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Preface

This Week CSRS analyses in great details the Changes, which took place not only in Pakistan's internal and foreign policies but her strategies regarding Pakistani and Afghan Taliban. With it our analytical board had tried to analyze whether Pakistan can forcefully Repatriate Afghan Refugees or not?

Since the bloody massacre of Peshawar incident there are visible changes in Pakistan's Governmental and military Policies and strategies. This transformation changes were laid down by Prime Minister Mr. Muhammad Nawaz Sharif during his speech to the nation telecast, live on 25th December 2014. In his speech, he narrated his country's Anti-Terrorism Plan against terrorism and insurgency.

On the other hand, With the bloody incident of Peshawar and the expiration date of PoR (Proof of Registration) cards of Afghan refugees coming close (next December, 2015), the Pakistani Government had decided to Repatriate Afghan refugees back to Afghanistan.

In this issue we would be discussing what are those changes which took place in Pakistan's policies? After reading the analyses we would know that Pakistan's policy towards Pakistani Taliban had changed, So the question arises whether Pakistan had also changed her policy towards Afghan Taliban or not? And what will be the results of forcing the Afghan refugees to repatriate? These are the topics which are discussed in great detail.

Afghanistan and Pakistan; A Joint Struggle against Terrorism



December 16th is an unpleasant day in the history of Pakistan. On December 16th 1971 the Pakistani Army lost battle in the Eastern Pakistan, and General Niazi submitted his arms and weapons to the Indian Army Commander General Arora.

If we are to believe coincident, it seems that exactly 43 years after the incident of the loss of the battle in the Eastern Pakistan, on the same date, 16th December 2014, some criminals by the name of Islam and Jihad attacked a school in Warsak of Peshawar, in which 141 students, teachers, and the principal of the school, who was a woman killed.

The Pakistani Taliban Group led by Mullah Fazlullah took responsibility of the massacre, and the spokesman of the group said that they have done it to avenge the killing of children and civilians in Waziristan, who were killed by the Pakistani Forces.

So it is not improper for the Pakistani media and politicians to count it as the worst incident in the modern history of Pakistan after the fall of Dhaka.

Unjustifiable Crime:

Even if the Pakistani forces have been killing innocent people in Waziristan operation, handling, reciprocity and killing those who had no connection with the killing and war, is unacceptable by any standard and it is an unjustifiable crime. It means acknowledging that the crimes of the Americans to avenge the victims of September eleventh incident pulled troops to Afghanistan and other Muslim countries, and the blood of hundreds of thousands of innocent Muslims who had no connection with the incident of September eleventh, poured. Those who killed innocent

people in Peshawar of Pakistan, not only committed a great crime, but somehow considered the crime of the U.S. after the incident of September eleven as justified.

Good Taliban, Bad Taliban:

Pakistani media have criticized the policies of the previous government of Pakistan against the Taliban and even Nawaz Sharif says that "Good Taliban" and "Bad Taliban" does not make sense and they will take actions against all of the Taliban. The Pakistani analysts believe that the terms of Good and Bad Taliban were invented by Maulana Fazul Rahman and Maulana Sami-ul-Haq. In February 2014, member of national assembly and member of Muslim League of Pakistan by the name of Jawed Ibrahim Paracha said that they don't have any problem with "Patriotic" Taliban. Though, today, Pakistani media criticize the previous activities of the Pakistan officials in the shadow of the massacre incident. But there is also another mistake of the Pakistan Officials regarding the incident which is noteworthy:

When after America's invasion of Afghanistan, the Afghan Taliban took refuge in the tribal areas of Pakistan; TTP gradually took shape as a subset of the Afghan Taliban. From the beginning, the ISI tried to prevent unification of the Pakistani Taliban. The Pakistani Army signed peace agreement with some of them and with some others started war. Today, according to the statistics, the Pakistani Taliban have been divided into 24 groups, including three main groups.

The plurality of these groups was problematic while the Pakistani government asked them to initiate peace talks. Plurality of the groups led to the conditions of small extremist groups that were not acceptable to the government of Pakistan, finally the peace talks faced failure; because those extremist groups were even asking for the cancelation of Pakistani Constitution.

On the other hand, the plurality of groups led to mysterious hands to play some ignorant and stupid activities by some of those groups, so they will do some massacre crimes, and the Taliban also wanted to show themselves as a strong and collective group, in order to avoid internal conflicts within those groups, they stayed silent against those massacre crimes and took responsibilities of all those crimes. Finally, even those who were supporting the mentioned group left them alone, to the extent that the people like Hafiz Sayeed, who are the leader of Lashkar-e-Tayyeba, also asked the execution of the Taliban prisoners.

From Waziristan to Sri Lanka:

Regarding the incident of Peshawar, the Pakistani politicians became united and said that if Sri Lanka was able to eliminate LTTE (Tamil Tigers) and was able to win the war against them, Pakistan also can reach its aim. Now the question raises either the conditions of Sri Lanka and Pakistan are similar or not?

The Tamil Tigers were involved in a frontier war in a peninsula, where their siege was possible. With all those limitations, their war with the central government took 26 years. But the shelters of the Taliban are located in deserts between the Afghanistan-Pakistan borders, which give them chance of escape from one country to another and their chance of siege is limited.

If Pakistan is honest about elimination of the Taliban, it is not possible that only the Pakistani Army will eliminate them, maybe because of the mentioned reason General Rahill Sharif and the head of CIA General Rezwal Akhtar reached Kabul the day after the incident of Peshawar. Nawaz Sharif, on his speech of December 17th, said that they agreed with Ashraf Ghani about the joint struggle against terrorism.

Possibility of Joint Operation Between the two Countries:

It seems that both the countries have decided to start operations against the Taliban in both sides of Durand Line. The Pakistani officials explained that the military forces of both the countries will not enter the land of the opposite country during their operations.

So far, the official view of the Afghan Government is not clear about it, but it seems that Pakistan is more interested to operations in Kunar, because it is said that the leader of Pakistani Taliban Maulana Fazlullah is hidid there.

Lack of trust between Afghanistan and Pakistan created problems for both the countries to come to an agreement in short term. General Rahill Sharif, in his last trip to Kabul, provided proofs to Afghanistan that the Afghan land is used for the incident of Peshawar. Afghanistan also provided similar proofs for Pakistan, which they rejected.

The Pakistani Prime Minister Nawaz Sharif said that both the countries, Afghanistan and Pakistan, agreed on the joint operations against the Taliban in both sides of Durand line, but the Afghan Government says that they signed agreement only for mutual coordination in the operation in both sides of Durand Line.

Therefore, there is still lack of trust between both the countries, even if recent events could cause the coordination of military operations between the parties; it would be a valuable achievement.

The Policy of Pakistan Regarding the Taliban and its Recent Strategies



Before the attack on a military school in Peshawar and the attack on Karachi Airport few months ago, political parties in Pakistan such as PTI, Muslim League (N), Jamaat Islami and other religious parties believed that the war against terrorism is not the war of Pakistan but Pakistan entered the war because of the U.S. pressure; they thought instead of fighting Taliban, they should be called for negotiations.

Most of the political experts were emphasizing on the peace negotiations with the Taliban before of the attack on Karachi Airport but after the Karachi attack political parties hesitantly supported the “Zarb-e-Azb” operations of Pakistani Army in Waziristan. After the Peshawar attack, the hatred towards Taliban increased in Pakistan to an extent that the country’s Prime Minister Nawaz Sharif said that expansion of “Zarb-e-Azb” operations to the urban cities and rural villages of Pakistan is necessary.

Changes in the Policy of Pakistan Regarding the Pakistani Taliban:

In the 2013 elections when Nawaz Sharif won in Islamabad and Imran Khan’s party won in Khaibar Pakhtunkhwa, the process of peace negotiation with the Taliban got speed up; there was a delegation created for the peace process, in which the leader of “Jamiat Ulama-e-Islam” party Maulana Samiulhaq, the leader of Jamat Islami party Professor Ibrahim, and some other influential figures were included.

The delegation started negotiations with the government as the representatives of the Taliban and later on they negotiated with the Taliban, which was going on for months. However because of the attack on Karachi Airport, for which Pakistani Taliban took responsibility, the

negotiations were stopped. In addition, on 15 June 2014, the Pakistani Army started operations against the Taliban in Waziristan, which is still going on and according to the spokesperson of Pakistani Army, there are 2100 Taliban killed in the operations so far.

In addition, some other political parties in the country were against the military operations as they believed that the issue should be solved through negotiations but after the Peshawar attack, not only there were visible changes in the policies of Pakistan Government but also the army, the political parties and the nation agreed for the military operations against the Taliban.

Earlier Pakistan Government, military and political parties had vacillating policy regarding the Pakistani Taliban. Sometimes, they would initiate great military operations against them and sometimes they would sign peace agreements with them. Some political parties would start peace negotiations with the Pakistani Taliban and some others would support military operations against them.

After the Peshawar attack, Pakistan made the following strategies:

1. Building joint strategies against terrorism.
2. Removal of non-execution law.
3. Speed up the military operations.
4. Creation of military courts.
5. Cooperation with Afghan Government and NATO.

1, Joint Strategy against Terrorism:

The attack in Peshawar happened in such a time that the PTI was busy with protests against the Pakistan government because of the fraud that happened in elections and it was its 125th day of protests but with the attack, PTI also stopped its protests and the leader of PTI Imran Khan also participated in the conference of political parties, which was led by the Pakistani Prime Minister Nawaz Sharif.

In the conference there was one representative elected from every party, and including the military and intelligence institutions, there was a committee, which will make a plan against terrorism and they will submit it to the prime minister.

According to the plan of the mentioned committee comprehensive work strategy will be made against the Pakistani Taliban, the media will broadcast its update news, and there would be no struggle against the Pakistani Taliban, but also with the ones that support them.

2, Removal of non-execution:

After the Peshawar attack, the Pakistani Prime Minister removed the non-execution law and executed six people immediately. According to the Interior Minister of Pakistan Chohadry Nisar Ali Khan, in next few days many other criminals, who have done destructive activities and other similar activities, will also be executed.

3, Speeding Up Military Operations:

Only 24 hours after the incident of Peshawar, the Pakistani Army have performed 57 airstrike operations against the Pakistani Taliban, and they started Khaibar-One operations in Khaibar Agency.

4, Establishment of Military Courts:

In the committee that was led by the Interior Minister of Pakistan Chohadry Nisar Ali Khan, they spoke about establishment of military courts, it was said that they will deal with the ones that are involved in the activities against the military and their judgement would be based on the military law of Pakistan. Though three Pakistani Parties (National Awami Party, MQM, and Jamaat Islami) are against the mentioned policies; but still three large parties (Muslim League, People's Party, and PTI) support it. There is nothing mentioned in the Pakistani Constitution about it; therefore, there is a necessity of adjustment in the law.

5, Coordination with NATO and Afghan Government in Military Operations:

On the day of the incident of Peshawar, the chief of Pakistani Army Rahill Sharif and the head of ISI Rezwan Akhtar came to Kabul, and they met with President Ashraf Ghani, the Chief of Afghan National Army, and the General Commander of NATO. It is said that Rahill Sharif has given Ashraf Ghani some proofs that the plan of the mentioned incident was made in Afghanistan, therefore Rahill Sharif asked President Ashraf Ghani and the commander of NATO to coordinate with Pakistan against Pakistani Taliban.

Since last few days, Afghan Security Forces also started military operations against the Pakistani Taliban in Dangam District of Kunar Province, which is appreciated in Pakistani media, and they present it as the proof of cooperation and friendly relationship of the new Afghan Government and Pakistan.

“Peshawar atrocity has changed Pakistan!”

Nawaz Sharif, during his speech to nation on December 24th 2014, said that Pakistan is changed about its strategies against the terrorism! He declared his strategy against terrorism. He briefly summarized his strategy in 21 points, the important ones of those are mentioned here:

- The government will execute those people that are sentenced to execution because of destructive activities.
- The one that are involved in destructive activities will be sentenced and punished based on the military law.
- There will be serious actions taken against the media and literature that inflame hatred and religious division.
- Religious Schools should be registered.
- Prohibition of destructive people to become famous.
- Homeless people will move back to their homes and construction in tribal areas will speed up.
- The activities of destructive people will be prohibited in social media like Facebook and Twitter.
- There would be action taken against extremism in some parts of Punjab.
- The ongoing operations of Karachi would be completed.
- A comprehensive plan would be built for resending Afghan refugees to Afghanistan.

Strategy of Pakistan Regarding Afghan Taliban:

Though there are visible changes in the strategies of Pakistan after the incident of Peshawar; but there is still the question, either Pakistan will have the same policy regarding the Afghan Taliban or not?

With the inauguration of the new government in Afghanistan, Kabul opened a new chapter of its relations with Islamabad. President Ashraf Ghani started soft policy, which is against the policy of the previous government with Pakistan, with which most of the doubts of Pakistan are removed, and currently Pakistan respects the attempts of the new government.

The soft policy of Ashraf Ghani regarding Pakistan, and the privileges of Afghanistan that it gave to Pakistan, it seems that Pakistan has given the below promises to the Afghan Government:

First: either Pakistan will bring Afghan Taliban to peace negotiation with the Afghan Government, or they will also struggle against the Afghan Taliban, especially the Haqqani Network.

Second: Pakistan will not allow Afghan Taliban to use the land of Pakistan for making their plans against Afghanistan.

Accordingly, Nawaz Sharif, in his last speech, said that they will not allow anyone to use land of Pakistan against Afghanistan, and if anyone do so they will face extreme reaction from the Pakistani Government.

From the speech of Pakistani Prime Minister, the trips of Pakistani high-ranking officials to Kabul, and the expressions of the Afghan Officials, it seems that Pakistan is in the process of changing its policies against the Afghan Taliban, and currently Afghan Officials are hopeful that they will see the changes of Pakistan regarding the Afghan Taliban.

Forcing Afghan Refugees to Repatriate from Pakistan:



Both Natural disasters and conflicts among human beings and wars are mostly behind the process of migration and resettlement. If we look down to the modern political history, day by day the migration had increased in those areas, which are faced with conflicts and crisis, especially in the Muslim world.

Currently, most of the migrants in the world are Muslims. For instance due to the ongoing crises in Syria and Iraq hundreds of thousands of the citizens of these countries had migrated to the neighboring countries; the Afghans that had migrated to other countries after 1971, most of them are not yet returned to their homeland.

Currently the issue of Afghan Refugees in Pakistan is inflamed because of two reasons: first, it is because of the expiration of the PoR cards of the Afghan Refugees (who are legally registered as Refugees in Pakistan), and secondly, due to the bloody massacre of Peshawar. Though the SAFRON (Ministry of States and Frontier Regions) Minister of Pakistan Abdul Qader Baluch had said that the government is committed to repatriate Afghan Refugees by end of 2015; but after Peshawar incident, the government of Khyber Pakhtunkhwa has given one month time for the Afghan Refugees to move back to their country.

Background:

The first round of Afghan Refugees to Pakistan had started before the operations of 1954, during that time there were approximately 300 Afghans refugees in Pakistan. With the Communist Coup d'état the process of taking shelter in Pakistan speeded up and the number of Afghan refugees had reached in hundreds of thousands, with the Soviet invasion of

Afghanistan, the half of the Afghan Population were forced to take refuge in Pakistan and other countries.

During the Soviet Union invasion of Afghanistan (1979-1989) there were approximately five million Afghan refugees in Pakistan. After the withdrawal of the Soviet Union Forces from Afghanistan many Afghan refugees returned to Afghanistan; but with the beginning of civil war in the country, once again Afghans had migrated to Pakistan. After the incident of 9/11, while there was an interim government established in Afghanistan, hundred thousands of Afghan refugees returned to the country.

With the cooperation of UNHCR, in 2007 the registration of Afghan Refugees started in Pakistan, in which 1.7 million Afghans were registered, and they were given (Afghan Citizens) identity cards. Those cards were extended in 2010, 2012, and 2014. The current PoR Afghan citizen cards would be expiring by December, 2015.

International Refugees Law and Pakistan:

According to the article 14 of Universal Declaration of Human Rights¹, 'Everyone has the right to seek and to enjoy in other countries asylum from persecution.

Based on the article of Non-Refoulement of the UN Convention of Refugees which was signed in 1951², no one can force refugees to repatriate to their country. As yet Pakistan did not ratify the mentioned Convention; therefore, she is not forced by international convention to forcefully not repatriate Afghan refugees³.

Based on the views of two Pakistani International Law Researcher (Mohammad Munir and Mushtaq Ahmad), Pakistan did not treat Afghan refugees neither as refugees nor as Muslims coming to a Muslim Territory. They are, rather, treated under the Foreigners Act (1946)⁴.

¹ Universal Declaration of Human Rights

² Convention relation to the Status of Refugees adopted on 28th July 1951 by the United Nations Conference of Plenipotentiaries on the status of Refugees and Stateless Persons.

³ For more information read, The Masters Thesis of the Afghan Doctor Ahmad Khalid Hatam:

Hatam, Ahmad Khalid, Non-Refoulement and Pakistan's Go-Home Attitude: A Case Study of Afghan Refugees, LLM Thesis, Islamabad: International Islamic University, 2009

⁴ Khalid Rahman and Fakiha Mahmood (editors), International Refugee Law, Islamic Shariah and Afghan Refugees in Pakistan, Institute of Policy Studies, pp: 43-44

Though Pakistan had not ratify the convention of the UN, but based on diplomatic relations and morality it is obliged not to force Afghan refugees to return to their country.

A comprehensive strategy should be made for Repatriation of Afghan Refugees, and it will be beneficial for both, Afghanistan and Pakistan, to return the refugees by taking care of their conditions and providing facilities to them. The insecurity and high unemployment rate in Afghanistan are the main problems in the paths of Afghan refugees to return their own country. On the other hand, Afghan Government in present conditions is also not financially able to provide facilities for such a large number of Afghan Refugees to return to their country; so the Afghan Government should find a reasonable solution and raise this issue with the Pakistani Government.

The End

Contact Us:

Email: info@csrskabul.com - csrskabul@gmail.com

Website: www.csrskabul.com

Contact: (+93) 784089590

