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Pakistan-Afghanistan Border Management; A Unified Approach



A view of the logjam of trucks and passengers witnessed at the Torkham border crossing, after it was closed down on May 10, 2016¹

Effective border management, especially along the Pakistan-Afghan border, remains an issue of urgent national importance. PILDAT has been highlighting an urgent need for a better-managed Western border. Our focus stems from the belief that no State can survive with soft borders and unless Pakistan secures its borders, it will continue to face a host of issues branching not only in internal and external complications, terrorism and espionage, but also matters relating to health and trade, among others.

The Pakistan-Afghanistan border has attained renowned notoriety for being a soft and porous border and is frequently described as one of the most volatile and dangerous places in the world largely due to the alleged presence of terrorist safe havens and lax Governmental control. Various forms of illegal activities such as smuggling of weapons, narcotics, vehicles, timber and electronic goods are routine matters. The health hazards, posed over the years due to the spread of polio and other viruses through free movement also poses another challenge.

Despite positive news on measures to improve border management in May 2016, the issue does not seem to be resolved so far. Some of the recent developments and facts in this context are listed below:

Towards Effective Western Border Management:

1. The National Assembly passed a resolution on March 15, 2016 stating that '*the Government should take effective steps to strengthen Pakistan-Afghanistan border*'.
2. On April 02, 2016, a meeting of the Provincial Apex Committee of the Khyber Pakhtunkhwa was held, where improving border management at all crossing points with Afghanistan, especially Torkham, was stressed. The Committee decided to enforce a proper border management system and also to send a high-powered delegation to Afghanistan to seek resolution of the issue.²
3. According to the salient features of the National Action Plan available on the website of NACTA, although '*FATA reforms with immediate focus on IDPs' repatriation*', and '*formulation of a comprehensive policy to deal with the issue of Afghan refugees, beginning with registration of all refugees*' are mentioned, nowhere is the objective of improved management of our western border explicitly stated.³

1. Picture courtesy daily Dawn

2. The meeting of the Provincial Apex Committee of Khyber Pakhtunkhwa was attended by Governor of Khyber Pakhtunkhwa, Mr. Iqbal Zafar Jhagra; Chief Minister of Khyber Pakhtunkhwa, Mr. Pervez Khattak, MPA; Chief of Army Staff (COAS) Gen. Raheel Sharif; Director General Inter-Services Intelligence (ISI) Lt. Gen. Rizwan Akhtar; Corps Commander Peshawar Lt. Gen. Hidayatur Rehman; Director General ISPR Lt. Gen. Asim Bajwa and senior officials of the provincial and Fata Secretariat. For details, please see: <http://www.thenews.com.pk/print/110028-KP-apex-committee-decides-to-improve-border-management-block-illegal-towers>

3. The salient features of the National Action Plan, as available on the NACTA website, can be accessed at: <http://nacta.gov.pk/NAPPoints20.htm>

4. On April 08, 2016, the Political Agent of the Khyber Agency issued a notification directing Afghan nationals living near Torkham within the Pakistani territory to vacate the area; they were given a four-day deadline in this regard.⁴
5. According to media reports, as early as April 17, 2016, the number of Afghan nationals coming to Pakistan from the Torkham border crossing had dropped as the Pakistani authorities allowed only those to pass with the required travel documents. According to various estimates, almost 20,000-25,000 persons cross over into Pakistan from the Torkham crossing, with only 1,800-2,000 Afghan nationals having the required documents.⁵
6. On May 10, 2016, the Afghan authorities closed the border crossing at Torkham. Afghanistan protested that it was not intimidated in advance over the fencing being carried out by Pakistani security forces in the area. Reportedly, a two-kilometer fence was being constructed by Pakistani authorities beyond the 30-meter radius of the border crossing involving barbed wires to check unauthorized movement across the border. A news report carried out in daily *Dawn* in this regard cited the Political Agent of the Khyber Agency, who stated that *'We had duly informed the Afghan authorities at Torkham border much in advance about our plan of fencing some unauthorized points at the border but they did not respond on time ... Being a sovereign country, we have every right to make our own decisions'*.⁶ The Political Agent went on state that the border would remain closed till the Afghan Government formally responded to the development.
7. On May 13, 2016, the Ambassador of Afghanistan to Pakistan, Mr. Omer Zakhilwal, called upon the COAS, Gen. Raheel Sharif, at the GHQ where it was *'agreed to resume routine cross border traffic at Torkham'*.⁷ The border reopened on May 14, 2016, after a span of four days.
8. According to a Press Release issued by the ISPR on May 21, 2016, a newly constructed border management facility at Angoor Adda was *'handed over to the Afghan authorities'*. The Press Release went on to state that *'this gesture will act as a catalyst and is envisioned to bring momentum for establishing peace and stability along the Pak Afghan Border... It was reiterated during the process, that all border related issues will be amicably resolved through mutual consultations subsequently'*.⁸ Angoor Adda was a part of a longstanding border dispute between Pakistan and Afghanistan. Previously in 2007, Pakistan had erected fences and posts near Angoor Adda in South Waziristan. Afghanistan alleged these to be located a few hundred meters inside its territory. Afghan National Army quickly removed them and began shelling Pakistani positions. According to news report by *The News*, a security official involved in the process stated that Afghanistan had been claiming ownership of the border crossing point near the Pakistani border in Angoor Adda and this had affected relations between the two countries. According to him, Pakistan finally decided to *'hand over'* the border area to Afghanistan in a bid to improve its relations with it.⁹
9. Complications started to surround the Angoor Adda development when it emerged that the Federal Minister for Interior, Chaudhry Nisar Ali Khan, MNA had written a letter to the Prime Minister *'expressing reservations'* over his Ministry not being consulted on the handover. A news report carried by the daily *Express Tribune* cited the letter, which apparently stated that *'There are very clear rules which should be followed before taking such important decisions ... The Government is the custodian of each and every inch of the motherland. We must follow the legal procedures if we have to take such decisions'*.¹⁰
10. On May 24, 2016, the Afghan authorities closed down the Angoor Adda border-crossing facility, which remains closed till this date.¹¹
11. On May 31, 2016, news reports emerged that the Pakistani authorities had decided that no Afghan without the requisite travel documents would be allowed to crossover from the Torkham border crossing from June 01, 2016 onwards. Apparently, previously no such documentation was required as traders were allowed to pass through only on the basis of *'route permits'*. Afghanistan reacted negatively to the move, with the Ambassador of Afghanistan to Pakistan stating that the *'Afghan Government was not taken into confidence over the matter'*.¹²

As welcome and important it is to put in place a stringent and effective border management system that puts to rest any mention of the Pak-Afghan border as a “porous” or “soft” border, the developments leading to the positive actions on border management appear to suggest that some of the recent steps in have not been taken with the required consultation among civil and military institutions. In fact, Federal Minister of Interior's reported complaint indicates that effective civil-civil and civil-Military consultations had apparently not taken place over the important issue of handing over the border crossing facility at Angoor Adda to the Afghan authorities.

This underlines a disjointed civil-military approach, to say the least, especially when it comes to our Afghan policy.

While a consensus seems to be there within Pakistan for securing the border with Afghanistan, the issue of transfer of Angoor Adda border crossing point should have received the importance and the deliberation-based policy it requires. Certainly the subject warranted a discussion among all stake holders within the Government including the Ministry of Interior and the decision should have been executed after explicit approval of the country's Chief Executive. The issue warrants a deeper analysis and a Parliamentary probe by the Parliament's Interior and Defence Standing Committees.

The border management issue also needs to be approached and understood within a certain Pakistan-Afghan cooperative framework. It remains undeniable that the Durand Line is the internationally accepted border between Pakistan and Afghanistan. Pakistan also reserves its right as a sovereign nation

4. For details, please see: <http://nation.com.pk/national/08-Apr-2016/afghan-residents-asked-to-leave-torkham>

5. For details, please see: <http://www.thenews.com.pk/print/113210-Border-remains-tight-homes-of-64-Afghan-nationals-razed-in-Torkham>

6. For details, please see: <http://www.dawn.com/news/1257616>

7. For details, please see the Press Release issued by the ISPR on May 13, 2016, which may be accessed at: https://www.ispr.gov.pk/front/main.asp?o=t-press_release&id=3323

8. The Press Release issued by the ISPR in this regard may be accessed at: https://www.ispr.gov.pk/front/main.asp?o=t-press_release&id=3330

9. The new report cited may be accessed at: <http://www.thenews.com.pk/print/121850-Border-dispute-at-Angoor-Adda-resolved>

10. The news piece carried by the Express Tribune in this regard may be accessed at: <http://tribune.com.pk/story/1108355/chaudhry-nisar-reservations-border-post-handover>

11. For details, please see: <http://www.dawn.com/news/1260454>

12. For details, please see: <http://tribune.com.pk/story/1115895/border-crossings-torkham-set-become-major-bone-contention>

to secure its side of the border by any means including fencing or trenching and must move swiftly to do so. Precedents for this also exist in the case of United States fencing its border with Mexico and India fencing its border with Pakistan, unilaterally.

Although the newly introduced border management system at Torkham needs to be lauded for its intentions, it is hoped that its operations will become smoother and more efficient over time.

Pakistan must work together with Afghanistan by invoking the international law and UN resolutions that ask both countries to “deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens” and to “prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other states or their citizens.”¹³ On the domestic front inside Pakistan, a comprehensive strategy may also include bringing Parliament into the fold by enacting a comprehensive legislation enabling Pakistani authorities to document persons crossing the Durand Line. In order to institute an effective system of checks and balances along the Durand Line, the proposed legislation should define easement right users and issue special 'easement right user IDs' to individuals falling under this category. Detailed recommendations on the subject are available in an earlier PILDAT paper titled: [Pakistan-Afghanistan Border Management: A Legal Perspective](#).

Custodial Killing of MQM Worker: A Dent in the Karachi Operation?

Since the launch of the Karachi Operation in October 2013, and its renewed vigour in March 2015, the MQM has repeatedly claimed that the Operation is being carried out to exclusively target the party. The polarization further seemed to increase when an MQM worker, Mr. Aftab Ahmad, serving as the personal assistant of Dr. Farooq Sattar, died in Rangers' custody on May 03, 2016. Mr. Ahmad was arrested from his residence and produced in front of an Anti-Terrorism Court by the Rangers on May 02, 2016, for a 90-day remand.¹⁴

Although it was initially denied by the Pakistan Rangers (Sindh), the Director General of the Rangers, Maj. Gen. Bilal Akbar later admitted that the MQM worker had died due to torture under Rangers' custody and the Standard Operating Procedures were not followed in the course of the investigation.¹⁵ The post-mortem report also confirmed that 35%-40% of Mr. Aftab Ahmad's body bore bruises and abrasions.¹⁶ In the meanwhile, the COAS directed the concerned authority to carry out an inquiry into the incident, following which four personnel of the Rangers were arrested.¹⁷

PILDAT believes that custodial killings and the case of missing persons should not become a recurrent feature of the Karachi Operation. Consider the list recently submitted by the MQM to the Supreme Court, which showed that 171 of its members had gone missing since the Operation was launched, with '90% of them picked up by the Rangers from their residence'.

Such actions are needless given the various legal amenities that

the Pakistan Rangers (Sindh) have been provided with, including Special Policing Powers granted under the Anti-Terrorism Act of 1997 and 2014 for the operation. Therefore, custodial killings and the case of missing persons is not only unacceptable, unnecessary and unwelcome, but also dents the credibility of the significant progress achieved under the Karachi Operation.

It is hoped that the enquiry ordered by the COAS will lead to administration of justice and recommendations for precluding any such recurrence.¹⁸

No Meeting of the National Security Committee

Although in a welcome move, a meeting of the National Security Committee was held on April 06, 2016 after a lapse of 18 months, the month of May 2016 saw the dormancy of the forum being restored amidst security challenges such as the drone strike killing Mullah Mansour in Balochistan.

PILDAT believes that the apparently disjointed civil-military approach to matters of internal security and certain domains of our foreign policy can only be resolved through institutionalization in matters of national security, and strengthening of the NSC. However, the 'principal decision making body on matters of national security' seems to be plagued by dormancy, and has only met five times since its formation in August 2013. National security consultative forums across the world normally meet on a weekly basis.

PILDAT believes that given the anomalous decision-making powers of the forum, and the permanent membership of the Services Chiefs in it, an Act of Parliament must be passed to sanctify workings of the NSC and to strengthen it. Currently, the institution has been formed under an Executive Order, with both the civil and military leadership averse to bestowing an importance upon it.

Premier-COAS Interactions

During May 2016, the Prime Minister and the COAS met twice, both on May 10, 2016, once during a one-on-one huddle and subsequently during a meeting chaired by the Prime Minister during which 'issues pertaining to national and internal security were discussed. It reviewed the progress of Operation Zarb-e-Azb and return of internally displaced persons'. The larger forum was also attended by the Federal Minister for Interior, Chaudhry Nisar Ali, MNA; Federal Minister for Finance, Senator Ishaq Dar; Chief Minister of the Punjab, Mr. Muhammad Shahbaz Sharif, MPA and Director General of the ISI, Lt. Gen. Rizwan Akhtar.¹⁹

However, in what can only be termed as a bizarre turn of events, no Press Release of the one-on-one huddle between the Prime Minister and the COAS was issued. Rather, the news was leaked by 'well-placed Government sources' to the media and immediately became the headline, along with speculation that during it, the COAS had asked the Prime Minister to resolve the Panama leaks Issue at the earliest. In another strange turn of events and contrary to the past practice, a video footage of the meeting between the Prime Minister and the COAS was released to the media along with audio of a part of the meeting.

13. United Nations Security Council Resolution 1373

14. For details, please see: <http://en.dailypakistan.com.pk/pakistan/farooq-sattars-pa-aftab-ahmad-dies-in-rangers-custody>

15. For details, please see: <http://www.dawn.com/news/1256004>

16. For details, please see: <http://www.dawn.com/news/1256464>

17. For details, please see: <http://tribune.com.pk/story/1100631/four-rangers-personnel-arrested-over-mqm-workers-custodial-death>

18. For details, please see: <http://www.dawn.com/news/1255801>

19. For details, please see: <http://www.dawn.com/news/1257602>