

Introduction

Background: Internal Security Matters

Within the South Asian region, Pakistan is today arguably one of the most important allied partners¹ of the United States. Since reversing its policy toward Afghanistan following the September 11 attacks, the country has emerged as a central partner in the Bush administration's global war on terror (GWOT),² playing a critical role in helping to degrade the operational capabilities of al-Qaeda and affiliated Taliban elements that fled Afghanistan in the wake of Operation Enduring Freedom (OEF).³ Indeed, at the time of writing, Pakistan had rendered more suspected al-Qaeda operatives to the United States, including several high-profile commanders such as Khaled Sheikh Mohammad, Abu Farraj al-Libbi, and Ahmed Ghailani, than any other coalition partner.⁴ Contrasting with these notable successes, however, is the reality that no high-level Taliban cadre has yet been captured.

Beyond the GWOT, the United States has numerous other salient interests in helping Pakistan fortify its internal security apparatus and counter sources of insecurity, such as those related to narcotics smuggling and abuse, money laundering, trafficking in persons, illegal migration, and the rendition of suspected terrorists. In addition, since the overt nuclearization of the South Asian subcontinent in 1998, one of the most enduring U.S. foreign policy goals has been to mitigate the possibility of an Indo-Pakistan war.

Several sources of tension exist between India and Pakistan, including territorial conflicts—the most significant of which is over Jammu and Kashmir—“extradition” disputes—particularly in relation to known or wanted criminals and others who Delhi considers to be terrorists—and security dilemmas arising from their nuclear and conventional arms race.⁵ Dampening the destabilizing potential of these and other matters is widely recognized as vital both to securing and promoting security on the subcontinent and to limiting the potential operating space available to al-Qaeda, even if doing so will not in itself lead to total regional stability and security.

Although Pakistan is a state of central importance to ensuring the geostrategic stability of the wider South Asian region, it is afflicted by a

multitude of domestic extremist and criminal threats and governance challenges. Terrorism, of many varieties, represents a particularly serious threat to the country; random killings and bomb attacks have occurred all too frequently over the past decade. Much of this recent violence has stemmed from rival Sunni and Shi'a sectarian groups,⁶ while in the past it also came from antistatist militants fighting for a separate Mohajir province in Sindh. Additionally, ethnic tensions in Baluchistan and the activities of jihadists—including those allegedly backed by the army and Inter-Services Intelligence Directorate (ISI)—have emerged as serious threats to the state.⁷

Following Pakistan's decision to ally with the United States in the GWOT and to restrict the activities of Islamist militant groups operating within the country, several such groups began targeting President Pervez Musharraf, high-level members of his administration, and various foreign interests located in Pakistan. This development suggests that the security forces are not only losing much of their influence over some of their former and current proxies but, more troublingly, are also confronting an escalating "blow-back phenomenon" that they are increasingly unable to contain.⁸

While such a reorientation poses an obvious threat to the internal security of the Pakistani state, it also carries negative implications for U.S. and international efforts to stabilize Afghanistan and is serving to further complicate Islamabad's historically problematic relations with India. Moreover, the investigation into the July 2005 London Underground bombings has revealed that several individuals who were either responsible for the attacks or in some way tied to them may have sought militant training in Pakistan. Accordingly, Pakistan's domestic situation has direct relevance to the international community as well.⁹

Further complicating Pakistan's internal security situation is an entrenched and substantial milieu of organized criminal activity. Syndicates exist in many cities, engaging in everything from documentation forgery and money laundering to licit and illicit goods smuggling and human trafficking. Just as significantly, what effectively amounts to institutionalized graft has had a deleterious effect on Islamabad's governing legitimacy and effectiveness—the country is consistently ranked in the upper ten percent of Transparency International's (TI) Corruption Perception Index (CPI).¹⁰ Although the United States is not directly affected by these

various manifestations of organized crime, they do represent a subset of the transnational problems that the Bush administration has identified as a growing threat to U.S. national security and international stability. Moreover, they pose a direct challenge to the domestic stability of a state that is of considerable geostrategic significance to Washington.

Unfortunately, Pakistan has only a limited capacity to deal with these myriad threats. The state has no centralized criminal database and only rudimentary forensic capabilities. Further, Pakistan's police lack resources and basic investigative tools and are generally unschooled in how to secure a crime scene and follow custodial procedures for collected evidence. As a consequence, there are few technical and human means available within Pakistan for collecting and assembling evidence against criminal or terrorist suspects.¹¹ The immigration systems at Pakistan's ports of arrival are equally archaic. With the introduction of U.S. computerized systems at the country's major international airports, Pakistan has only recently begun to operationalize a digitized system for tracking those entering and leaving the country. Land borders suffer from even greater deficiencies, particularly those in the remote northern areas where frontier posts are largely devoid of any formal regulations or controls.¹² It should be noted, however, that Pakistan is not unique in these regards: most states in South Asia suffer similar deficiencies.¹³

Besides an inadequate police and immigration structure, Pakistan is also in dire need of judicial reform. Not only are federal and local officials subject to coercion and manipulation by political authorities, elites, and crime syndicates, few in the country understand their rights much less avail themselves of appropriate accountability, review, and appeal mechanisms.¹⁴ Just as seriously, corruption and highly inefficient trial and conviction processes have served to dramatically undermine public confidence in the justice system; many simply turn to extralegal remedies for redress.¹⁵

Faced with these collective challenges, Islamabad has made certain nascent attempts to address them. For example, Pakistan has taken steps to modernize its outdated nineteenth-century police ordinance. Additionally, in 2002, Pakistan and the United States launched several initiatives to help strengthen the state's law enforcement capacity; this includes the formation of a Joint Working Group on Counter Terrorism and Law Enforcement (JWG-CTLE). As discussed in chapter 2, the JWG-CTLE met for

the first time in May 2003 and is emerging as a key conduit for addressing a wide array of mutual U.S.-Pakistani security concerns.

While the JWG-CTLE has made a promising start—if only by highlighting just how underresourced Pakistan's counterterrorism and law enforcement mechanisms remain—a robust and concerted commitment to further internal security reform is still needed on the part of Pakistan. To ensure that such reform proceeds as effectively and smoothly as possible, sustained and attentive involvement from the United States and other international partners, such as Great Britain and Japan, will be required. Pakistan will also need to permanently close down those groups that claim to be fighting for the liberation of the portion of Kashmir under Indian control,¹⁶ but currently there is little indication the government is moving to do so. This is at least in part because of apprehensions within Pakistan about India's intentions vis-à-vis the disputed province and the persistent belief that Delhi seeks to sideline Islamabad from any resolution related to the embattled region.¹⁷ Until there is a final settlement to this protracted territorial conflict, Pakistan will not be willing to strategically abandon the use of jihadist organizations; Islamabad does not see any other means of persuading its larger and stronger neighbor to come to the negotiating table in good faith.

Indeed, despite the generally positive atmospherics of the ongoing Indo-Pakistan dialogue, Indian sources complain that Pakistan is unwilling to render known criminal and terrorist fugitives to India¹⁸ and announced in August 2005 that militant Islamist infiltration is again on the rise, a charge vigorously disputed by Musharraf.¹⁹ However, U.S. officials interviewed in Islamabad shared this belief that infiltration was increasing.²⁰ Unfortunately, Pakistan's dogged pursuit of militancy as a tool of its foreign policy will continue to have repercussions for the domestic integrity of the state—particularly as uncontrolled jihadist groups increasingly begin to see the government as their enemy—and continue to limit political and economic opportunities for its citizens.

As noted, Washington has an active interest in ensuring the continued strengthening of Pakistan's internal security. Viable law enforcement, immigration, and judicial structures are needed for shoring up the country's domestic stability and should help militate against the (very remote) possibility of a collapsed nuclear-armed state.²¹ A stable Pakistan would

also diminish the opportunities for nonstate actors to acquire fissile material or nuclear technology. In addition, fortifying Pakistan against internal threats may foster an environment that is conducive to establishing successful confidence-building measures throughout the subcontinent.

However, while improved internal security programs within Pakistan are a necessary—albeit insufficient—part of ensuring regional stability, the authors recognize that the effectiveness of these programs will ultimately hinge upon whether Pakistan has the political will and sustained intent to make these programs work. One of the key challenges for the United States in defining its future policy toward Pakistan, therefore, is to determine how best to support current advocates of law enforcement reform in Pakistan. Clearly, Washington cannot be expected to fund all of the country's needed law enforcement reform programs. Rather, Washington should take a measured approach by identifying critical internal security areas within Pakistan and developing programs that address those areas, prioritizing according to likely benefit, time horizon of benefit, likelihood of long-term untoward consequences, financial cost, and opportunity costs to other potential programs.²²

In addition, the United States must map out a comprehensive, long-term strategy for assisting the development of Pakistan's internal security and for guiding future investments in counterterrorist and crime-fighting initiatives within the country. Because the impacts of such programs are long term, this will require Washington to pursue a dedicated and sustained relationship with Islamabad that can endure the vicissitudes of political exigencies.²³ The United States must also continue to pressure Pakistan to ensure that it does not retrench from the advances it has made thus far in countering Islamist militancy and its supporting structures.

Objectives and Scope of the Study

This study offers a comprehensive examination of Pakistan's internal security environment and the effectiveness of its criminal justice structures and assesses the impact and utility of principal U.S. initiatives that have been enacted to help Pakistan fortify its internal security arrangements. The authors specifically intend to (1) identify the strengths and weaknesses of America's various support efforts; (2) highlight those areas that require more dedicated resources; and (3) delineate specific weaknesses emanating

from both the U.S. and Pakistan governments that limit the efficacy of the current assistance programs.

As this study is focused only on internal security (sometimes referred to as “civilian security”) programs and efforts to build capacity in the civilian sector, programs executed by the U.S. Department of Defense and/or conducted through Pakistan’s Ministry of Defense are outside its purview. For example, Coalition Support Funds (CSF) are not discussed. Even though payments from these funds comprise an important source of hard currency for Pakistan (\$1.32 billion between January 2003 and September 2004), they are made by the Defense Department to Pakistan’s Ministry of Defense and therefore do not directly target civilian capabilities. Further, their primary aim is to reimburse Pakistan for the resources it has deployed in support of U.S. operations in Afghanistan.²⁴

The authors believed that taking on this study was important for several reasons. First, Pakistan is the recipient of considerable and diverse U.S. resources. Given the scope of this investment, it makes sense to assess the utility of these expenditures. Second, because Pakistan must have both the will and the capability to counter the various threats it faces and because the United States has several specific security interests with respect to Pakistan, it is necessary to examine whether Islamabad is receiving the type of assistance that it needs for its own requirements and whether this suite of programs best serves U.S. interests and objectives. Third, Pakistan is an enormously important partner in the GWOT and the concomitant struggle against violent extremism. It is therefore important that its government remains a fully cooperative and allied partner in the near and policy-relevant future. It is equally critical that Pakistan develops into a fully stable and functioning democracy that is able to live at peace with itself and its neighbors over the long term. Determining how U.S. security assistance affects Pakistan’s long-term development is, therefore, a valid area of research. Indeed, short-term initiatives may adversely affect longer-term goals. This issue will be discussed throughout the study.

Organization and Expected Benefits of the Study

Chapter 1 discusses the array of domestic security challenges confronting Pakistan and the specific ways in which they negatively affect the country’s stability. Chapter 2 looks at current U.S.-funded efforts to enhance

Islamabad's domestic criminal justice and security environments and examines relevant programs both in terms of their stated objectives and resource allocation. Chapter 3 considers the relevance of U.S. law enforcement assistance to Pakistan, equating the prioritization of individual initiatives—as determined by Washington—to the seriousness of extant security challenges within the country—as determined by Islamabad. It concludes with a number of policy prescriptions that can be followed to better design initiatives for strengthening the viability and robustness of Pakistan's security and judicial machinery. This, in turn, will benefit wider U.S. geostrategic objectives in South Asia.

The authors believe this study makes two significant contributions to the current understanding of the evolving security relationship between the United States and Pakistan. First, it provides a comprehensive overview of Pakistan's internal security considerations, both in the context of threat assessments and policy responses. To date, this type of integrated analysis has not featured prominently in much of the contemporary research on Pakistan. At a time when Islamabad's domestic viability is increasingly being linked both to the GWOT and to general stability in the South Asian region, addressing this lacuna is emerging as an increasingly important priority.

Second, the study links the future course of the Musharraf government's internal security policy to broader U.S. strategic imperatives—another issue that has yet to be comprehensively dealt with in the relatively sparse literature on this subject.²⁵ Ensuring that Pakistan remains stable and fully in control of its territory is of crucial importance to the Bush administration, particularly in terms of helping to consolidate post-Taliban reconstruction in Afghanistan, maintaining the nuclear geostrategic balance on the Indian subcontinent, and stemming ongoing Islamist extremist activity throughout South Asia (much of which has been directly tied to wider, pan-Islamist imperatives). Determining how Pakistan's evolving domestic setting will affect Washington's ability to pursue its interests in this part of the world, therefore, is an important topic worthy of examination and discussion.

