

THE HUMANITARIAN DIMENSION OF SUFFERING IN TERROR HIT AREAS OF PAKISTAN

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Abstract

The contemporary discourse on conflict brings forth the realization that the impact and toll of armed violence does not remain confined to the active war zone alone. For enduring and sustainable peace there needs to be effective post-conflict rehabilitation and settlement, coupled with civilian ownership and a near ideal mix of civil-military cooperation. Security needs to be viewed from a holistic perspective and not the traditional security lens alone. As the reasons behind conflicts, especially those of an internal nature, become complex, so does the need for using a variety of means to tackle and address these problems by involving a cross section of stakeholders and concerned actors. In the case of Pakistan, the greatest toll of militancy and terrorism has been on the civilian population, which stood to lose its economic livelihood, safety and comfort of home and had to suffer death and destruction at the hands of militants and terrorists as well as displacement, sometimes more than once. The paper focuses on the impact of terrorism on Pakistan and the compound effects of problems arising out of this chaotic situation through a holistic lens. The complex interplay of security dynamics involving extra-regional powers' interests, cross border conflict, drone strikes, displacement of population are studied with a view to determine its overall impact on Pakistan's security. Beginning with a review of changing dimensions of security, this paper specifically examines the humanitarian impact of terrorism in the country and attempts to suggest a way forward.

Key words: *Displacement of Population, Impact of Terrorism, Cross Border Conflict, Drone Strikes, Post-Conflict Rehabilitation, Civil-Military Cooperation*

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Terrorism and militancy is not a menace new to Pakistan, where unfortunately owing to its existential threat from India, Pakistan has endured low scale acts of terrorism in different forms as well as active armed conflict with the eastern neighbor since inception. Owing to uneasy relations with the western neighbour Afghanistan, Islamabad's security concerns became much more pronounced and profound with the initial inflow of Afghan nationals post-Spring Revolution of 1978 in Afghanistan. Pakistan, itself a country with challenging economic and socio-political dynamics, faced the full brunt of worsened political dynamics in Kabul, when at the end of December 1979, Soviet troops formally entered the country, thus initiating a unique security situation, which has inextricably linked the fate of these two countries for the last three and a half decades. The policies pursued during the 1980s legitimized CIA sponsored jihad and gave birth to a breed of fighters motivated with religious fervor and zeal, who became more emboldened with the demise of the Soviet Union. The use of Pakistani state as a refuge for the beleaguered Afghan population, a safe haven for the fighting jihadis and a transit route for weapons and armaments for the warring mercenaries from the world over in turn created many problems for the country, which continues to struggle against these challenges to date.

Post 9/11 developments and re-convergence of the global powers' interest in this region, now christened by US policy makers as *Af-Pak*¹ despite Islamabad's dislike, the spillover effects of US war on terror became extremely pronounced for Pakistan. For the US, the virtual ground zero of the war on terror was now in Afghanistan, while Pakistan, besides facing a huge inflow of conflict affected Afghan nationals, also had to bear the brunt of terrorists and militants fleeing across the border and seeking sanctuaries in Pakistan's tribal areas. As a result, Pakistan was compelled to play a mainstream role in the US led war on terror. Despite facing immense cost in terms of loss of precious lives and economic as well as political instability, the US mantra "to do more" fuelled a strong anti-American sentiment, which manifested itself through the spread of militancy and terrorism throughout the country, but more specifically in

¹ The term *Af-Pak* gained fame and was possibly coined, by the Obama administration's Special Representative for Afghanistan and Pakistan Richard Holbrooke in March 2008, a year prior to his assuming the designated position, explaining the reason behind the term, Ambassador Holbrooke said:

"First of all, we often call the problem Af-Pak, as in Afghanistan Pakistan. This is not just an effort to save eight syllables. It is an attempt to indicate and imprint in our DNA the fact that there is one theater of war, straddling an ill-defined border, the Durand Line, and that on the western side of that border, NATO and other forces are able to operate. On the eastern side, it's the sovereign territory of Pakistan. But it is on the eastern side of this ill-defined border that the international terrorist movement is located."

For details see: *Hampton Roads International Security Quarterly*, 22 March 2009.

the provinces of Khyber Pakhtunkhwa and Balochistan. Not only did Pakistan suffer immense physical losses, with no less than 81, 000 people killed² and more than 1.8 million Pakistani nationals internally displaced,³ but there has been a heavy economic cost alongside political and societal cost that the country has borne.

The contemporary discourse on conflict brings forth the realization that the impact and toll of armed violence does not remain confined to the active war phase alone. For enduring and sustainable peace, there should be effective post-conflict rehabilitation and settlement coupled with civilian ownership, a near ideal mix of civil-military cooperation along with the realization that security needs to be viewed and treated through a holistic lens and not the traditional security lens alone. As the reasons behind conflicts, especially those of an internal nature, become complex; so does the need for using a variety of means to tackle and address the problems by involving a cross section of stakeholders and concerned actors. A mere peace agreement may not prove sufficient unless the stake holders and parties to conflict chart out a strategy which takes cognizance of finer issues of post-conflict settlement, rehabilitation, repatriation and reintegration of affected and vulnerable actors, alongside addressing the root cause of the violence. It is very important to have an inclusive approach towards problem solving, a full ownership and involvement of the security sector with stakeholders comprising of a mix of civil, military, law enforcement, local as well as non-governmental entities.

The biggest challenge for any country faced with armed militancy and violence is the protection, timely safe evacuation (if so needed), upkeep and then proper resettlement of affected population groups. This also includes revival of economic and commercial activities, which more often than not are the biggest collateral damage in such situations. The challenges faced by contemporary states in rehabilitation and responsible resettlement are many. Firstly, no longer are governments faced with singular, isolated (purely military) threats, but have to deal with the compound effects of natural as well as man-made disasters, thus making

² More than fifty percent of the total count includes civilian casualties, which according to this study stands at 48,504 people killed, with 45 Journalists killed, Civilians fatalities resulting from drones around 416 to 951, Security personnel 5,498 and Militants killed: 26,862, coming to a total of 81,325 – 81,860 in Pakistan alone. See for details: "Body Count of the 'War on Terror': Casualty Figure after 10 Years," *Physicians for Social Responsibility* et al, First Edition, March 2015, http://www.ippnw.de/commonFiles/pdfs/Frieden/Body_Count_first_international_edition_2015_final.pdf.

³ According to estimates, "As of July 2015, there were more than 1.8 million people displaced by insurgency, counter-insurgency and other related violence in Pakistan." And these statistics include registered internally displaced people only. For details see: "Pakistan IDP Figures Analysis," *Internal Displacement Monitoring Centre (IDMC)*, <http://www.internal-displacement.org/south-and-south-east-asia/pakistan/figures-analysis>.

the task of managing the ensuing conflict an onerous and difficult one, especially in the absence of responsible partners to help and assist. In such cases, very often the gap in the provision of relief, services and security parameters results in the introduction and inclusion of non-state actors with vested interests who exploit this vacuum and burnish their image as charitable entities and extend their network of grass-root support.

In the case of Pakistan, the greatest toll of militancy and terrorism has been on the civilian population, which stood to lose its economic livelihood, safety and comfort of home and had to suffer death and destruction at the hands of militants and terrorists as well as displacement, which in certain instances was more than once. An added dimension has been the non-declaration and recognition of these places as zones of conflict, thereby making it difficult for aid providers, volunteers, health administrators as well as aid convoys to reach out to the affected population. Furthermore, since the US led ISAF operations in Afghanistan, the struggle against militancy and terrorism was not the only trouble for Pakistan. It also had to deal with a prolonged military standoff with India on the eastern front, a devastating earthquake in 2005 which claimed more than 87,000 lives and 2.8 million people were displaced, catastrophic floods annually since 2010 and the pockets of unrest and militancy in various parts of the country. All of these events have further compounded the stress on the country's fragile economy. Of the several military operations against insurgents in Swat, Malakand and Waziristan, there have been some peace accords signed, which include Shakai (2004), Sararogha (2005) and Miran Shah Agreement (2006). Yet none of them adequately addressed the issue of post-conflict resettlement and rehabilitation, thus resulting in a complex security dilemma which needs a multiple range of actors and innovative approaches towards problem solving.

Security as a Holistic Notion

The discourse and debate dominated by traditional security narrative altered significantly with the end of the Cold War. During the five long decades of the Cold war, which moved from decolonization, anti-colonialism, alliance politics centered on ideological battlegrounds to structural imperialism and a world polarized around economic haves and have-nots, the state was the sole unit of analysis, both the provider and the beneficiary in this distinctive system. The collapse of the Soviet Union was a victory for the free world, as not only was it an ideological battle field won, but also what the West considered as a recognition of its democratic ideals. It was a moment of reckoning for the world, reaching the final frontiers of democratic ideals which Fukuyama's much deliberated thesis

considers as the *End of History*.⁴ It ushered in a global governance system based on US-led Western ideals of liberal democracy and free market economy which would only result in progress and prosperity.

Unfortunately, many of the expectations from this ideal form of governance and statehood proved short-lived as a number of countries, which were part of the Cold War's global South, remained embroiled in conflicts, old and new. With states now categorized as strong, weak, fragile⁵ or failing, the changed discourse and dynamics also brought forth the realization that state actors were confronted with threats no longer confined to the traditional realm. Also, the much talked about notion of globalization failed to turn the world into a borderless entity referred to as the "global village." It did however make nontraditional concerns such as health, crime, epidemics, trafficking, movement of illicit economy and goods as well as movement and operations of non-state actors more fluid and conceivable. The initial post-Cold War years brought about a transitional phase, where state and non-state agents sought to realign and adjust themselves to changed power structures. Mercenaries and free agents of yesteryear, hailed as heroes and freedom fighters such as Al Qaeda or the Afghan Taliban who were carefully nurtured and equipped to fight ideological battles against the Soviets, were now left to their fate and then later hunted post 9/11 as they were using the same skills to bring down their mentors. Cold War conflicts such as the one in Afghanistan, which on one hand were the biggest success story for the US, became a classic case study of inadequate post conflict settlement, thus giving rise to ungoverned spaces plagued by civil strife and break down in governance. This made Afghanistan a festering ground for non-state actors to establish, enhance and consolidate their writ.

The events of September 11, 2001, taught us that weak states like Afghanistan can pose as great a danger to our national interests as strong states. Poverty does not turn poor people into terrorists and murderers. Yet poverty, combined with weak institutions and corruption, can make weak states vulnerable to terrorist networks and drug cartels within their borders.⁶

Similarly, many other under-developed countries struggled with rising security challenges, as they no longer had the patronage and comfort of alliance politics, which provided them political, military as well

⁴ Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992). Fukuyama expanded on his 1989 essay "The End of History?" published in the international affairs journal *The National Interest*, into a book form, presenting the central argument that the advent of Western liberal democracy may signal the end point of humanity's sociocultural evolution and the final form of human government.

⁵ Lothar Brock, Hans-Henrik Holm et.al, *Fragile States Violence and the Failure of Intervention* (Cambridge: Polity Press, 2012), 8.

⁶ "The National Security Strategy of the United States of America," September 2002, accessed at: <http://www.state.gov/documents/organization/63562.pdf> 2.

as economic protection. Although not every country suffered a fate similar to Afghanistan, but many a state suffered the classic symptoms of fragility and weakness as per Western based indices and criteria of gauging states' performance and governance. This also paved the way for applying concepts such a *humanitarian intervention and assistance*⁷ as well as the *responsibility to protect*,⁸ though selectively. This was evident in Iraq, Afghanistan, Egypt, Libya and now Syria, countries of strategic interest to the US and the West, but not in genuine cases such as decades' long atrocities and human rights violations in Indian occupied Kashmir to date.

When viewed holistically, security is no longer the mere protection of physical boundaries of a country, as a range of issues affecting the citizens fall in the purview of the government, however weak it may be. Security now implies a much wider meaning that covers personal, social, communal, economic, political aspeces as well as health and sustenance. A country, riddled with any kind of conflict does not have the potential to devote its entire efforts to ensure security in comprehensive terms,

⁷ There is no generally accepted definition of *Humanitarian Intervention*; primarily due to the concern that states would exploit the humanitarian exception to justify military aggression and intervention in breach of another country's internal affairs and sovereignty. Majority of the member states has rejected a UNSC resolution legitimizing humanitarian intervention repeatedly since 1999, considering it a pretext for self-assertion of national interest, power and greed. See: Ryan Goodman, "Humanitarian Intervention and Pretexts for War," *The American Journal of International Law*, 100:107, (2006), 107-109.

⁸ According to the *UN Office of the Adviser on the Prevention of Genocide*, Prevention requires apportioning responsibility to and promoting collaboration between concerned States and the international community. The duty to prevent and halt genocide and mass atrocities lies first and foremost with the State, but the international community has a role that cannot be blocked by the invocation of sovereignty. Sovereignty no longer exclusively protects States from foreign interference; it is a charge of responsibility where States are accountable for the welfare of their people. This principle is enshrined in *Article 1 of the Genocide Convention* and embodied in the principle of "sovereignty as responsibility" and in the concept of the *Responsibility to Protect*.

The three pillars of the responsibility to protect, as stipulated in the *Outcome Document of the 2005 United Nations World Summit (A/RES/60/1, para. 138-140)* and formulated in the *Secretary-General's 2009 Report (A/63/677) on Implementing the Responsibility to Protect* are:

- The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement;
- The international community has a responsibility to encourage and assist States in fulfilling this responsibility;
- The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the *Charter of the United Nations*. See: <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>.

therefore adding to a state's fragility. Where on one hand it invites intervention and support by legitimate international state actors and organizations, it equally attracts non-state actors who exploit state weakness and fragility for their vested interests, as in the classic case of Afghanistan.

Pakistan and the Impact of Terrorism

It is widely believed that for Pakistan, terrorism became a major issue in the post 9/11 environment and as such the country did not suffer from this malaise before that. However, the declining security and political situation in Afghanistan and India's active involvement (as well as admission of it) in Pakistan's internal security, which is visible through its covert support to militants and political actors in Balochistan, Sindh (Karachi) as well as Khyber Pakhtunkhwa (KP), have been a strong contributor in instigating militancy and terrorism in the country. There have been actions undertaken by various governments (both under civil and military administrators) to curb terrorism, such as the Anti-terrorism Act 1997, establishment of anti-terrorism courts, counter-terrorism legislation, de-weaponization campaign (early 2001) which predate the landmark events of 9/11. Yet, it was after 9/11 that the full impact of militancy and terrorism manifested itself, taking a heavy toll on life as well as negatively affecting economic and political security of the state and its political image.

Although Pakistan's relations with its Northwestern neighbor Afghanistan have not led to an active war, but owing to divergent positions over the Durand Line, there have been select incidents where the security forces on both sides came to a standoff.⁹ Most of Pakistan's current internal security problems are linked directly to the country's policies and support rendered in ousting Soviet military presence from Afghanistan during the 1980s. Pakistan's problematic security relations with India have contributed greatly to the country's evolution as a "security state" thereby giving rise to a peculiar strategic culture. Over the seven decades of its independent existence, not only has Pakistan been compelled to invest heavily in conventional armaments, but since the 1971 war, the financially stressed country formally embarked on a costly nuclear

⁹ Although the Durand line alongside Pashtunistan issue have always been a point of friction between Islamabad and Kabul, the latter has not only used these two for political currency and garnering internal support, but has also breached the sanctity of the border or Durand line several times, twice resulting in a military exchange, first in year 1955, and then 1960-1. This led to a breakdown in diplomatic ties between the two countries. The Shah of Iran, helped mediate a détente between the two neighbors in the year 1963, which coincides with the departure of ultra-(Pashtun) nationalist prime minister of Afghanistan Sardar Daud Khan's exit from office. Read, Daveed Gartenstein-Ross and Tara Vassefi, "The Forgotten History of Afghanistan-Pakistan Relations," *Yale Journal of International Affairs*, March 2012. 38-45.

program which provided it adequate deterrence: a negative security guarantee as well as a balancer in an increasingly costly and widening arms race with India. The extent of India-Pakistan rivalry does not remain confined to border skirmishes or open wars alone, but low intensity wars as an effective 'slow bleed strategy' or 'war of a thousand cuts' has been able to create sufficient internal security problems for both neighbors. If India blames Pakistan for fueling an active 'insurgency' in the Indian-held Kashmir (a UN sanctified disputed region) and stoking militancy in Sikh dominated Punjab, then India stands equally guilty of similar actions in Balochistan, Karachi as well as FATA and KPK. Indian intelligence heads as well as none other than India's previous Prime Minister Manmohan Singh have openly admitted these actions.¹⁰ Furthermore, the security dilemma becomes much more intense, with India exercising classic Kautaliyan doctrine through a policy of encirclement, using Afghanistan as an active proxy ground against Pakistan.

In the post 9/11 scenario, Pakistan's domestic security landscape has become increasingly volatile and complex. Not only has there been introduction of new violent actors in addition to the old ones, but these actors have employed new techniques of terrorism and have correspondingly contributed to an unprecedented number of casualties and damage that was never witnessed before. With access to latest and sophisticated firearms and emboldened by a mix of religio-political zeal, these violent actors have proved far more resilient and stronger than the LEAs targeting them. Given the complexity and multiplicity of the aforementioned actors, the conflict spectrum by itself has been very complicated and wide ranged. Sectarian and ethnic strife, militancy, sub-nationalist movements, terrorism, along with inclusion of and tolerance towards violence in the body politic of the state' has created an environment which has allowed a gradual though informal and indirect as well as (in certain instances) direct empowerment of non and sub state actors. This has contributed to state insecurity and enhancement of fragility in governance, which on the one hand are symptomatic of unresolved protracted conflict, while on the other hand they have become

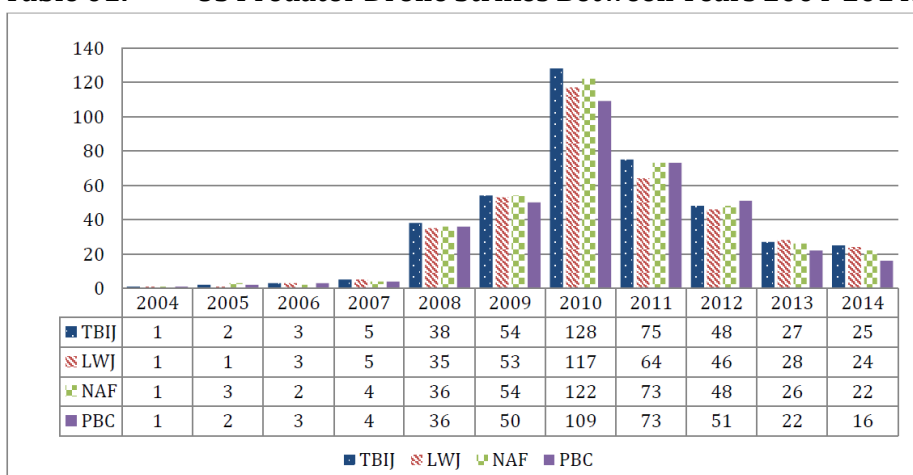
¹⁰ "Text - India, Pakistan prime ministers' joint statement," *Reuters*, July 16, 2009, <http://in.reuters.com/article/idINIndia-41092220090716>. Also see: "PM introduced Balochistan, terror delink in Egypt statement," *The Times of India*, July 25, 2009, <http://timesofindia.indiatimes.com/india/PM-introduced-Balochistan-terror-delink-in-Egypt-statement/articleshow/4817599.cms>, and "Pakistan has proof of '3 Indian Kasabs' in Baluchistan," *Rediff News*, July 28, 2009, <http://www.rediff.com/news/special/hamid-mir-on-the-real-reason-why-india-agreed-to-discuss-baluchistan/20090728.htm> furthermore, India's Defence Minister, Manohar Parrikar has time and again eluded to use of terrorism as a viable policy tool to counter Pakistan which gained him criticism even within India, Parnav Kulkarni, "You have to neutralise terrorist through terrorist only," says Defence Minister Manohar Parrikar," *The Indian Express*, May 22, 2015, <http://indianexpress.com/article/india/india-others/kill-terrorist-with-terrorist-defence-minister-manohar-parrikars-idea-2>.

a source and precursor of new forms of conflict – compounding the existing one and exacerbating the scope and magnitude of violence.

The country also had to face the brunt of US-led ISAF military operations in Afghanistan, which aimed at targeting terrorist networks led by Al-Qaeda and the Taliban. Given the porous nature of the Pak-Afghan border, a huge number of operators from these groups spilled over into Pakistan, especially in the challenging terrains of tribal agencies. In order to weed out and check these cross border infiltrators as well as their local sympathizers, the Pakistani security agencies had to wage various counter terrorism operations, such as those mentioned previously. The US also waged a Predator drone campaign in FATA, with the aim of specific surgical and precision targeting of the militants and their hideouts, in order to ensure minimal collateral damage. Yet the drone campaign over the years, not only became a politically controversial issue, but many a times proved counter-productive when civilian casualty count started to mount. Although the exact statistics regarding civilian casualties resulting from drone strikes remains disputed across various studies, but in the decade spanning the years 2004 to 2014, the civilian casualty rate in the drone campaign has been assessed as about 32 percent,¹¹ the year 2010 being the deadliest in terms of number of civilian fatalities with estimated 850-950 fatalities.¹² In a compilation of various American watch bodies monitoring drone strikes, the Brown University tabulated the following statistics.

¹¹ "Drone Wars Pakistan: Analysis," *New America Foundation*, <http://natsec.newamerica.net/drones/pakistan/analysis> (accessed August 5, 2013). Also see Peter Bergen and Katherine Tiedemann, "The Year of the Drone. An Analysis of U.S. Drone Strikes in Pakistan, 2004-2010," *New America Foundation*, February 24, 2010, <http://counterterrorism.newamerica.net/sites/newamerica.net/files/policydocs/bergentiedemann2.pdf>, 3.

¹² For a database compilation by PIPS, see "Drone Attacks (2004–2014)," *Pakistan Institute for Peace Studies*, <http://san-pips.com/app/database/download.php?f=3.pdf> (accessed March 5, 2016)

Table 01: US Predator Drone Strikes Between Years 2004-2014.¹³

*TBIJ: The Bureau of Investigative Journalism; LWJ: Long War Journal; NAF: New America Foundation; PBC: Pakistan Body Count.¹⁴

However, the overall number and percentage of civilians killed as a result of these strikes remains uncertain, therefore there has been much reliance on estimations. Furthermore, the myth that these strikes were carried out in close cooperation with the Pakistan military also remains questionable, as many a times the US not only led ground offensives and border patrols but also drone strikes which were not in consonance with counter terrorism operations led by the Pakistani security forces across the border. This created disconnect between the two allies. Lack of intelligence sharing and coordination, mutual distrust, US insistence for Pakistan to do more and reliance on unreliable ground informants made the entire drone strategy a very controversial moot point. Not only Pakistan, but many humanitarian agencies and individuals in the West strongly campaigned against the grey and extra judicial nature of these operations. This did bring down the number of drone strikes in targeted countries, but by no means has this strategy been ruled out and still

¹³ Neta C. Crawford, "War-related Death, Injury, and Displacement in Afghanistan and Pakistan 2001-2014," *Costs of War*, Watson Institute for International Studies, Brown University, May 22, 2015, 11.

¹⁴ Ibid., *The Bureau of Investigative Journalism (TBIJ)* (2014). "All Estimated Casualties in Pakistan by Year (correct as of 26/11/14)." Retrieved from www.thebureauinvestigates.com/wp-content/uploads/2012/07/All-Totals-Dash67.jpg; *Long War Journal (LWJ)* (2015). "Pakistan Strikes." Retrieved from www.longwarjournal.org/pakistan-strikes; *New America Foundation (NAF)* (2015) "Drone Wars Pakistan: Analysis." <http://securitydata.newamerica.net/drones/pakistan/analysis.html>; (2015). *Pakistan Body Count (PBC)* Retrieved from <http://pakistanbodycount.org/> and PBC data set via email communication with Zeeshan Usmani, March 10, 2015.

remains operational, though at a minimal level. The following table shows the number and percentage of civilians killed by drone strikes according to the aforementioned US sources:

Table 02: Number and Percentage of Civilians Killed by US Drone Strikes in Pakistan, Various Sources, 2004-2014.¹⁵

Source	Civilian Killed	Total Killed	% Civilians killed
TBIJ Min	416	2,648	15.7
TBIJ Max	953	3,837	24.8
LWJ	156	2,882	9.5
NAF average	286	3,002	9.5
PBC Min	1,409	1,944	92.5

According to the Pakistan Institute for Peace Studies (PIPS), not less than 2,898 civilian deaths have been recorded in 361 drone strikes during the same period. As mentioned previously, the drone strategy proved counter-productive and politically as well as legally controversial, once the civilian casualty and infrastructure loss mounted thus fueling resentment among affected population groups both against the US as well as the Pakistani establishment. This provided militant organizations such as the Tehreek e Taliban Pakistan with moral justification and popular support as well as a solid basis for recruitment. Questioning the legality of these strikes, Phillip Alston, the United Nation's special rapporteur on extrajudicial, summary or arbitrary executions, argues that the use of Predator drones to carry out targeted killings lacks legal basis and may be in violation of international law.¹⁶ At the humanitarian level, living under a constant fear and threat of strikes has driven many people away from the safety of their homes. Besides, at the micro level, fear, distrust and suspicion about each other, as the US recruits locals as its eyes and ears has created a divide in what otherwise used to be close knit traditional societies in these tribal zones.

The biggest humanitarian challenge for the Pakistani civil and military administration has been the protection, safe evacuation from conflict areas, encampment and later resettlement and repatriation of affected civilian (non-combatant) population. According to Crawford:

¹⁵ Crawford, *Costs of War*, 12.

¹⁶ "Alston Says Drone Attacks on Pakistan-Afghanistan Border May Violate International Law," *NYU Law*, October 30, 2009, www.law.nyu.edu/news/ALSTON_UN_GENERALASSEMBLY. See also Ben Emmerson's interim report to the UN General Assembly, "Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism," *UN doc. A/68/389*, September 18, 2013, www.lawfareblog.com/wp-content/uploads/2013/10/Emmerson-Report.pdf

In July 2014, before the peak of the flight due to Operation Zarb-e-Azb, the UNHCR counted 1.2 million internally displaced persons in Pakistan. In addition, there were 1.6 million refugees from neighboring countries (mainly Afghanistan, Somalia and Iraq) for a total of more than 2.8 million refugees and internally displaced persons inside Pakistan. Further, an additional 176,000 Pakistanis had fled the country and sought refuge elsewhere in mid-2014.¹⁷

Pakistan, despite being a non-signatory to the 1951 International Refugee Convention,¹⁸ has not only hosted one of the world's largest refugee populations but also for the longest period of time, now spanning close to four decades. Being itself a resource stressed country, Pakistan has had to face a dual challenge of deteriorating internal security situation and turbulent conditions in Afghanistan, and each time an attempt was made to repatriate the affected Afghan nationals, the problematic security situation in Afghanistan become a major impediment. With the assistance of the United Nations High Commission for Refugees (UNHCR) office, repatriation started in 2002 and out of the 3 million registered (Afghan) refugees, the figure currently stands at 1.6 to 1.8 million (registered) refugees, however an equally large number of Afghan nationals continue to reside in Pakistan owing to the security issues.

Adding to this challenging situation is the number of Internally Displaced People (IDPs), who are referred to by the federal, provincial as well as tribal authorities as Temporarily Displaced People (TDPs) comprise of two categories. The first category is of those affected by natural disasters such as earthquakes and annual floods, and the second are those displaced by conflict. According to governmental statistics, the total number of TDPs ranged between 1.8 million (ISPR) to 2 million (NADRA). The international monitoring agency on IDPs, the Internal Displacement Monitoring Centre (IDMC), cites a similar count i.e. around 1.8 million population displaced owing to insurgency, militancy and counter insurgency operations, which include 1.5 million from FATA (out of the total population of 3.18 million residents of FATA)¹⁹ and 275,000

¹⁷ Crawford, *Costs of War*, 17. Also see: UNHCR (2014), Pakistan. (accessed March 20, 2014) from <http://www.unhcr.org/pages/49e487016.html>

¹⁸ The 1951 Convention relating to the Status of Refugees is the key legal document in defining who is a refugee, their rights and the legal obligations of states. The 1967 Protocol removed geographical and temporal restrictions from the Convention. For details refer to: *Convention and Protocol relating to the Status of Refugees*, Text of the 1951 Convention Relating to the Status of Refugees Text of the 1967 Protocol Relating to the Status of Refugees Resolution 2198 (XXI) adopted by the United Nations General Assembly, *Office of the United Nations High Commissioner for Refugees* <http://www.unhcr.org/3b66c2aa10.html>

¹⁹ Total Population of FATA: 3,176,331 Source: *FATA Disaster Management Authority (FDMA)*, <http://www.fdma.gov.pk/federally-administered-tribal-area-fata>.

from the Balochistan province.²⁰ Unverified independent sources even quote a staggering figure of 3.5 million displaced, citing that not less than 80% people remained undocumented and resided outside designated IDP camps with host communities.²¹ This figure has been cited for the year 2009, which registered the highest number of displacement, and which, according to the International Research Committee, has been the largest in the South Asian region since 1947.

Table 03:

TDPs Statistics as of 03-05-2016 ²²

Agency	NADRA Verified	A=Registered Return/Verified	B=Spontaneous Return	Total Verified Return: A+B	Un-Registered Return	Total Balance	Return %age
Bajaur	72,895	72,895	0	72,895	0	0	100.00
FR-Tank	2,228	1,852	0	1,852	0	376	83.12
Khyber	91,689	81,857	4,646	86,503	54,264	5,186	94.34
Kurram	33,024	18,334	7,815	26,149	13,857	6,875	79.18
Mohmand	36,759	36,759	0	36,759	0	0	100.00
*NWA	104,002	19,283	19,734	39,017	6,246	64,985	37.52
Orakzai	35,823	7,425	14,371	21,796	14,627	14,027	60.84
SWA	71,124	17,084	0	17,084	15,720	54,040	24.02
Grand Total	447,544	255,489	46,566	302,055	104,714	145,489	67.49

Source: FATA Disaster Management Authority (FDMA).

Amongst these population groups, according to the IDP Vulnerability Assessment and Profiling (IVAP) index, the profile of the IDPs comprised of 21-22% adult men and women below 60 years of age, 1-2% older men and women above the age of 60, 31% boys and 23% girl-child.²³ With the gradual improvement in the security situation and clearance of militancy and conflict from the affected area, a sufficient

²⁰ Internally Displaced Monitoring Centre, (IDMC) "Pakistan IDPs Figure Analysis," <http://www.internal-displacement.org/south-and-south-east-asia/pakistan/figures-analysis>

²¹ Ibid.

²² TDPs Statistics as of May 3, 2016, FATA Disaster Management Authority FDMA, <http://www.fdma.gov.pk/tdps-statistics-as-of-22-03-2016>

²³ Ibid.

number of IDPs have returned to their homes, with 104,000 returnees alone rehabilitated for the year 2014. Yet, a disturbing trend has been that in certain instances, affected population groups, facing threat to their lives and livelihood, had to undergo the trauma and suffering of repeated displacement as well. According to the IDMC and IVAP estimates:

The national government continued to prioritise the return of registered IDPs to “denotified” areas where it deems military operations to be over. IVAP found that 79 per cent of IDPs planned to return to their places of origin as soon they were declared safe, and that 13 per cent planned to go back regardless of the security situation. More than 108,000 IDPs from FATA returned to their homes and were deregistered during the year. The government and international organisations provided transport and food rations.²⁴

As mentioned repeatedly and evident from the statistics, the most affected have been the Pashtun dominated areas as well as to a certain effect, the conflict and natural calamity stricken population of Balochistan. However, during the Swat operations, the people of PATA (Provincially Administered Tribal Areas) were also the unfortunate victims of a similar displacement, whose rehabilitation and repatriation has been considered a successful case study.

Deeming such inter twining crises, such as dual suffering by population groups because of natural disasters as well as conflict, as **Complex Emergencies**, explains not only the complicated nature of the problem, but also the need for multilayered strategizing and innovative means to address the problem at hand. Very often the question faced by responders (both governmental as well as non-government) is, what takes precedence-physical security of the state which traditionally has been tasked to be the Provider and Protector or the well-being, security and safety of individuals? The United Nation’s Office for the Coordination of Humanitarian Affairs, in its country appraisal, explains the complexity as:

The displacement of population due to insecurity and natural disasters has been a major humanitarian concern for the past few years. Recurrent security operations in Pakistan’s north-west region have resulted in 1.6 million new or previously displaced people in 2015. Monsoon floods in 2015 affected approximately 1.6 million people in more than 4,000 villages. Pakistan also suffers from a prevalence of under-nutrition with an estimated 14.7 million pregnant and lactating women and 22.2 million children affected. The Government of Pakistan, with support from the

²⁴ “Pakistan: Internal displacement in brief,” *Internally Displaced Monitoring Centre, (IDMC)*, December 2013.<http://www.internal-displacement.org/south-and-south-east-asia/pakistan/figures-analysis>

humanitarian community is leading the efforts to meet the needs of these populations.²⁵

The plight of displaced people does not remain restricted to mere quantification and narrating of statistics. Displacement under extreme hostile circumstances often means leaving established homes, businesses, ripe crops and orchards and walking for miles and endless hours, with little in the pocket and diminishing hope of when and what they would return to once peace and security is restored. With survival as the overriding concern, gender and women-protection as well as security remain a low priority. Not only do women stand vulnerable directly because of violent conflict and displacement, sometimes without adequate chaperon and protection nets; they are also indirectly affected when their children or the male family members remain vulnerable and unprotected. As mentioned earlier, the ratio of displaced people comprises of 31% boy-children, 23% girl-children, 21-22% women under the age of 60 and 1-2% above 60 years of age. Even if the ratio of women in this pool is around 40-50%, it puts approximately 70% IDPs as highly vulnerable, when and if we include the ratio of boy and girl children to the pool of dependent and vulnerable people.

The children often exhibit anxiety and psychological disorders; facing identity crises and trauma resulting from abrupt dislocation, physical and personal insecurity, loss of safety nets as well as sociological reference groups. Despite government and donor agency plans, the heavy inflow of IDP/ TDPs has often resulted in lack of provisions and services such as availability of long-term female medical staff, schools, books as well as money. With the challenges and uncertainties of living in IDP camps higher for woman, it is frequently observed that there are a higher percentage of early marriages for girls; secondly families don't feel comfortable sending girls to camp schools. Women have to wait for days to receive medical aid, as female doctors and staff may not be available on a daily basis or if they are, the ratio of patients to medical staff is extremely disturbing. Often people have little money or resources for spending, which adds to this distress and despondency.

The already fragile governmental infrastructure and institutions have been further brought under stress due to the compound effects of these complex emergencies. In order to deal with such challenges, it is imperative to first build a clear comprehension that every emergency may look similar in the magnitude of issues at hand, but may not necessarily require the same set of tools to handle and resolve it. Every case study has its set of unique challenges that need to be fully understood rather than generalizing all. Yet at the same time there may be standardized actions; such as provision of basic health care, schooling, sanitation, shelter that

²⁵ "Pakistan: Country Overview," *UNOCHA*, <http://www.unocha.org/pakistan>.

follows the prompt and timely registration of individuals and making budgetary allocations correspondingly. However, this becomes difficult especially when there is little credible information available regarding the real conflict scenario, as well as the fact that whether an on-going conflict is acknowledged by the government as an active conflict zone or not. One of the basic yet most critical issues concerned in institutions face is that the country has not had an official population census since 1998. Although, in 2011 there had been an attempt, and another one in 2016, yet the former is considered unofficial and unreliable and the latter got postponed. In the absence of a solid database, the government as well as relief bodies have to work on estimations, which can result in flawed relief operations.

With little credible information regarding the affected population, coupled with limited state capacity to manage the complex emergencies, two alternative outcomes may result. Firstly, instead of civil institution, the military oversees the relief, settlement, resettlement, recovery and repatriation activities post-conflict. Ideally this should not fall into the military's purview, as the ownership and handling of reconstruction and rebuilding efforts should be purely civilian-led. Unfortunately, as in the case of Swat and a few other instances, the insufficient civilian institutional infrastructure and the military's prominent positioning in such areas not only led to a question of ownership and credibility amongst the responders as well as affectees, but also resulted in fractured civil-military relations. Secondly, and most importantly, poor civilian oversight and ownership results in stepping in of non-governmental as well as non-state actors (NSAs), who seek and manipulate such critical spaces to build grass-root popular support base and legitimacy. These NSAs burnish their image as charitable organizations and through their good Samaritan act, extend their networks through grass root support.

Besides, there are also issues of politicizing or using emergency response for their vested interests by political actors, thereby compromising the core principles of humanitarian action i.e. neutrality, impartiality and independence. In the case of Pakistan, international response to this unprecedented displacement crisis has been slow, inadequate and lacking in influence, which has negatively affected relief efforts. The other twining concern has been the usage by donor agencies or their sub-contractors of relief efforts to gather critical and confidential conflict related data, to which the government response has been tough, bringing the critical question of linkage between security and humanitarian assistance to the fore and enhancing the already fragile situation. Last but not least are the genuine concerns and plight of aid providers, who stand equally vulnerable and at the cross roads when it comes to their role in genuine provision of relief services and care. They have very often become targets of militants, as evident in the case of polio campaign workers, many of which were target killed despite being

provided security. According to informal reports, not less than 70 polio immunization workers have been killed since 2012.²⁶ Besides, military convoys carrying relief goods and evacuees from affected areas have also been occasionally targeted by militants, thus enhancing the vulnerability and sense of insecurity amongst people.

Conclusion and Way Forward

Despite having disaster management bodies at the federal, provincial as well as tribal agencies' level, it is never easy to respond to complex emergencies. The governmental bodies such as NADRA worked very hard at timely distribution of registration cards, so that health, food, medical as well as all kinds of relief efforts can be provided to the people in an orderly fashion in the shortest possible period. Yet many displaced people who moved to host communities, instead of designated relief camps or registration sites remained without assistance. Many people had never sought a national identification card ever in their life; still others maintained duplicate or dubious registrations. Despite all these challenges, the relief and repatriation process has to work.

The building blocks of any preparatory strategy in humanitarian relief effort according to Tomasini & Van Wassenhove (2009), are based on knowledge management, human resources, logistics, financial resources and lastly the community and its support.²⁷ Without adequate and updated statistics such as census data, none of these tenets can work with complete efficiency. Based on a triple A principle i.e. agility, adaptability and alignment, disaster and humanitarian relief efforts are 80% dependent on logistical efficacy and effective supply management chain.²⁸

Moreover, there is a need to be better prepared and effectively adapt to humanitarian crises and multi-natured disasters. This can be effectively managed by training and building a first line of responders amongst the local communities which help in averting disasters and reduce their impacts. There is also the need to train aid workers (from local communities if possible) as better providers and responders and this also empowers and makes local affected communities active stake holders in their relief and rehabilitative efforts. Aid and relief agencies need to lobby governmental institutions to invest in reducing the risks of disasters (preemptively) and have better coordination amongst stakeholders involved – pooling of resources, increased transparency and minimizing

²⁶ "Four kidnapped polio workers are found dead in Pakistan," *BBC News*. Retrieved 2015-10-20.

²⁷ R. Tomasini, & L. N. Van Wassenhove, *Humanitarian Logistics*, (London: Palgrave Macmillan, 2009.)

²⁸ L. N. Van Wassenhove, "Humanitarian aid logistics: Supply Chain Management in High Gear, *Journal of the Operational Research Society*, 57, no. 5 (2006), 75–489.

the bureaucratic indolence, thereby ensuring an efficient, timely and result oriented system.

Not only there is a need for all stakeholders to adopt a preemptive as well as a preventive strategy, but a comprehensive approach necessitates sensitization through curricula; having specialized study programs, effective understanding and training of citizens, a better security sector as well as civil military cohesion and coordination. And last but not the least there is a need of respecting the dignity of affected and displaced people, whose plight is certainly not skin deep. They too are stakeholders and can be effectively utilized as a critical human resource than a liability. Since stabilization efforts go beyond the traditional humanitarian mandate, yet remain reliant on governmental coordination, governments need to preemptively develop a coherent strategy and have the foresight to develop a pool of resources for return, recovery and stabilization of IDPs. Very often critical time is lost in developing a plan that ends up compounding the crises.

