struggle with its relationship to Pakistan. While this inventory of issues areas is not exhaustive, it does address the most fundamental and critical challenges to security sector governance in Pakistan.

WHAT IS SECURITY SECTOR GOVERNANCE?

Security sector governance implies at least a basic understanding of two conjoined concepts: security and governance. Both concepts have undergone change in recent decades, particularly the notion of security. During the Cold War, analysts typically understood security in state-centric terms, which privileged militarized definitions based on a state's ability to defend its peoples, supreme national interests and territorial borders. With the demise of the Cold War, analysts, scholars and even

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some policy makers increasingly argued for the need to expand the concept of security from the "level of the state to societies and individuals, and from military to non-military issues" (Krahmann, 2003). Proponents of security governance increasingly focus on a state's ability to provide security defined more broadly to include economic, social, environmental and political issues affecting both states and peoples, in addition to traditional military concerns.

Turning to governance, Rosenau (2000) explains that in its most basic formulation, the concept comprises the "structures and processes whereby a social organization — from the family to corporate business to international institutions — steers itself, ranging from centralized control to self-regulation." At the level of the state and below, governance is exercised by *governments.* In weak states or so-called "failed states," the government does not exercise complete sovereignty and must share power with other actors, including rebel forces, criminal syndicates, international institutions, non-government organizations or even foreign powers (Hänggi, 2003).

At the state level, security governance concerns both the organization and management of the security sector, which "includes all the bodies whose main responsibilities [are] the protection of the state and its constituent communities — ranging from the core structures such as armed forces, police and intelligence agencies to those institutions that formulate, implement and oversee internal and external security policy" (Hänggi, 2003). The quality of security governance thus derives from the quality of security sector governance and, ultimately, concerns the ways in which the management of security institutions and issues serves the needs of citizens and the state. At a crude level, Hänggi suggests that democratic control of these institutions may indicate "good security governance," while military rule likely signals "poor security governance."

CHALLENGES TO SECURITY GOVERNANCE IN PAKISTAN

Pakistan is disconcerting to those who are interested in the notion of security governance for a number of important interrelated reasons. First, the Pakistani state does not exercise complete control over its borders or the use of force. Pakistan continually asserts that it is unable to roust the domestic and international militants ensconced

in its Federally Administered Tribal Areas (FATA). Admittedly, the FATA continue to pose problems not only to the region, but to Pakistan itself. The country has long relied upon a colonial-era legislation (the Frontier Crimes Regulation [FCR]) to manage the region through a system where the all-powerful political agent for each agency works in tandem with tribal elders, many of whom are instruments of and paid by the state. The political agent serves as the police, judge and jury on a variety of disputes and offenses. Decisions undertaken can be enforced by a tribal *jirga*, which blesses the outcome. If the accused fails to comply with the judgment, the *jirga* can employ a local militia, called the Khassadars, or even a tribal *lashkar*. FCR allows the state to punish relatives of the accused should they abscond. There is no recourse to an appellate mechanism should the accused disagree with the political agent's assessment. In extreme situations, the Frontier Corps, a paramilitary organization, can be used to quell dissent. In further extremes — such as the current situation — the army's XI Corps (headquartered in Peshawar) can be called in as well. Notably, there is no investigative or law enforcement agency. Non-draconian options for dealing with "miscreants" — in the parlance of Pakistan — are therefore scarce. Pakistan's failure to deal with the threats emanating from the FATA likely stems from a combination of a lack of will and capability. Needless to say, the former contributes to the latter.

Second, Pakistan's history is marked by Islamist, communal, sectarian, ethnic and criminal violence, and law enforcement agencies have been largely unable to protect citizens from these threats. Moreover, Pakistani police and other government entities are often complicit in the crimes against Pakistan's citizenry (Abbas, 2011). Further, Pakistan's citizens have been deprived access to education, health and human services, rule of law and personal safety. Finally, the country's history of military government has stymied the development of civilian institutions of governance, so that civilians have provided

little or no oversight of the nation's foreign policy and military budgets and activities. Pakistan seems to fall short on both measures of "governance" and "security," despite the ironic fact that Pakistan is a security state.

These shortcomings exist even though there are, in principle, some oversight mechanisms to exert authority over the army. Under Part XII, Chapter 2 of Pakistan's constitution (during periods of democratic disposition), the "federal government" shall control the armed forces. With the passage of the Eighteenth Amendment in April of 2010, Pakistan is now a parliamentary democracy. In addition, both of Pakistan's legislative bodies (the National Assembly and the Senate) have standing defence committees for military oversight. Neither body exerts its authority and, as is well known, army chiefs have long arrogated to themselves the right to seize the government.

SECURITY SECTOR GOVERNANCE AND SOUTH ASIA

While international actors in the West are increasingly seeking to expand notions of state-based, militarized security towards broader conceptions of human security, the countries of South Asia generally, and Pakistan in particular, have been slow to embrace security sector governance as a sine qua non of state legitimacy. The stakes for the region and especially Pakistan are high. At the regional level, Pakistan's stymied efforts at providing security governance affect the entire South Asia region and increasingly the international community. At the level of the Pakistani state, the state has widely failed to provide physical, economic, environmental or political security for its citizens. As shown in Table 1, in terms of human development, Pakistan falls behind Iran, India and Bangladesh on several human development indicators. Pakistan has, however, made important strides in these same indicators over recent decades.

Table 1: Pakistan's Human Development Indicators Compared to Other Regional Countries

Indicator	Year	Bangladesh	India	Iran	Pakistan
Adult literacy rate (both sexes) (% aged 15 and above)	1980	29.213	40.813	36.514	25.713
	1990	35.315	48.215	65.515	25.713
	2000	47.518	61.018	77.091	42.7111
	2010	56.512	68.312	82.3139	54.2139
Expected years of schooling (of children) (years)	1980	4.4	6.3	..	3.2
	1990	5	7.8	9.7	4
	2000	7	8.4	12.2	5.3
	2010	8.114	10.314	14.014	6.814
Expenditure on education (% of GDP)	1980	0.9	2.9	7.7	2.1
	1990	1.6	3.7	4.1	2.6
	2000	2.4	4.4	4.4	1.8
	2010	..	..	..	..
Life expectancy at birth (years)	1980	47.7	55.1	58.6	57.7
	1990	54	58.2	64.5	60.6
	2000	61.3	61.3	69	63.9
	2010	66.9	64.4	71.9	67.2
Mean years of schooling (of adults) (years)	1980	2	1.9	2.1	1.8
	1990	2.9	3	3.7	2.3
	2000	3.7	3.6	5.1	3.3
	2010	4.8	4.4	7.2	4.9

Source: Human Development Reports. Available at: http://hdr.undp.org.

Pakistan's military has set most of the state's foreign policies since 1947 and influenced key domestic issues that shaped and drove them. The Pakistan army has governed the state directly for more than half of the nation's independent history, and indirectly for the balance. (Despite the ostensible return to democracy in 2008, the chief of the army staff still sets foreign policy and domestic policy that he judges to be central to the state's interests. Pakistan's politicians at the federal level have sought to undermine the army's role in these affairs, but the situation persists.) The country was born an insecure state locked in an intractable security competition with India (Cohen, 2004; Ganguly, 2002 and Jalal, 1990). Since 1947, the security competition with India has resulted in four wars (1947-48, 1965, 1971 and 1999) and a protracted proxy war over Kashmir since 1989. The 1971 war, which was precipitated by Pakistan's failure to fully integrate its ethnic Bengali citizens (in then East Pakistan) into the state project, resulted in the successful secession of East Pakistan with India's assistance. With the emergence of independent Bangladesh, Pakistan lost more than half of its citizenry.

Rather than bad constitutionalism and a failure to embrace federalism, Pakistan concluded that it lost Bangladesh because of Indian support for the insurgency, and the lack of an Islamic national identity sufficiently strong to prevail over centripetal ethno-nationalist forces. After the loss of East Pakistan, Pakistan turned away from South Asia and looked towards the Arab Gulf states. Zulfiqar Ali Bhutto — despite his "socialist" credentials — began this trend towards Islamism by banning alcohol, promoting Arabic language instruction, declaring the Ahmedi sect to be non-Muslim (a demand of Pakistan's Islamists), making gambling illegal and taking several other actions to mollify and co-opt the country's various Islamists, who were growing increasingly discontent with the country's autocratic style of governance.

In 1977, General Zia ul Haq seized the reins of power from Bhutto in a military coup. (The Supreme Court found Bhutto guilty of authorizing the murder of a political opponent, and Zia ultimately oversaw his execution in 1979.) Zia sought relentlessly to render Pakistan a Sunni Muslim state. His efforts were enabled and galvanized

by regional events such as the Iranian Revolution, the Iran-Iraq War, the Soviet invasion of Afghanistan, and the subsequent support from the United States and Saudi Arabia for Zia's preferred approach to ousting the Soviets: mobilizing the notion of *jihad* by raising tens of thousands of *mujahideen* to fight the invaders in Afghanistan. Zia did not want the anti-Soviet effort to be fought on the basis of Afghan nationalism, fearing that Pashtuns — an ethnic group spanning both Afghanistan and Pakistan — might develop aspirations of their own and make claims on the Pashtun-dominated areas of Pakistan (Hussain, 2005).

Zia's commitment to fighting the Soviets under the rubric of *jihad* rather than a nationalist insurgency was motivated by Pakistan's ongoing conflict with Afghanistan. Afghanistan never accepted the Durand Line, the border separating the two countries,[2] and was the only country to reject Pakistan's admission to the United Nations, citing its irredentist claims on the territories of Pakistan populated by the Pasthun ethnic group. While Afghanistan rescinded its objection, the die was cast. Pakistan has long been wary of Afghanistan's ability to foster discontent among its Pashtuns and fears — with varying degrees of legitimacy — that Afghanistan will permit India access to its territory to destabilize Pakistan. To protect its interests vis-à-vis Afghanistan, the Pakistan army and its intelligence agencies have sought to influence Afghanistan's internal affairs, usually through the use of Islamist and militant proxies (Haqqani, 2005; Hussain, 2005).

Since 1947 and 1960, Pakistan has raised numerous Islamist militant groups to prosecute its policies in

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[2] The Durand Line demarcated the border between Afghanistan and the British Empire. The line was negotiated in 1893 by the Government of Colonial British India and the Afghan Amir Abdur Rahman Khan. It is named after Henry Mortimer Durand, who was the foreign secretary of British India at that time. Under *uti possidetis juris*, this agreement passed down to successor states. Pakistan argues that since it is a successor state to British India, the Durand Agreement holds and demarcates the border. Afghanistan has since rejected the agreement, although its position is discordant with international law, including the Vienna Convention.

Afghanistan and India, respectively (Fair, 2011a). Pakistan's nuclear umbrella further enables its deployment of such militant groups. More fundamentally, by perpetuating military competition with India, the Pakistan Army enforces its claim that it is the only institution capable of defending the country, allowing it to demand unquestioned resources from the state at the expense of human development and even domestic security. Pakistan and its citizens not only suffer from fundamental insecurity, but also from serious deficiencies in governance capacity. The government of Pakistan does not exercise full sovereignty over all of its territory, as it is incapable of either enforcing the writ of the law — however problematic those laws may be — or exercising a monopoly of force consistently throughout the country.

The consequences of these dilemmas are staggering. According to statistics from the Stockholm International Peace Research Institute, Pakistan ranked 34 out of 123 countries in real military expenditures according to reported data for 2009 (India ranks 11). In 2008, its defence expenditures were about $4.9 billion or 2.6 percent of its GDP.[3] (This is a significant decrease from previous highs of five to six percent that characterized Pakistan's defence spending throughout the 1980s and 1990s). Its active military personnel number 650,000, with another 528,000 in the military reserve and another 302,000 in paramilitary units. That is about eight military personnel per 1,000 inhabitants. In neighbouring India, which has a much larger military, there are four armed forces personnel per 1,000 inhabitants. Pakistan, despite its ongoing fiscal woes, sustains the fifteenth-largest army in the world from among its 187 million citizens. India, with a population in excess of 1.3 billion, has the world's fourth-largest army.[4]

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[3] Data can be downloaded from http://milexdata.sipri.org/files/?file=SIPRI+milex+data+1988-2009.xls.

[4] Population figures derived from the CIA World Factbook, available at: www.cia.gov/library/publications/the-world-factbook/geos/pk.html.

The United States has been most conspicuous in supporting Pakistan's military. Between 1946 and 2009, the United States provided Pakistan with $10.7 billion in military aid out of a total of $49.5 billion in military and economic assistance (in constant 2009 dollars).[5] Most problematically, the United States has strongly supported the tenure of military rulers in pursuit of its own strategic interests. It supported General Ayub Khan's government between 1958 and 1969 due to Khan's willingness to join the United States in both the Central Treaty Organization and the Southeast Asia Treaty Organization. The United States also supported the government of General Yayha Khan who governed between 1969 and 1971. Even though he oversaw a brutal effort to put down the ethno-nationalist succession movement that ultimately culminated in the emergence of Bangladesh, the United States still backed him in order to facilitate a rapprochement between the United States and China. Next, it supported the military regime of General Zia ul Haq between 1978 and 1988, because Zia was a critical partner in the American effort to oust the Soviets from Afghanistan. Most recently, it supported President and General Musharraf who governed Pakistan between 1999 and 2008, and comprised an instrumental partner in facilitating the US-led Operation Enduring Freedom in Afghanistan and the Global War on Terror generally. The United States has, thus, long been a partner complicit in buttressing authoritarianism and the vitiation of civilian governance (Cohen, 2007).

While Pakistan has consistently bestowed immense resources upon its armed forces, it has neglected to invest in its citizens' human development. Pakistan has an illiteracy rate of 37 percent for males and 64 percent for females, with an average of seven years of education for all Pakistanis. The country is ranked 153 of 186 countries in terms of the percent of its GDP allocated to education.

Its unemployment rate is (underestimated at) 15 percent, and there is significant underemployment. In a ranking of countries by unemployment, Pakistan is 152 of 200.[6]

Pakistan has also failed to make needed investments in its internal security apparatus. While Pakistani militants have ravaged the region for decades, Pakistan's own domestic threats are numerous and enduring. Figure 1 demonstrates recent trends in domestic terrorist events using data from the Combating Terrorism Center at West Point World Incidents Tracking Survey. This violence is not recent; rather, insurgent, terrorist and criminal groups have killed countless Pakistanis since the state was formed in 1947.

The under-resourced police, deficient criminal justice system and the cold fact that the Pakistani state continues to nurture elements of those very groups that have ravaged the country for their purported utility vis-à-vis India and Afghanistan, leave no relief in sight. The remainder of this paper describes progress made and key challenges that remain in several important areas of the security sector, including nuclear security, intelligence agencies, disaster preparedness, policing, rule of law and the jihadist threat. Although human security is an important element of security sector governance, it is largely omitted; as discussed above, such concerns belie the present security climate of the Pakistan government.

ISLAMIST BARBARIANS AT THE NUCLEAR GATE?

Pakistan conjures up the worst fears of the world's capitals and publics alike: Islamist terrorists acquiring nuclear weapons or technology for mass casualty attacks in India or elsewhere. These fears are galvanized by several lamentable facts. First, Pakistan is a nuclear-armed state with a well-known history of nuclear

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5   Data from the USAID Greenbook, available at: http://gbk.eads.usaidallnet.gov/.

6   These figures come from the CIA World Factbook.

Figure 1: Provincial and National Terrorist Incidents between January 2004 and December 2009 (shown by quarter)
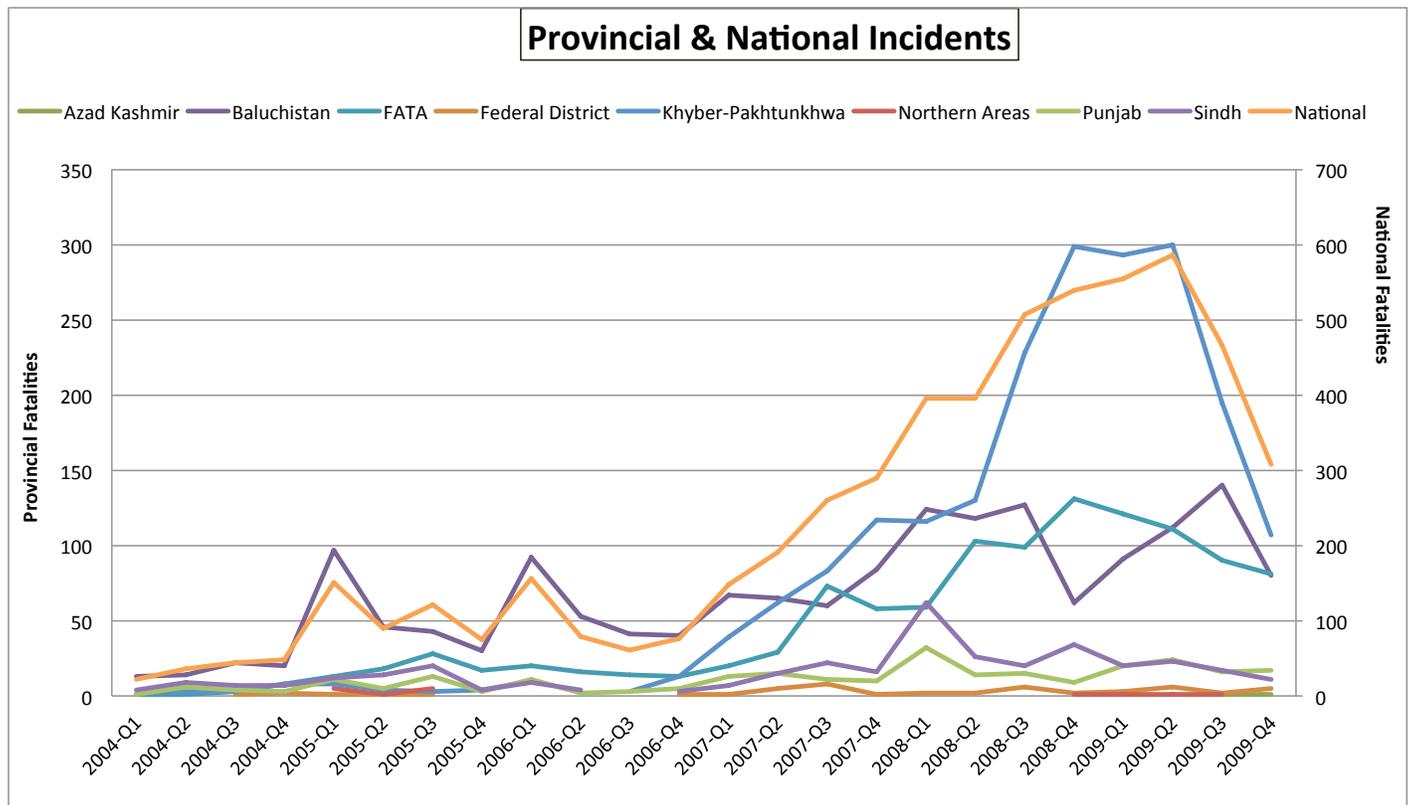
Source: World Incidents Tracking Survey. Combating Terrorism Center at West Point.

proliferation. It began its quest for a nuclear weapon in response to India's pursuit of the same, dating back to the 1960s. India's first test of a nuclear device in 1974 further intensified Pakistan's efforts. Zulfiqar Ali Bhutto entrusted nuclear scientist A.Q. Khan to help Pakistan acquire a nuclear weapon — dubbed an "Islamic bomb" by Bhutto — by any means possible. Khan did exactly that. In 2002, the world first learned of Khan's expansive black market (Sanger and Dao, 2002). Since then, Pakistan has steadfastly refused all international entities direct access to Khan. Few international actors familiar with the nuclear arms bazaar are, therefore, convinced that the network is completely defunct. Khan's status as a national hero further discomforts skeptics of Pakistan's non-proliferation commitment (International Institute for Strategic Studies [IISS], 2007).

Second, Pakistan has a lengthy track record of supporting Islamist militants throughout the region. While Pakistan has long been victimized by ethnic, communal and sectarian violence, many of Pakistan's former proxies have turned against the state and have sustained a bloody insurgency since around 2004. This inchoate network of militant leaders coalesced under the banner of the Tehreek-e-Taliban-Pakistan (TTP) in the fall of 2007. There is widespread fear that such militants, with their connections in the military, may manage to capture nuclear weaponry or components thereof.

Third, in recent months, Bruce Riedel (2011) has opined that "Pakistan has the fastest growing nuclear arsenal in the world." This is misleading. As David Albright noted in an interview with Radio Free Europe (2009), only India and Pakistan are expanding their arsenals; other countries

have maintained or reduced their arsenals. Analysts at the Congressional Research Service (Kerr and Nikiten, 2011) estimate that Pakistan likely has between 60 and 90 warheads, but concede that the number could be higher.

The conjoint problems of demonstrable past (and suspected present) laxity over the country's nuclear weapons and technology, an expanding Islamist insurgency, and suspicions — however dubious — that the Pakistan army harbours elements that are sympathetic to Islamist militants have prompted analysts and media commentators alike to speculate on the possibility that the Pakistan army — or a rogue faction thereof — might willingly provide nuclear weapons to terrorists. Other scenarios posit that terrorists will manage to infiltrate Pakistan's nuclear infrastructure and abscond with devices or radioactive material.

However, as Christopher Clary (2010) details, none of these frightening outcomes is very likely for several reasons. First, the popularly rehearsed doomsday scenarios generally do not reflect the important progress Pakistan has made in securing its nuclear arsenal. While it is important to remain cautious about Pakistan's shortcomings, it is equally important to acknowledge and encourage the innovations it has undertaken.

In 1998, then Army Chief Jahangir Karamat appointed then Major General Khalid Kidwai to head the newly formed Evaluation and Research Cell, which made a number of recommendations on nuclear command and control arrangements, including a National Command Authority (NCA) to be comprised of both military and civilian leadership; a specialized secretariat to support the NCA; and specialized strategic forces. Following Karamat's abrupt dismissal in 1998 and the appointment of General Pervez Musharraf as army chief, the NCA finally came into being in 2000, along with the Strategic Plans Division (SPD), to serve as the secretariat of the NCA, as well as service-specific strategic forces.

The SPD is charged with protecting Pakistan's strategic assets from both internal and external threats. It provides a three-tiered security perimeter of nuclear facilities, which includes investigating and monitoring personnel, physical countermeasures and counter-intelligence teams to identify potential threats. After all, if terrorists could breach security, so could Indian, Israeli or even American intelligence operatives.

Despite these improvements taken in the wake of the A.Q. Khan fiasco, the challenge remains daunting. Lieutenant General Kidwai — now retired but still heading the SPD — estimated that some *70,000* people work in Pakistan's nuclear complexes, including 7,000–8,000 scientists, of whom perhaps 2,000 have critical knowledge. Pakistan has also undertaken measures to protect against accidental use, namely the equivalent of a two-man rule and some crude, but functional, versions of permissive action links (Clary, 2010).

Many of these efforts, however, have the most salience during peacetime. During periods of heightened escalation, new concerns emerge. First, it is only after escalation of conflict that the warheads are assembled and mated with their delivery systems. As conflict intensifies they are forward deployed. It is at this juncture that fears about theft or other unauthorized transfer become far more plausible than when the weapons remain in their peacetime posture. Second, when the assets are forward deployed, the two-man rule may be insufficient to prevent accidental or unauthorized launch amidst the heightened strain of emergency. Third, Pakistan deliberately maintains ambiguity over the red lines that would precipitate nuclear escalation as a part of its deterrence strategy vis-à-vis India.

The distance that Pakistan must go to secure its strategic assets—particularly given the paucity of civilian oversight of the assets and their potential use — is overwhelming. Even such a stable, wealthy and advanced country as the

United States has lost fissile materials. In 2007, several nuclear warheads were inappropriately loaded onto aircraft flying over US airspace. Admittedly, the air chief was sacked and an extensive investigation ensued to understand how such a massive failure could happen. In contrast to the mature US command and control system for nuclear weapons, Pakistan's infrastructure is still new.

MANAGING DOMESTIC AND EXTERNAL AFFAIRS: PAKISTAN'S INTELLIGENCE AGENCIES

Pakistan has several intelligence agencies that operate in different, yet often competitive, ways. The most notorious is Pakistan's Inter-Services Intelligence (ISI) Directorate. The ISI was formed in 1948 by British army officer Major General William Cawthorne, who was serving as the army's deputy chief of staff to the newly independent state. Its role, however, was specifically limited to that of augmenting the capabilities of Military Intelligence. It originally had no function beyond that of producing and analyzing military intelligence, with a few important exceptions. The role of the ISI, however, changed quickly. By 1958, when General Ayub Khan staged Pakistan's first coup, he brought the ISI into politics. Ayub Khan permanently changed the mandate of the organization by ordering it to safeguard Pakistan's interests, monitor political opposition and sustain military rule in Pakistan (Gregory, 2007).

Pakistan had several intelligence agencies, including Military Intelligence, service-specific intelligence agencies (such as Naval Intelligence, Army Intelligence and Air Force Intelligence), and even civilian institutions, such as the Intelligence Bureau and the Special Branch of the police, but the ISI soon became the pre-eminent institution. As Shaun Gregory notes, from 1958 the ISI "viewed its raison d'etre first and foremost in terms of the

Pakistan military rather than in relation to any broader concept of the defense and security of the country" (2007: 1014). The ISI increasingly became the primary instrument for executing Pakistan's foreign policy by supporting and managing an array of covert operations in India and Pakistan (Hussain, 2005; Gregory, 2007).

The ISI is not responsive to civilian control despite the fact that the organization is constitutionally accountable to the prime minister. Most of the officers come from the army on secondment, however, and this means that their promotions, professional achievement and ultimate loyalty rest with the army. Officers from other services are also seconded to the ISI and the organization also employs a large — though unknown — number of civilians. It has strongly resisted efforts to bring the organization under actual civilian control (Bajoria and Kaplan, 2011). In 2008, Pakistan's newly elected civilian government proclaimed that "The Prime Minister has approved the placement of Intelligence Bureau and Inter-Services Intelligence (ISI) under the administrative, finance and operational control of the [Interior Ministry] with immediate effect..." (Kahn, 2008). However, the government reversed this decision almost immediately, likely due to army outrage. Given that *all* civilian leaders fear an army takeover, there is little appetite to antagonize the army.

Despite frequent claims that the ISI is a "rogue" organization, there is no actual evidence for this assertion. In fact, as noted above, the ISI officer cadres all come from the armed forces, particularly from the army. The director general of the ISI is always a serving Pakistan army general, and insubordination to the army chief is unthinkable without enormous consequences, such as forced retirement. There is consensus among Pakistan experts that the ISI is not rogue, but rather subordinate to the interests of the Pakistan army (Bajoria and Kaplan, 2011).

In a sense, therefore, the problem of the ISI is a subset of the army's dominance of the state, which itself is beyond the purview of civilian oversight. This is extremely destabilizing for the country and the region. Few Pakistanis are aware of their country's spy agency's activities abroad or, if they are aware of the accusations, do not believe them.[7] Nonetheless, the ISI proxies that ravage India are today the most likely precipitant of an actual war. The lack of any civilian oversight of the organization continues to disconcert analysts within and beyond South Asia (Grare, 2009). It is absolutely clear, however, that there is virtually no scope for reform amidst the power and interests of the army and the ISI.

In addition to external abuses, the ISI and other intelligence agencies are suspected of perpetrating appalling human rights abuses at home. Many persons have been abducted in what are referred to as "forced disappearances." Worse, once these persons "disappear," families have no recourse to determine their fate or even their whereabouts. According to a recent report by Human Rights Watch, "Information on the fate of persons subjected to enforced disappearances in Pakistan is scarce. Some of the alleged disappeared are being held in unacknowledged detention in facilities run by the Frontier Corps and the intelligence agencies, such as at the Kuli army cantonment, a military base in Quetta" (Human Rights Watch, 2011). While the vast majority of these excesses are perpetrated by the military intelligence agencies (the ISI, Military Intelligence and the service-specific agencies), other agencies are also involved, including civilian entities, such as the police, the Frontier Corps (which is under control of the Ministry of Interior) and the Intelligence Bureau (also run by the Ministry of Interior).

As in the case of military assistance, the United States and its partners hardly help the situation. The United States and the United Kingdom, among others, rely heavily upon the ISI. The United States counts on the ISI to detain individuals who are suspected of terrorism. Human Rights Watch explains that after Pakistan lent its support to the US war on terror, "Pakistani authorities implemented a policy of rounding up suspected members of al Qaeda and the Taliban. During the administration of US President George W. Bush, several hundred Pakistanis and foreign nationals living in Pakistan were simply taken into custody and handed over to the US without any due process. Many were then held at Bagram Airbase in Afghanistan or transferred to the US military detention center at Guantanamo Bay in Cuba" (Human Rights Watch, 2011: 15).

The Americans — along with the British — have done little to discourage these practices and, in fact, have been complicit in serious abuses of terrorist suspects. Investigations by Human Rights Watch find evidence that both the United States and the United Kingdom provided "Pakistan's security forces what they viewed as carte blanche to expand the scope and ambit of such abuses far beyond what was sought by their Western allies to cover political opponents of the military, including ethnic minority groups, particularly in Balochistan. Many of the individuals targeted, deprived of legal protections, have been or remain victims of enforced disappearance" (Human Rights Watch, 2011: 15-16).

SAVING PAKISTANIS BY MANAGING FUTURE DISASTERS

In October 2005, Azad Kashmir and Khyber-Pakhtunkhwa (KPK) were devastated by a massive 7.6 magnitude earthquake, which killed 73,000 people and devastated homes, communities and towns along the

7   Only 19 percent of a predominantly urban adult sample believed the ISI gave any kind of direct support to an array of militant organizations (WorldPublicOpinion.org, 2007).

fault line. In all, some 30,000 km² were affected (National Disaster Management Agency [NDMA], 2007).

Pakistan was woefully ill-prepared to contend with the loss of life, the internally displaced people that fled the area and the reconstruction of communities lost. After considerable efforts to draw lessons from the state's response to the tragedy, Pakistan established the NDMA in March 2007. Since then, the NDMA has become increasingly effective along with the various provincial disaster management agencies in KPK, Punjab, Sindh and Balochistan.

In August of 2010, Pakistan was again devastated by a natural disaster. Three weather systems combined to create a monsoon-related superflood. The deluge covered more than one-fifth of Pakistan's arable land, the equivalent of the entire US eastern seaboard. It displaced more than 20 million people and destroyed over a million homes. Millions of heads of small, medium and large livestock perished. Crops and fields were devastated and household seed stocks were also wiped out. This calamity affected more people than Hurricane Katrina, the Indian Ocean tsunami and the Haiti earthquake *combined*. Miraculously, fewer than 2,000 persons died and most victims perished in the early days of the flood, before the government could act to prevent further loss of life.

International and domestic observers alike worried that the flood would auger political instability, a second wave of disease-related death, food insecurity and economic devastation. However, more than nine months later, these fears did not materialize. The NDMA, along with the four provincial disaster management agencies and international donors, coordinated and sustained a massive effort to rescue flood victims. They established camps for internally displaced persons (IDPs) and provided the victims with shelter, water and sanitation facilities, food and other logistical requirements. Critically, relief organizations focused on vaccinations and health access. These initiatives were likely critical in staving off second order disease-related fatalities.

Despite the gravity of the floods, most of the IDPs have returned, according to data provided by NDMA. Nonetheless, nearly 160,000 of the original three million remain in camps. There are 130,717 IDPs in Sindh; 28,346 in Baluchistan; and 500 in KPK. Lieutenant General Ahmad, who headed the NDMA until March 2011, however, conceded to the author in January 2011 that many of the homes to which they returned are temporary. Pakistan is now turning to the long-term tasks of rebuilding.

One of the key institutions that helped in some measure to save lives in Pakistan during the flood was the Pakistan Meteorological Department (PMD), which among other things, forecasts floods. In the middle of July 2010, the PMD became concerned about an emerging confluence of weather systems and put out a warning about impending floods in KPK. Residents of the province were in disbelief and did not take advantage of the three-day advance warning. This unfortunate condition explains why most of the flood's 1,985 victims perished in the earliest days of the flood in KPK. PMD scientists were able to give Sindh at least two weeks' warning, which helped save lives as the river swelled and surged southwards.

PMD scientists have raised an important — but unheeded — concern. After tracking monsoon rainfalls for decades, they have observed that the precipitation is no longer centred in the Punjab; rather, it has shifted north and west to KPK. Figure 2 demonstrates the changing rainfall patterns.

Figure 2: Rainfall Patterns
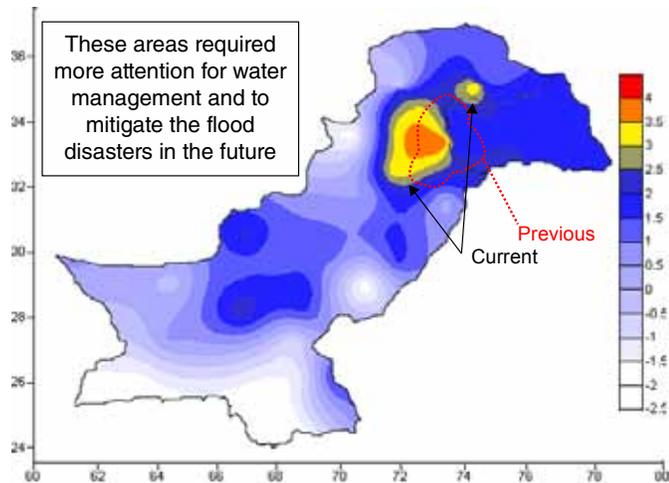
Source: Dr. Muhammad Hanif, National Weather Forecasting Centre, PMD, Islamabad.

Given these patterns, scientists at PMD worry that Pakistan's current dam and flow infrastructure is inadequate for this new geography of precipitation. Consistent with Pakistan's generally poor record for proactive policy making, the PMD's concerns about Pakistan's infrastructure are not currently under review. Such plans would come under Pakistan's Water Resource and Power Development Agency, which is not renowned for its efficiency or alacrity.

POLICING PAKISTAN

Pakistan is a security state dominated by the army. The Pakistan army contends that it is the sole institution capable of defending the integrity of the state. Unfortunately, Pakistan has failed to address serious internal security challenges that have imperiled the security of Pakistan's citizens since the earliest days of independence. These threats include: Bengali, Baloch, Sindhi and Muhajjir ethno-nationalist separatist movements; sectarian and communal violence; organized crime; and banditry, among others. Since 2004, following Pakistan's alliance with the United States in the latter's "global war on terror" and subsequent military actions against militants in Pakistan's FATA, several

militant commanders began undertaking operations against the Pakistani state. By late 2007, several of these commanders coalesced under the putative leadership of Baitullah Mehsud and his proclaimed Tehreek-e-Taliban-e-Pakistan (TTP or Pakistani Taliban). While violence has been most concentrated in the capitals of the four provinces, several rural districts in Swat, Southern Punjab and central Baluchistan are prone to violence, as are the agencies of the FATA.

Despite persistent and growing internal security challenges, Pakistan at the federal and provincial levels has failed to invest in modern police infrastructure that can contend with the various threats to the state and its peoples. Across Pakistan, the police remain inadequately trained, poorly equipped, outmanned and outgunned by the various foes they confront. During visits to police headquarters in Peshawar, Islamabad and Lahore in December 2010, the author found that even the heads of provincial and federal police forces do not have armoured vehicles. The police — with a few extraordinary exceptions — are poorly paid in proportion to the risks they assume. This situation encourages corruption and, in some cases, (such as Swat) leaves police little incentive to maintain their post when militants are poised to overrun them, or when they or their families are threatened. Perhaps one of the most pernicious consequences of Pakistan's shambolic law enforcement structures is rampant extra-judicial killing. According to a June 2011 account, around 700 suspects have died due to police torture over the last 10 years. The Punjab accounted for the largest fraction, with 300 persons dying in police custody over the same period (Hussain, 2011). In fact, according to the 2010 anuual report of the Human Rights Commission of of Pakistan, 338 people were killed in police encounters (which are typically staged encounters with the goal of killing the individual[s] in question) in 2010, whereas only 28 suspects were injured and captured alive. Moreover, the commission's tabulation of media reports reveals that

there were at least 174 people illegally detained by police (Human Rights Commission of Pakistan, 2011: 6, 76-77).

It is also well known that Pakistan's police are deeply corrupt and engage in extortion, protection rackets and often demand bribes to even file a case (or a "First Information Report" as it is known in Pakistan). Worse yet, the police can be paid to *not* file such a case by a wealthier party in the dispute. In a 2002 survey by Transparency International Pakistan, the police was ranked as the most corrupt institution in Pakistan (Transparency International Pakistan, 2002).

All of this contributes to a rampant public fear of the police. This has profound effects on law and order and enables the intense violence that has seized the country. In many cases, citizens are very hesitant to notify the police of any suspected dubious activity because they fear that the police will act against them rather than the suspected "miscreant" (Nadeem, 2002).

While the international community lavishes the army with F-16s and other desired military equipment and financial largesse, Pakistan's police remain predominantly equipped with .303 bolt action rifles, lack even the most basic of body armour and travel in soft-skin vehicles that are vulnerable to attack. Police stations and training facilities remain a frequent target of terrorists and most police infrastructure lacks the most elementary of hardening to protect them against such attacks. The various forces are poorly trained, often barely literate, lack even the crudest forms of forensics capability and are generally loathed by the public they ostensibly serve for their avarice and corruption.

It should be noted, however, that there have been improvements amidst this generally bleak state of affairs. Both the Punjab and KPK police have increased police pay, expanded the force, equipped select units with modern light and heavy weapons, and have acquired

better — yet still inadequate — ground mobility and communications equipment. Over the course of the author's numerous visits to Pakistan since 1991, it appears that the Islamabad Police have made important strides in professionalization and have won back the confidence of Islamabad's residents. The well-paid and well-disciplined Motor Way Police are respected for their integrity and professionalism, but remain exceptional within a police system mired in decrepitude.

Not only has Pakistan demurred from making the critical investments in its police forces, the state has also failed to provide a modern policing framework. Until 2002, Pakistan still operated under the Police Act of 1860 — a colonial era dispensation designed to control citizens rather than protect them. President Musharraf's Police Order of 2002 was an important move to professionalize the police and remove them from the influence of politicians who used them to advance personal agendas. When the Parliament convened in 2002, however, it undermined some of the ordinance's most important measures pertaining to the political neutrality of the police force. In the intervening years, Pakistan's national and state assemblies, as well as the various police forces, have been unable to agree on a concept of policing for a modern state. Without this framework, there will be limits to the marginal improvements to police training, equipping and professionalization.

This situation is unfortunate. Pakistan has many advocates for robust police reform from within its various policing institutions, but they lament that they cannot attract the requisite attention from Pakistan's legislative bodies. The police also report conflicts with the army and intelligence agencies. Reports abound that police arrest individuals who are suspected of being terrorists, only to be told that they must release these persons due to the interference of the "agencies."

Ostensibly, policing responsibilities in the four federal units are vested in the provincial governments and the provincial police structures act independently of each other without any national integration. The Interior Ministry does, however, exercise overall supervision. With the passage of the Eighteenth Amendment in 2010, federal ministries are to be devolved. How this will unfold with respect to the Ministry of Interior in policing is yet to be seen. Despite these ostensible oversight bodies, policing in Pakistan is subject to political interference, and many politicians continue to use the police as their personal militias. Police are directly incentivized to abide by political demands as their promotion, pay and postings are not based upon merit, but on "safarish" or political influence (Grare, 2010).

It is likely that the army is at best ambivalent about making widespread improvements in policing, if for no other reason than to preserve its pre-eminent status among other institutions. This is shortsighted. The insurgency literature generally finds that local police — not armies — play the pivotal role in successful counterinsurgencies. Arguably, maintaining the army's operational tempo in internal security duties over a long period of time will have negative effects on army morale and erode its relationship with the citizenry. Unfortunately, there are few signs that Pakistan is taking its policing challenge seriously, and its international partners have hardly encouraged it to do so.

THE LAWS THAT BIND? PAKISTAN'S BROKEN CRIMINAL JUSTICE SYSTEM

The police are also hobbled by Pakistan's derelict criminal justice system which, with a conviction rate between five and 10 percent (International Crisis Group (ICG], 2010), more often than not acquits the accused. Suspects in extremely high-profile attacks routinely

go free, such as those implicated in the 2007 attack on Benazir Bhutto in Karachi, the 2008 Danish Embassy and Marriot Hotel bombings in Islamabad, and the 2009 assault on the Lahore Training Academy. Even the accused in the 2009 attack on army headquarters in Rawalpindi were acquitted. This demoralizes the police, who are often incapable of assembling a coherent file that presents sufficient evidence to persuade a judge to convict. Indeed, the police generally do not know how to preserve a crime scene, collect evidence or maintain evidence custodial chains. Pakistan also lacks the capacity to analyze ballistics, DNA or other common forms of forensic evidence. Furthermore, Pakistan has no witness protection program. Given the limited police capabilities, witnesses are critical, but few witnesses are willing to put their lives at risk. Witnesses are not alone; many judges may be afraid to convict. In the case of blasphemy charges, the opposite holds: judges may be reluctant to acquit because they fear reprisal by religious extremists. Prosecutors are also sensitive to personal risk in deciding to take up a case. For these and other reasons, police resort to extra-legal means to deal with suspects, such as killing them in "encounters."

The recent handling of Mumtaz Qadri exemplifies some of the problems with blasphemy. Mumtaz Qadri was widely celebrated by religious parties and important religious scholars because he killed Salman Taseer, the governor of the Punjab who advocated reforming Pakistan's problematic blasphemy laws. Qadri freely admitted his guilt and even gloated over it. As he pled guilty, a "terror court" in Rawalpindi sentenced him to death (Pakistan has capital punishment). The judge who issued the sentence had to flee the country due to death threats. Ultimately, Qadri's lawyer successfully argued before the Islamabad High Court that "Qadri was provoked by the governor and should therefore be tried for murder, not an act of terror which is what he was tried for earlier." In response, the High Court suspended

his death sentence until the appeals process is complete. This case is further muddled by issues of jurisdiction. His lawyer argued that the Anti-Terrorist Court lacks the jurisdiction to issue a death penalty decision (Kahn, 2011).

In fact, Pakistan's criminal justice system is flawed from its first principles: the legislative framework. Criminal law draws upon three colonial-era laws: the Pakistan Penal Code of 1860, the Evidence Act of 1872, and the Criminal Procedure Code of 1898. Pakistan has also retained the colonial-era Frontier Crimes Regulation of 1901, which places the FATA under a different regulatory framework based on a system of political agents who serve as judge, prosecutor and law enforcement who govern by using the principle of "collective punishment." Residents of FATA have no appellate recourse should they feel aggrieved by a political agent's determination.

Since 2009, parts of KPK (Malakand and Swat) have been subject to the Nizam-e-Adl, which enforces an idiosyncratic interpretation of Sharia law through courts staffed with judges (*Qazis*) appointed by the KPK government, who must be duly appointed judicial officers. The controversial law arose out of negotiations with the provincial government and Maulana Sufi Muhammad, the chief of Tehreek-e-Nifaz-e-Shariat-e-Muhammadi, a local ally of the Pakistan Taliban. Critics saw the law as a serious concession to domestic Islamist militants, but the law also has its proponents. The "*Qazi* courts" must adjudicate civil cases within six months and criminal cases within four months. Many Malakand residents seem happy with the expeditious way in which cases are now dispensed relative to the lethargic system that existed before. Opponents argue that the best remedy to disaffection with the status quo is wholesale reform of Pakistan's national justice system, rather than idiosyncratic "solutions" that undermine the writ of the law.

In addition to these geographically peculiar laws, several other laws have been enacted that are germane to security governance: President Zia ul Haq's notorious Hudood Ordinances enforce physical punishments for a wide array of crimes and equate rape without witnesses with other forms of "unlawful fornication," which are punishable with stoning or death; the National Accountability Ordinance, which has been used selectively to pursue persons who antagonize the government in power; and the recently lapsed Anti-Terrorism Act of 1997, which provided special courts and provisions for detaining and trying suspected terrorists.

Not only is Pakistan's legal framework ill-suited for a modern state beset with complex law and order problems, the system of courts and prisons are derisory. According to International Crisis Group, at the beginning of 2010 there were more than 177,000 cases pending in the superior courts (the Supreme Court, the provincial high courts and the Federal Shariat Court) and 1.3 million in the lower judiciary. The number of court personnel employed to manage this system is too few. Like civil servants everywhere, judicial officers are poorly paid and amenable to bribery.

Prisons are overcrowded, with about 80 percent of the prison population comprised of persons on trial. Not only is this a serious concern for due process, it is also a security risk. Prisons are in fact logistical operational hubs for terrorists and organized criminals, who function efficiently and with impunity from the safety of their jails by using mobile phones to plan and coordinate operations. The prisons also provide ready pools of potential recruits. With too few prison staff, authorities are unwilling to engage in countermeasures.

This situation is exacerbated by a surprising paucity of trained trial lawyers. Since lawyers are the pool from which the judiciary draws, the problem percolates throughout the justice system with no solution in

sight. Part of the problem stems from the quality of legal education. According to interviews conducted by the author in the spring of 2008, the legal education is conducted in English, consistent with the fact that Pakistan's case law history, torts and other relevant historical opinion are all in English (due in part to Pakistan's colonial heritage). If the official legal language is changed to Urdu, as many advocate, a vast body of juridical opinion would become very difficult to access; yet within the current English system, law students' low reading level of the language limits their understanding the materials studied. There are few ways of resolving this dilemma without serious structural changes to Pakistan's system of jurisprudence or improving the quality of law students' preparation and the materials they study.

Comprehensive reforms are needed, and should begin by: revamping the legal framework; investing in the construction of a modern policing force; investing in lawyer training; revamping judicial recruitments and appointments at the lower and superior levels; and working to stem the institutionalized corruption that extends throughout Pakistan's rule of law system.

CONFRONTING THE JIHADIST THREAT TO PAKISTAN WHILE USING JIHADISTS IN INDIA AND AFGHANISTAN

Under the best case scenario, Pakistan will have enormous difficulties contending with its internal security threats. As an authoritarian state, Pakistan has consistently failed to develop constitutional democratic arrangements that would empower citizens to take part in the conduct of their state's affairs at home and abroad. The situation is perpetuated by the internal and external agendas of the military and supporting intelligence agencies. For reasons that are well known, the army and the intelligence agencies have cultivated Islamist proxies for covert operations from 1947 in Kashmir and India and since around 1960 in Afghanistan. Pakistan's ability to cultivate Islamist militants was bolstered by a simultaneous convulsion of events, including the Iran-Iraq war, the Iranian Revolution, the Soviet invasion and subsequent occupation of Afghanistan and Zia ul Haq's own efforts to make Pakistan a Sunni Islamist state. Having raised thousands of Islamist militants for use against the Soviets, Pakistan was able to re-allocate these battle-hardened fighters to the Kashmir and Indian theatres once the Soviets retreated. Pakistan was further emboldened to do so as it developed first a covert nuclear capability from the mid-1980s, and then an overt nuclear capability in 1998.

Since joining the US-led war on terror — albeit with little choice — Pakistan was forced to moderate some of its preferred policies. In 2001, it was obliged to publicly abandon the Afghan Taliban and enable US military operations first to oust them and next to assemble a regime to replace them. From at least 2004 onward, however, Pakistan resumed its clandestine support for the Afghan Taliban. Following the attack on the Indian parliament by Jaish-e-Mohammed (JM), a Pakistani Deobandi terrorist group, and the subsequent Indo-Pakistani military crisis that undermined US military operations in Afghanistan, the United States prevailed upon Pakistan to diminish its militant support for groups operating in Kashmir and India. This reduction became known as Musharraf's "Moderated Jihad" policy. The result of these various turns is that several militant groups, mostly under the Deobandi umbrella, began mobilizing against the state. This was most evident in 2007, when TTP coalesced.

While analysts tend to characterize the TTP as "Pashtun," the TTP, in fact, draws from across a wide spectrum of Deobandi militant groups, such as anti-Shia groups Lashkar-e-Jhangvi/Sipah-e-Sahaba-Pakistan and JM,

many of which hail from the Punjab and elsewhere. Pakistan's armed forces have used a combination of approaches to counter these militants amidst their sustained suicide bombing campaign against state targets throughout Pakistan. The army has pursued peace deals with the militants and takes military action when these deals are broken or when militants prove irreconcilable. Pakistan's army, however, will not be able to deal with the entirety of this domestic threat because it refuses to dispense with militancy as a tool of foreign policy. Instead, it has worked out a palliative strategy of killing radicalized militants when they attack the armed forces in the FATA or KPK, while permitting groups like JM to flourish as long as they remain in Punjab, loyal to the state and ready to kill Indians (Fair, 2011b).

The Ahl-e-Hadith Lashkar-e-Taiba(LeT) is a special case altogether. It has never attacked the Pakistani state or any targets within Pakistan. It remains loyal to the ISI and argues against sectarian and communal killing. Instead, it contends that every Pakistani Muslim should fight the *kufars* outside of Pakistan. LeT's pro-state message serves as an important counter to the Deobandis' predilection to attack Shia, Barelvis (also known as *sufis*), Ahmedis, as well as Pakistani military, intelligence and civilian targets. Because of its domestic and external utility, Pakistan is unlikely to turn against the LeT, even though the United States is increasingly adamant that it do so (Fair, 2011b). The LeT is a particularly worrisome organization because it has been involved in several of the most serious terrorist outrages in India, including the 2008 Mumbai attack. Since 2004, it has been attacking the United States and its allies in Afghanistan and, increasingly, LeT cells are appearing internationally, including in the United States. Pakistan has remained adamant that it won't act against the organization because it poses no threat to Pakistan based on its loyalty to the ISI and its disavowal of operations within Pakistan (Fair, 2011b).

CONCLUSIONS

As Pakistanis find themselves ever more vulnerable to natural disasters and criminal and terrorist activities, and are denied a voice in the future of their state, the notion of "security governance" could not be more pressing for Pakistan and its citizenry, or the international community. The country lacks security and suffers severe deficiencies in governance capacity. The international community has largely focused on the Pakistani military as the locus of cooperation, albeit with increasing but tentative attention to civil-military relations.

There has not, however, been a consistent push for comprehensive reform of security governance from within Pakistan or from the international community. US and international policy makers should reconsider their understanding of Pakistan's security needs and focus on: investment and capacity building within the bureaucracy; improving provincial and national assemblies' abilities to legislate; providing technical assistance and incentives to consolidate important gains made in disaster management and nuclear security; and move consistently and decisively towards enabling Pakistan to tackle its criminal justice system, revisit its archaic legislative framework, and build modern and capable police forces.

The army will never stay in the barracks until other institutions have developed sufficient credibility to challenge the army's identity as the sole capable defender of the nation. Such a prospect may even motivate the army to undermine the reform efforts of Pakistani agencies and their international partners. The international community should, therefore, steadfastly condition security assistance on the army's non-intrusion into government. The United States tried to do this with the Kerry-Lugar-Berman Legislation and, in response, Pakistan's ISI orchestrated public outrage over US

attempts to interfere in Pakistan's internal workings.[8] This renewed conditionality will no doubt elicit criticism from anti-American elements and the Pakistani security establishment. More broadly, however, there is evidence that ordinary Pakistanis *want* the United States to stop buttressing the men on horseback. As one Pakistani commentator argued on this point: Pakistan's security institutions have become accustomed to unrivaled domestic dominance; they have little desire to see the emergence of a competing civilian powerbase, a key objective of the legislation. As a result, the Pakistani debate about American foreign assistance has been influenced by the claim that the United States seeks to purchase influence through civilian assistance, rather than focusing on how aid inflows can be used to address pressing governance and development challenges (Humayan, 2011).

Unfortunately, the revelation that Osama bin Laden was ensconced in a cantonment town coupled with ongoing admissions by high-level US officials that Pakistan continues to support groups like Lashkar-e-Taiba and the Haqqani network (which recently attacked the US embassy in Kabul), have sapped the will of the US Congress to continue pouring money into Pakistan. These reservations have intensified in the current budget crisis. The funding for the Kerry-Lugar-Berman Legislation is in doubt, as is the viability of the very legislation. Both US legislators and the American public are increasingly doubtful that Pakistan deserves American investment. This situation is unfortunate, but understandable. Without continued engagement, however, Pakistan's security governance is unlikely to improve and is more likely to continue its descent into ever greater decrepitude (See: US Government Accounting Office [USGAO], 2011a and 2011b; Cookman et al., 2011). Given the state

8   This legislation, also known as the Enhanced Partnership with Pakistan Act of 2009, released $1.5 billion in non-military aid to the government of Pakistan over 2010–2014 with the general goal of strengthening civilian institutional capacity.

of anti-Americanism in Pakistan and resistance from the armed forces, the United States will face an uphill battle investing in those very institutions that could over time erode the army's hold over the state and slowly exert civilian governance over the security apparatus. The budgetary crisis permits very little space for advocates of a more sustainable and civilian-focused engagement of Pakistan.

Even if the United States and its partners will be constrained both due to lack of funds and lack of political will in Pakistan and at home, however, the United States could at least start by enforcing its own laws. Two laws in particular stand out. First is the Leahy Amendment, which restricts the provision of security assistance to military units that violate human rights. Despite the accumulating body of evidence, the United States has been reticent to apply this law due to the expediency of Pakistani assistance in the war on terror, including continued access to ground and air lines of resupply to the military effort in Afghanistan. In the fall of 2010, and after months of Pakistani coverage of summary executions by the Pakistan army in Swat, the United States begrudgingly imposed the Leahy Sanction upon select units. This ostensible cut in security assistance, however, was announced amidst a large security assistance package that dwarfed the sanction (MSNBC, 2010).

Second, the hobbled Kerry-Lugar-Berman Legislation puts forth very strict conditionalities for security assistance. The principle requirement is that the US Secretary of State must confirm that Pakistan is satisfactorily progressing in its efforts to fight terrorism and sever access to nuclear proliferation networks, that the army remains uninvolved with politics, and that the government passes terrorism finance legislation. Although Pakistan's report card is dismal on all counts, Secretary of State Clinton made such certification in March of 2011, as preparations were underway to launch

an operation to kill Osama bin Laden. It would have been far better had she invoked a waiver to certification on the grounds of national security than to flagrantly misrepresent a pressing security situation. That would have at least signalled to Pakistan and Pakistanis that the government is not compliant and that security assistance would be provided only because the United States needs to. By certifying Pakistan, Secretary Clinton perpetuated a flawed narrative that Pakistan is in fact making progress on these important areas.

Despite the inevitable resistance from Pakistan's security elites, the international community and the United States in particular, must be willing to prioritize investment in Pakistan's civilian institutions. While one cannot be Panglossian about their potential efficacy, these are the only measures that offer any hope for long-term stability, however bleak those hopes may be.

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