

**UNFULFILLED PROMISES:  
PAKISTAN'S FAILURE  
TO TACKLE EXTREMISM**

16 January 2004



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## UNFULFILLED PROMISES:

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#### EXECUTIVE SUMMARY AND RECOMMENDATIONS

It has been more than two years since President and Chief of Army Staff Pervez Musharraf pledged to reform Pakistani society by reversing the trend of Islamist extremism. In a televised speech, he promised a series of measures to combat extremism. One of the key issues was to bring all madrasas – the religious schools that educate many Pakistani children – into the mainstream and to increase scrutiny of them by controlling funding and curriculum.

President Musharraf's call for an end to the promotion of an ideology of jihad was welcomed around the world. Two years on, however, the failure to deliver to any substantial degree on pledges to reform the madrasas and contain the growth of jihadi networks means that religious extremism in Pakistan continues to pose a threat to domestic, regional and international security.

Declaring that no institutions would be above the law, the government said it would:

- ❑ register all madrasas so that it had a clear idea of which groups were running which schools;
- ❑ regulate the curriculum so that all madrasas would adopt a government curriculum by the end of 2002;
- ❑ stop the use of madrasas and mosques as centres for the spread of politically and religious inflammatory statements and publications; and
- ❑ establish model madrasas that would provide modern, useful education and not promote extremism.

New rules were to be outlined in a presidential ordinance. "No individual, organisation or party will be allowed to break the law of the land," Musharraf declared.

However, to date no such regulation has been promulgated. Most madrasas remain unregistered. No national syllabus has been developed. No rules on funding of madrasas have been adopted. The government has repeated the rhetoric of mainstreaming madrasa education on many occasions but has pledged that it will not interfere in the affairs of those schools. While three model madrasas have been set up and have enrolled around 300 students, as many as 1.5 million students attend unregulated madrasas.

President Musharraf had promised to crack down on terrorism and end the jihadi culture in Pakistan. He declared that no organisation would be allowed to indulge in terrorism in India-administered Kashmir. While several Pakistani groups were banned, their leaders were not prosecuted under the Anti-Terrorism Act. One extremist leader was allowed to run for parliament and indeed won a seat though more than twenty charges of violent crimes were pending against him. Many secular politicians were disqualified for much less, including not having a higher education. Banned groups were allowed to continue working under new identities with the same leadership. Many, though banned a second time in November 2003, continue to function unhindered and are likely to resurface under new names again.

The government has done very little to implement tougher controls on financing of either madrasas or

extremist groups despite obligations under UN Security Council Resolution 1373. It has failed to pass the necessary laws, even removing the issue of terrorism funding from draft regulations on money laundering on the misleading claim that it was already covered under an earlier law on terrorism.

Pakistan's laws on terrorism and extremist groups remain muddled and opaque. While the government claims to be tackling terrorism, it has taken almost no steps towards restricting the extremism that permeates parts of the society. Even al Qaeda was not officially banned until March 2003.

Musharraf's failure owes less to the difficulty of implementing reforms than to the military government's own unwillingness. Indeed, he is following the pattern of the country's previous military rulers in co-opting religious extremists to support his government's agenda and to neutralise his secular political opposition. Far from combating extremism, the military government has promoted it through its electoral policies and its failure to implement effective reform. Whatever measures have so far been taken against extremism have been largely cosmetic, to ease international pressure.

Government inaction has resulted in a resurgence of domestic extremism, including sectarian violence. The failure to penetrate and crack down on terrorist networks is evident in two assassination attempts against President Musharraf himself in December 2003. The jihads in Kashmir and Afghanistan, which in different degrees owe much to support from within Pakistan, remain threats to regional peace. Reliant even more than in the past on the religious right for regime survival after the passage of the Seventeenth Constitutional Amendment with the MMA's support, Musharraf remains unlikely to take the decisive actions against domestic jihadis and jihadi madrasas he pledged in January 2002 and has reiterated repeatedly. These unfulfilled promises could well prove his undoing.

## **RECOMMENDATIONS**

### **To the Pakistan Government:**

1. Establish immediately a Madrasa Regulatory Authority, headed by the Interior Minister, to:
  - (a) impose mandatory registration and classification of the madrasa sector;

- (b) empower the Pakistan Madrasa Education Board to revise and standardise curriculum and ensure it is implemented;
  - (c) review existing laws for the registration of non-governmental organisations with a view to tightening financial controls and strengthening the monitoring infrastructure; and
  - (d) link grants to madrasas under the Education Ministry's Madrasa Reforms Plan to their registration, declaration of financial assets and acceptance and implementation of standardised religious and general curriculums.
2. Sign immediately the International Convention for the Suppression of the Financing of Terrorism.
3. Take effective action against all extremist groups and parties, in particular,
  - (a) dismantle the infrastructure of groups banned under the Anti-Terrorism Law by prosecuting their leaders, making public the evidence for which the groups were proscribed, and preventing members from regrouping and reorganising under new identities;
  - (b) close all madrasas affiliated with banned organisations;
  - (c) close all other jihadi madrasas, including those linked to religious parties.
4. Ensure that any political deals with religious parties do not involve conditions that compromise basic civil liberties or Pakistan's obligations under United Nations Security Council Resolution 1373.
5. Use the federal government's constitutional powers to override any provincial legislation that conflicts with basic constitutional liberties in order to prevent the provincial governments dominated by the religious umbrella alliance, the Muttahida Majlis-i-Amal (MMA), from implementing policies that violate those liberties.
6. Pursue an even-handed policy towards religious and secular parties.

### **To the International Community:**

7. Publicly urge Pakistan to meet its obligations under UNSC Resolution 1373.

8. Hold the Pakistani government to its commitments to madrasa reform, and in particular urge it to:
  - (a) close all madrasas linked to banned extremist groups and all other jihadi madrasas;
  - (b) establish a Madrasa Regulatory Authority under the Ministry of Interior with sufficient powers to overcome clerical resistance; and
  - (c) institute mandatory, rather than voluntary, registration, curriculum reform, and financial control mechanisms.
9. Call upon Pakistan to sign immediately the International Convention for the Suppression of the Financing of Terrorism and fulfil the obligations imposed by that document.

**Islamabad/Brussels, 16 January 2004**



## UNFULFILLED PROMISES:

### PAKISTAN'S FAILURE TO TACKLE EXTREMISM

#### I. INTRODUCTION

On 13 November 2003, U.S. Ambassador to Pakistan Nancy Powell said that her government was alarmed by the resurgence of outlawed Islamist terrorist groups in Pakistan, operating openly under new names and with the same leaders. These groups, she said, “pose a serious threat to Pakistan, to the region and to the United States”.<sup>1</sup> The ambassador’s warning was timely. Preliminary government investigations into the assassination attempts on President Musharraf in December 2003 indicate a nexus between international terrorist networks and domestic Pakistani groups.<sup>2</sup>

Pakistan’s military-run government, however, is more concerned about appeasing a valuable ally than tackling the threats of terrorism and extremism in earnest. Rightly perceiving Ambassador Powell’s comments as an indictment of official inaction, it took some steps against a number of extremist organisations.<sup>3</sup> On 15 November 2003, after a cabinet meeting attended by President Musharraf and Prime Minister Mir Zafarullah Khan Jamali, the government banned the Islami-Tehreek-e-Pakistan,

Millat-e-Islamia Pakistan and Khuddam-ul-Islam under the 1997 Anti-Terrorism Act.<sup>4</sup> Operating earlier as the Tehreek Jaferia Pakistan (TJP), Sipah-i-Sahaba Pakistan (SSP), and Jaish-e-Muhammad (JeM) respectively, these organisations were first banned in January 2002.

The initial ban had followed the terrorist attack on the Indian parliament in December 2001 and India’s charge of Pakistani involvement. However, the leaders of the banned parties were never brought to trial, and their detained activists were released within months under a general amnesty.

The leader of the Sunni extremist SSP, Maulana Azam Tariq, was even allowed to contest the October 2002 general elections from central Punjab, despite more than twenty charges of terrorism registered against him in various courts. After his electoral victory, the SSP was renamed Millat-e-Islamia Pakistan, and Tariq supported the military-backed government in parliament. The government’s desire to appease Sunni extremist organisations, many of which provide the foot soldiers for its regional jihads, might have been partially behind the arrest of Allama Sajid Naqvi, the leader of the renamed Tehreek Jafaria Pakistan, after Tariq was assassinated in Islamabad in October 2003 but critics believe that the government’s November crackdown lacks a long-term strategy and will falter as its

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<sup>1</sup> “U.S. Wants Long-Term Ties With Pakistan: Nancy”, *The News*, 14 November 2003.

<sup>2</sup> According to President Musharraf’s Information Minister, Sheikh Rashid Ahmed, investigators were close to arresting the perpetrators of the attacks. “It’s a huge network of terrorists having tentacles from Kashmir to Afghanistan. They also have international ties”. Reuters, “Pakistan: Kashmir, Afghan Network Targets Musharraf”, *The New York Times*, 28 December 2003. See also John Lancaster and Kamran Khan, “Investigation of Attacks on Musharraf Points to Pakistani Group”, *The Washington Post*, 14 January 2004.

<sup>3</sup> ICG interview with an official of the Ministry of Interior, November 2003.

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<sup>4</sup> Cited at <http://www.nni-news.com/20031116/main/news-09.htm>. The government also placed Jamaat al-Dawa, the parent organisation of the Laskar-e-Tayyaba (LeT), on its terrorist watch list. On 20 November 2003, the government banned three more groups – Hizb-ul-Tehreek, Jamaat-al-Furqan and Jamiat-ul-Ansar. Cited at <http://www.jang-group.com/thenews/nov2003-daily/21-11-2003/main/main3.htm>.

predecessor did.<sup>5</sup> “It does not involve much effort to set up a new organisation and resume business. It is only when the government receives intelligence reports that it can again take action, but by then the outfit has succeeded in conscripting new recruits and propagating their creed of extremism”, commented an influential Pakistani newspaper.<sup>6</sup>

By failing to invoke anti-terrorism laws against the leaders and members, the government has proved unwilling to dismantle the infrastructure of the twice-banned parties. “We will not arrest any of the activists of the outlawed groups if they don't create [a] law and order situation. However, they are under watch and could be arrested if they violate ... the ban”, said Brigadier General Javed Iqbal Cheema, who heads the National Crisis Management Cell at the Interior Ministry.<sup>7</sup>

Despite his speech calling for reforms, eradicating Islamist extremism was not a priority issue for Musharraf and his civilian allies in January 2002. The President's priority was and remains the legitimisation and consolidation of military rule. Until December 2003, the military-backed government was hesitant to take on the religious right, hoping to gain the support of the Muttahida Majlis-i-Amal (MMA) in parliament for the Legal Framework Order (LFO), a package of constitutional amendments aimed at institutionalising the military's political dominance and control.<sup>8</sup> Musharraf's agreement with the MMA on the Seventeenth Amendment in late December 2003, which gives constitutional cover to the LFO, has formalised the military's alliance with the mullahs.<sup>9</sup> Facing the

concerted opposition of all major secular, moderate political parties, Musharraf has become even more dependent on the mullahs for regime survival.

In the wake of the December 2003 assassination attempts on Musharraf, the government has launched raids on some jihadi madrasas but has yet to demonstrate the will to close them altogether.<sup>10</sup> If a lack of commitment hampered Musharraf's January 2002 crackdown on religious extremism, domestic compulsions are even more likely to result in half-hearted, ineffective action in January 2004. Political expediency is also likely to take precedence over the government's international obligations under UN Security Council Resolution 1373 (28 September 2001) to implement effective legal and financial measures to curb terrorism.

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<sup>5</sup> An anti-terrorism court is holding Naqvi's trial.

<sup>6</sup> “Banned Outfits”, *The News*, 17 November 2003.

<sup>7</sup> Cited at <http://www.nni-news.com/20031119/main/news-03.htm>.

<sup>8</sup> See ICG Asia Report N°40, *Pakistan: Transition to Democracy?*, 3 October 2002.

<sup>9</sup> The Seventeenth Amendment radically distorted the 1973 constitution's federal, parliamentary structure, giving an indirectly elected president the powers to dismiss an elected prime minister and national parliament; to dismiss provincial governments and legislatures; and to appoint service chiefs and provincial governors. It also allows Musharraf to retain the dual offices of president and army chief until December 2004. A military-dominated National Security Council will be set up through an act of parliament to legitimise the military's political role. In a radical revision of constitutional electoral procedures, Musharraf's presidency was also extended until 2007 through a parliamentary vote of confidence on 1 January 2004. Text of the Seventeenth Amendment Bill in *Dawn*, 30 December 2003.

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<sup>10</sup> Dozens of suspects were arrested in raids on madrasas in the Punjab but many detainees were soon released. “Punjab seminaries raided: 35 held”, *Dawn*, 1 January 2004.

## II. TACKLING EXTREMISM

In July 2002, ICG wrote:

Successive military governments have legitimised the dominance of the armed forces over civilian society and the state by co-opting marginal groups such as the clergy and attracting the support of major powers. General (Pervez) Musharraf is similarly co-opting the clergy and garnering the support of important external actors, in particular the U.S., by assisting operations against remnants of al Qaeda. This bodes ill for Pakistan's long-term future.<sup>11</sup>

In January 2004, Pakistan follows the same pattern of governance, with the military as the sole arbiter of power, drawing upon the support of influential international actors, particularly the United States.

Following the October 2002 general elections, the military establishment successfully engineered a civilian coalition government of political allies who are more than willing to accept its domestic and external preferences. Headed by Prime Minister Zafarullah Khan Jamali, the military's primary civilian ally, the Pakistan Muslim League (Quaid-i-Azam, PML-Q) rules three of Pakistan's provinces and governs the fourth, Baluchistan, in alliance with the MMA.

However, mainstream political parties, including the Pakistan People's Party (PPP) and the Pakistan Muslim League (Nawaz) and their allies refuse to recognise the constitutional validity of Musharraf's LFO or presidency. Challenging the domestic legitimacy of both the military and the military-backed government, the parliamentary opposition, aligned in the Democratic Alliance forged after the passage of the Seventeenth Amendment, have vowed to overturn the constitutional changes. Boycotting the parliamentary vote on that measure, it pledged to remove the LFO from the constitution. According to PPP leader Makhdoom Amin Fahim, only a constituent assembly could "make such changes in the constitution".<sup>12</sup>

The opposition also rejects the constitutional validity of the parliamentary vote of confidence on 1 January 2004 through which Musharraf's self-assumed presidency was extended until 2007.<sup>13</sup> PML-N leader Ahsan Iqbal said, "Musharraf has staged another drama to get his illegal presidency validated. It is a total fraud. We don't accept him as president".<sup>14</sup>

Musharraf's need for the MMA's parliamentary support resulted in the military granting significant concessions to the religious right. Now even more dependent on the MMA's continued support, within and outside parliament, to neutralise his secular opponents in the wake of the Seventeenth Amendment, he is unlikely to take any measures to curb religious extremism that would alienate his religious allies. Keen on retaining international support, the government has apprehended and handed over to U.S. authorities foreigners with links to al Qaeda.<sup>15</sup> There is, however, no evidence of a focussed and systematic campaign against homegrown extremists, many of who have links to the very religious parties that the military currently patronises.

With that patronage, the religious right is fast expanding its political space while the military is hesitant to intrude upon the mullahs' traditional spheres of influence, which include the madrasa sector.

Until December 2003 and despite its coalition with the pro-Musharraf PML-Q-led government in Baluchistan, the MMA had publicly opposed military rule. Its anti-regime rhetoric served to expand its domestic base and secure maximum concessions in bargains with the military, including

<sup>11</sup> ICG Asia Report N°36, *Pakistan: Madrasas, Extremism and the Military*, 29 July 2002.

<sup>12</sup> "ARD to Observe Black Day on Musharraf's Trust Vote", *The Nation*, 31 December 2003.

<sup>13</sup> The Seventeenth Amendment changed the mode of presidential election and removed the constitutional curbs on a serving chief of army staff standing for the post of president. General Musharraf's vote of confidence from the national and provincial assemblies is based on his 2002 presidential referendum. There is no such provision in the 1973 constitution, which also disallows government officials from standing for the post of president. Article 43 (1) states: "The President shall not hold any office of profit in the service of Pakistan or occupy any other position carrying the right to remuneration for the rendering of services".

<sup>14</sup> Paul Haven, "Pakistan's Musharraf wins confidence vote", Associated Press, 1 January 2004.

<sup>15</sup> Pakistan has handed over to the U.S. more than 500 persons with links to al Qaeda.



the circumvention of any governmental oversight of the religious sector.<sup>16</sup>

By presenting itself as the sole bastion against an aggressive religious upsurge, the military in turn hoped to retain international support for its political agenda. The MMA's electoral success and its opposition to the military's participation in the U.S.-led war against terrorism were thus exploited to gain international acceptance, particularly from the U.S., for military rule.

At the same time, to appease the clergy and to gain the religious parties' support for the LFO, President Musharraf placed madrasa reform on the backburner. Despite the promises to register all madrasas and regulate their curriculum and funding by the end of 2002, the government took no concrete action. Most significantly, the draft madrasa law, approved by Musharraf's cabinet in June 2002, was not enacted.

In November 2003, Interior Minister Faisal Saleh Hayat declared that the government would revive the long-delayed madrasa reform plan. According to Hayat, a new regulatory law would be placed before the cabinet in a month's time. "The policy is aimed at monitoring the activities of these madaris (madrasas), of these organisations, keeping a watch on their performance", he said.<sup>17</sup> The test of the government's reform pledge, however, depends not just on enactment of the proposed law but also on its implementation.

If the government failed to take the madrasa bull by the horns, it was equally indecisive in tackling terrorist financing, failing to plug legal loopholes relating to financial flows. The military-led government has yet to sign the International Convention for the Suppression of the Financing of Terrorism. While it initially pledged to introduce an Anti-Money Laundering Act to curb terrorist financing, it claimed in its report to the UN Counter-

Terrorism Committee in March 2003 that the issue was adequately dealt with by the Anti-Terrorism Act of 1997.<sup>18</sup>

Without legal mechanisms in place or a long-term strategy, the government cannot prevent the flow of funds to nominally legitimate organisations, such as un-regulated madrasas and other religious groups that propagate or are otherwise involved with extremist activities. Pakistani officials seem unclear on how to monitor confidential and legal transactions by accounting and law firms on behalf of potentially suspicious clients.

Responding to the government's renewed ban, many of the affected groups have vowed to defy restrictions. With MMA backing, officials of the non-governmental boards that oversee the madrasas have also pledged to oppose regulation and oversight of the seminaries.<sup>19</sup> Many madrasas are run by the MMA's component parties, particularly the two factions of the Jamiat Ulema-e-Islam (JUI), a Sunni Deobandi party that won the largest share of parliamentary seats among the MMA's coalition partners in the October 2002 national elections.<sup>20</sup> After they provided decisive support for the LFO, MMA leaders reiterated their opposition to any governmental oversight of the madrasas.<sup>21</sup> Musharraf is unlikely to risk continuation of that support over an issue like madrasa reform.

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<sup>16</sup> Musharraf made some minor concessions to seal the deal with the MMA in December 2003, including a pledge to give up the post of chief of army staff by the end of 2004. Citing these concessions as its contribution to the democratic process, the MMA still claims that it opposes the military government. The MMA's denial of its alliance with the military also allows it to claim leadership of the parliamentary opposition and to deny that role to the secular, moderate parties. Amir Wasim, "MMA, ARD claim slots of opposition leaders", *Dawn*, 9 January 2004.

<sup>17</sup> "Law Soon to Monitor Madaris: Faisal", *The News*, 6 November 2003.

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<sup>18</sup> Section 110 (c) of the Anti-Terrorism Act 1997 defines terrorist property as "any money or other property which is applied or made available, for use of the organisation (concerned with terrorism), and includes assets of any kind, whether tangible, or intangible, movable, or immovable, and legal documents or instruments in any form, whether written electronic or digital, and shares, securities, bonds, drafts and letters of credit".

<sup>19</sup> "Madaris Pledge to Counter Masjid Schools Takeover", *The News*, 22 November 2003.

<sup>20</sup> Deoband is a town in Uttar Pradesh, India, from where the revivalist Sunni movement which emphasised Puritanism arose.

<sup>21</sup> MMA leader Qazi Hussain Ahmed has urged the government to fulfil its pledges to implement the religious alliance's Islamisation agenda, which include complete autonomy for the madrasa sector. "MMA achieved best possible deal: Qazi", *Dawn*, 1 January 2004; "MMA to re-launch mass contact drive", *The News*, 9 January 2004.

### III. THE MADRASA MUDDLE

#### A. REFORM ON HOLD

##### 1. Unfulfilled Promises

Musharraf's address to the nation on 12 January 2002 ostensibly provided a blueprint of government plans to combat Islamist extremism and terrorism. The integration of madrasas into the government-run education system was a prominent feature of this declared strategy. The president promised to transform those religious seminaries whose role in promoting jihad was coming under increasing international scrutiny, by regulating their curriculum and monitoring their funding.

We have formulated a new strategy for madrasas and there is need to implement it so as to galvanise their good aspects and remove their drawbacks. We have developed new syllabi for them, providing for teaching of Pakistan studies, mathematics, science and English along with religious subjects....To me, students of religious schools should be brought into the mainstream of society. If any one of them opts to join college or university, he should have the option of being equipped with modern education. If a child studying at a madrasa does not wish to be a prayer leader and he wants to be a bank official or seek employment elsewhere, he should be facilitated. It would mean that the students of madrasas should be brought to the mainstream through a better system of education.<sup>22</sup>

Recognising that this new approach would alienate the clergy, Musharraf assured it that his madrasa reforms would not bring religious educational institutions under government control. "My only aim is to help these institutions in overcoming their weaknesses and providing them with better facilities and more avenues to the poor children at these institutions", he said.

But the president also declared his government's intention to check the exploitation of mosques and madrasas in spreading political and sectarian prejudices. "We have to establish the writ of the government. All organisations in Pakistan will

function in a regulated manner. No individual, organisation or party will be allowed to break the law of the land. The internal environment has to be improved. Maturity and equilibrium have to be established in the society".<sup>23</sup> In short, Musharraf pledged that the state would regulate the functioning of religious schools, applying the rules and regulations that apply to other educational institutions.

Nevertheless, the government's policy on madrasa reform remains largely rhetorical. Most madrasas are still unregistered, and the government now assures the clergy that it will not interfere in the madrasas' internal affairs.<sup>24</sup> Musharraf's pledge that all madrasas would adopt government-prescribed syllabi by the end of 2002 also remains unfulfilled.

Most importantly, Musharraf has yet to curb the abuse of madrasas and mosques by religious extremists. During the 2002 national polls, the MMA used these institutions for its anti-American and pro-Taliban election campaign.<sup>25</sup> The mullahs, including leaders of the parties that Musharraf has banned twice over, continue to use such platforms to propagate their extremist Islamist agenda.

##### 2. The Model Madrasa

On 18 August 2001, the Musharraf government issued an ordinance to institute the Pakistan Madrasa Education Board (PMEB). It was set up on 8 September 2001 under the chairmanship of S.M. Zaman, the head of the Council of Islamic Ideology.<sup>26</sup> The PMEB's mandate is to establish model madrasas and to regulate and approve conditions of existing seminaries on the recommendations of its Academic Council. The PMEB may also grant affiliations to existing madrasas in the private sector. This affiliation does

<sup>23</sup> Ibid.

<sup>24</sup> "Government to Introduce Formal Subjects in 8,500 Madrasas", *The Nation*, 18 September 2003.

<sup>25</sup> Using a book, signifying the Quran, as its campaign symbol, MMA leaders told mosque congregations that they had the choice of voting for or against Islam. ICG interviews, District Swat, NWFP, July 2003.

<sup>26</sup> The Council, the constitutional body that interprets laws in accordance with Islamic teachings, can make recommendations to Parliament to ensure that Muslims follow the principles and concepts of Islam as enunciated in the Holy Quran and Sunnah; advise the parliament, the President or a governor on whether a proposed law is repugnant to the injunctions of Islam; and recommend measures for bringing existing laws into conformity with Islamic injunctions.

<sup>22</sup> Cited at <http://www.dawn.com/2002/01/12/speech020112.htm>.

not require registration but is instead an effort to encourage madrasas to provide both religious and secular education.<sup>27</sup> According to a member of the board, only 449 madrasas have applied thus far for affiliation with the PMEB. There is no confirmation whether a standardised curriculum has been introduced in these madrasas.<sup>28</sup>

The PMEB's only significant achievement has been the establishment of three model madrasas, one each in Karachi and Sukkur in Sindh province and in the federal capital, Islamabad. With roughly 300 students enrolled to date, these religious schools teach simplified and modified versions of the standard madrasa course, the *Dars-e-Nizami*, along with subjects such as mathematics, general science, computers, and English language.

Yet to accredit any madrasa, the PMEB has only distributed questionnaires to obtain voluntary information about their functioning. It does not possess the authority to enforce registration. With its limited mandate, the PMEB is more a cosmetic measure to address international concern about Pakistan's religious schools than a mechanism to regulate their functioning.

### 3. Deeni Madaris (Voluntary Registration and Regulation) Ordinance

On 20 June 2002, the cabinet approved a draft law for the registration and financial regulation of Islamic schools and hailed this as a major step towards madrasa reform. However, the Deeni Madaris (Voluntary Registration and Regulation) Ordinance called for voluntary, not mandatory, registration. It also proposed mechanisms to monitor the funding of registered madrasas. The draft included restrictions on foreign grants, donations and aid to registered madrasas, and would have barred admission to foreign students or the appointment of foreign teachers without valid visas and a "No Objection Certificate" from the Ministry of Interior.

A week after the cabinet's approval, however, the government backtracked. Calling madrasas the "cradle of peace", Information Minister Nisar Memon criticised the Western media for falsely accusing them of promoting religious extremism

and terrorism.<sup>29</sup> Musharraf consulted a number of mullahs on the proposed reform. All the *wafaqs* (boards) of madrasas banded together as the *Ittehad Tanzeematul Madaris-i-Deenya* (Alliance of the Organisations of the Religious Schools) to oppose the ordinance, and President Musharraf decided not to sign it.

While the promised presidential ordinance on registration and regulation has yet to materialise, in November 2003 Interior Minister Faisal Saleh Hayat declared that the government had formulated a new strategy for the madrasa sector, which included a "unified syllabus" for students of all religious sects, pending approval by the cabinet the following month. "We have formulated a policy to introduce this unified syllabus, especially for Shia and Sunni sects, though its implementation will be an extremely difficult task," he said.<sup>30</sup> As of mid-January 2004, however, no such proposal had been presented to the cabinet.

Earlier, Hayat had announced the government's intention to enact a law regulating madrasas. However, this is also subject to the approval of the federal cabinet and then of parliament. The cabinet has yet to approve either the proposed strategy or the proposed law.

### B. MULLAHS AND MADRASA REFORM

Now that the mullahs and the military-run government have reached an agreement over the LFO, it is unlikely that the cabinet would propose, let alone the parliament approve, such a law. Until January 2004, President Musharraf could shift the blame for inaction to the military-dominated but formally civilian government or to opposition from the mullahs. Now that the alliance with the mullahs is in the open, these options have been greatly weakened.

Until January 2004, the Ministry of Religious Affairs blamed the lack of progress on a madrasa regulatory bill on infighting between the government and the opposition. "There is no progress whatsoever on madrasa reforms. Since the new government has taken power, there has been a total deadlock over the

<sup>27</sup> ICG telephone interview with Naseer Ahmed, PMEB Secretary, 16 September 2003.

<sup>28</sup> "449 Seminaries Apply for Affiliation: MEB", *Dawn*, 14 January 2004.

<sup>29</sup> "Allegations against Madaris Wrong", *The News*, 6 June 2002.

<sup>30</sup> "New Strategy to Deal With Terrorists", *Dawn*, 15 November 2003.

LFO. There is only bickering in the parliament. How could we have done anything on the issue of madrasas in such a political situation?" said Habib Rehman, Director General, Research and Reference Wing, at the Ministry of Religious Affairs.<sup>31</sup> Rehman added: "We have yet to develop a policy and present it to the government. Once that is done, some headway can be made". Other officials of the ministry, however, pointed to the government's decision to hand over consultations on the proposed legislation to the Pakistan Madrasa Education Board as proof of its reluctance to pursue madrasa reform.<sup>32</sup>

In its first annual report in October 2002, the PMEB noted: "Misunderstandings about the objectives of the Board have resulted in non-cooperation of the heads of madrasas".<sup>33</sup> A majority of the MMA's legislators, themselves the products of madrasa education, have personal, political and economic stakes in maintaining the status quo in the madrasa sector.

The federal government has yet to appoint a minister of religious affairs who would oversee both the PMEB and matters of *auqaf* (Islamic law of trust) and *zakat* (religious tithe).<sup>34</sup> Musharraf had appointed his former religious affairs minister, Owais Ghani, as the new governor of Baluchistan, where the MMA shares powers with the PML-Q. Although not an MMA nominee, he has strong religious credentials, and his appointment was seen as a goodwill gesture towards the MMA.

The interior minister's November 2003 statement of intent to regulate the religious seminaries, coupled with the Punjab government's move to nationalise 6,500 mosque schools, have been strongly criticised by the clergy. A union of five non-governmental madrasa boards has declared that it will not allow any government interference in the affairs of religious seminaries. "In fact, the U.S. wanted to stop production of Islamist minds like Taliban, who had the courage to stand up to the U.S. military

might and enforce Islam", said Dr Sarfraz Naeemi, who heads the union.<sup>35</sup>

Ostensibly religious activists reject madrasa reform on the grounds that it caters to a foreign agenda. However, there is much more to the clergy's opposition. Any regulation of madrasa syllabi and funding would clearly undermine their political autonomy and permit official oversight of their sources of funding.

The managers of madrasas cite other reasons for opposing federal control. Maulana Rahat Gul, who heads Markaz Uloom-e-Islamia Rahatabad in Peshawar, the capital of the Northwest Frontier Province (NWFP) said:

A medical college produces doctors and an engineering university produces engineers. These are specialised institutions, so are madrasas. They produce scholars and ulema for religious and spiritual guidance of people. When those specialised institutions can operate, why can't we restrict our syllabi to the teachings of Islam? We don't force people to take admission. They come to us of their own free will.<sup>36</sup>

The mullahs also argue there is no need for a new registration law, stressing that most madrasas are already registered under the laws that govern charitable organisations and NGOs. This is an argument that finds currency within government circles. Habib Rehman of the Ministry of Religious Affairs points out that a majority of madrasas are registered under the Society's Act 1860, a pre-independence law for registering and regulating non-governmental organisations established for the promotion of such subjects as science, literature, fine arts, political education, and charitable services.<sup>37</sup>

The Societies Act is one of the five statutes to regulate the functioning of non-governmental, non-profit organisations.<sup>38</sup> However, governmental infrastructure has been incapable of enforcing it and other statutes to regulate the functioning of NGOs,

<sup>31</sup> ICG telephone interview, June 2003.

<sup>32</sup> ICG interviews with officials of the Religious Ministry, Islamabad, September 2003.

<sup>33</sup> "Pakistan Madrasa Education Board: First Annual Report", Islamabad, October 2002, p. 3.

<sup>34</sup> The provincial *auqaf* departments also manage administrative and financial affairs of shrines, mosques and other properties in trust for religious purposes.

<sup>35</sup> Madaris Pledge to Counter Masjid Schools Takeover", *The News*, 22 November 2003.

<sup>36</sup> ICG interview, Peshawar, June 2003.

<sup>37</sup> ICG telephone interview, June 2003.

<sup>38</sup> The other statutes include the Voluntary Social Welfare Agencies Registration and Control Ordinance, 1961; the Cooperative Societies Act, 1860; Article 42 of the Companies Ordinance, 1984; and the Trust Act, 1882.

particularly with regard to the crucial issue of funding.

For example, no mechanisms ensured that organisations registered under the Societies Act actually filed annual financial records with the relevant authorities. Even when such records were filed, they were not reviewed for accuracy.

The inadequacies of the Societies Act also applied to other NGOs. According to the NGO Resource Centre (NGORC), a project of the Aga Khan Foundation:

Many NGOs seem to attach more importance to the registration procedure itself rather than to the substantive question of how they are to function afterwards. The lack of contact between NGOs and the registration offices after registration seems to reinforce the view that registration has more to do with paperwork than actual functioning.<sup>39</sup>

The NGORC study also noted: "Officials working with the Department of Industries seem to be changed quite frequently...they are given no formal briefing upon joining the department about NGOs and their registration".<sup>40</sup>

In January 2004, the government approved an amendment to the Anti-Terrorism Act making the financing of terrorism a non-bailable offence and raising the punishment for related offences. The amendment also makes it mandatory for all societies and institutions which might act as conduits for such financing to keep bank accounts and information about their employers and clients or be subject to fines and closure.<sup>41</sup> The effectiveness of this measure is yet to be tested.

Past efforts to make the NGO regulatory system more effective have failed, partly because of NGO opposition, but largely due to the government's lackadaisical efforts to hold NGOs accountable. Unless these shortcomings are redressed, the system is likely to continue without any significant checks and balances. If madrasas were to affiliate themselves with the PMEB, this would warrant at least some changes in their curricula and checks,

albeit limited, on their funding.<sup>42</sup> The madrasa boards, however, have warned that they would cancel the registration of any madrasa that opted for affiliation with the PMEB, and the MMA government in the NWFP has advised madrasas to register instead under the existing Societies Act.<sup>43</sup> By registering under the Societies Act, madrasas have gained legal sanction for their existence and, at the same time, circumvented any official control on their functioning.

In July 2003, the *Wafaq-al-Madaris al-Arabia*, representing Sunni Hanafi Deobandi schools, decided to include computer science and other subjects in its prescribed curricula, in line with the official madrasa reform policy.<sup>44</sup> This *wafaq*, like all other madrasa boards, has yet to register with the government. Even if it remains unregistered, the inclusion of government-prescribed non-religious subjects would give the *wafaq*'s individual madrasas, provided they registered in their own capacity, access to the Rs.1 billion (U.S.\$17.1 million) allocated by the government under its proposed Madrasa Reform Project (MRP).<sup>45</sup>

According to Federal Education Minister Zobaida Jalal, the government will spend Rs.1.82 billion (U.S.\$204 million) over the next five years to reform the madrasa sector. Jalal says that 16,000 teachers will be appointed in 4,000 madrasas to teach non-religious subjects at the primary level, and 12,000 at the secondary level.<sup>46</sup> The MRP follows the government's Education Policy guidelines that seek to guarantee Pakistani citizens their constitutional right to education and training, and to evolve an integrated system of national education by narrowing the gap between the curricula of madrasas and modern schools.<sup>47</sup>

ICG interviews with officials of the education and religious ministries suggest that the government will continue to downplay financial regulation and official oversight in its registration policy. Instead,

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<sup>39</sup> *NGO Registration Study*, Volume 1, Aga Khan Foundation (Karachi, 1991), p. 30.

<sup>40</sup> *Ibid*, p. 23.

<sup>41</sup> Rana Qaiser, "Jail term for terror financiers raised", *The Daily Times*, 11 January 2004; Amir Wasim, "Offenders to get 10 years jail", *Dawn*, 11 January 2004.

<sup>42</sup> Checks would be limited to reporting.

<sup>43</sup> ICG interview with an MMA minister in the NWFP government, Peshawar, July 2003.

<sup>44</sup> "Deobandi Madrasas to Review Syllabi", *Daily Times*, 26 July 2003.

<sup>45</sup> "Rs.1b to Streamline Madrasas", *The Nation*, 1 September 2003.

<sup>46</sup> "Rs.11,824 Million to be Spent on Madaris Reforms", *The News*, 17 September 2003.

<sup>47</sup> Cited at <http://www.pakistan.gov.pk/education-ministry/highlights/NEP-islamic-edu.jsp>.

the primary function of provincial and federal registration boards under the MRP will be the disbursement of funds to seminaries, contingent on the introduction of non-religious subjects into their curricula. All madrasas registered under the existing laws governing non-governmental organisations will be eligible for funding.<sup>48</sup> According to Jalal, the MRP will benefit as many as 8,000 religious schools and 1.5 million students over the next five years.<sup>49</sup>

The same clerics who put up strong resistance to the proposed Deeni Madaris (Voluntary Registration and Regulation) Ordinance in 2002 have responded favourably to the proposed MRP, since it will allow them funding without any regulation of their finances or the Islamic portions of their curricula.

In January 2004, the government announced a package of Rs.5.7 billion (U.S.\$100 million) for madrasa reforms, primarily to introduce secular subjects without making it conditional on registration, standardisation of curricula or oversight over financial flows.<sup>50</sup> Responding to the offer, the five madrasa boards rejected any change in curricula but called for additional government support in the form of free electricity, gas and telephone facilities.<sup>51</sup>

In its public pronouncements, the government insists that its madrasa reforms are well underway. Briefing Pakistanis in the United States in July 2003, the Pakistan embassy noted that the government has initiated an “integrated and improved system of national education to bridge the gap between the mainstream formal education system and traditional madrasa education. An amount of U.S.\$255 million has been earmarked for the three-year program, which will reach 8,000 madrasas”.<sup>52</sup> In practice, however, if the government continues to offer unconditional financial assistance, it is evident that it remains as unwilling as it was in January 2002 to trample on the mullahs’ turf.

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<sup>48</sup> ICG interviews, Islamabad, September 2003.

<sup>49</sup> Nasir Iqbal, “Basic Change is the Target”, *Dawn*, 31 August 2003.

<sup>50</sup> “The program will bring madaris (madrasas) in the mainstream through provisions of grants, salaries, costs of text books, teachers’ training and equipment”, the government said. “Rs.5.7 b. Allocated for Madaris Reform”, *The News*, 8 January 2004.

<sup>51</sup> “MMA to Raise Madrasa Reform in Parliament”, *Daily Times*, 9 January 2004.

<sup>52</sup> “Madrasa Education System being Improved: Pakistan Embassy”, *The News*, 12 July 2003.

## C. THE MMA AND THE MADRASA

President Musharraf’s MMA allies have categorically rejected, with a public campaign, government reforms of madrasas and any proposed laws to regulate their functioning, including curricula and finances.

Hafiz Akhtar Ali, the NWFP Minister of Religious Affairs and *Auqaf*, has warned the central government against enacting the draft madrasa registration law in its present form without the approval of the *wafaqs*, the managers of the madrasas. “The draft is not acceptable and the MMA government has asked the federal government to formulate a policy for registration that does not affect the sanctity, freedom and autonomy of these institutions”, he said, and added, “Madrasas are doing a commendable job without government interference. A crisis will emerge if any policy is imposed without the consent of madrasa *wafaqs*”.<sup>53</sup>

Ali also emphasised that jihad is a “basic element of faith”, which must be differentiated from terrorism. The Pakistan government, he suggested, did not need madrasa reform to tackle the threat of terrorism. He warned that “the government cannot ignore and alienate Baluchistan and the NWFP, whose people have voted for an Islamic system, and religious education is an integral part of that”. He added, “the pre-eminence of Islamic revealed knowledge is the spirit of the madrasa system and it will not change”.<sup>54</sup>

The MMA’s vision of madrasa reform aims, in fact, at “strengthening the role of madrasas in society, which the current plans intend to weaken”. Acknowledging the need for reform and denying that the ulema have been inflexible in their approach, Ali said, “The MMA government has formed a committee including prominent educationists to Islamise the education system and improve conditions at madrasas”. As earlier noted, most madrasa managers have no objection to the introduction of non-religious subjects into their curricula since many madrasas, particularly in urban centres, are already teaching these subjects.<sup>55</sup> Nevertheless, all madrasas oppose a standardised religious syllabus.

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<sup>53</sup> ICG interviews with NWFP Minister of Religious Affairs and *Auqaf*, Peshawar, March and June 2003.

<sup>54</sup> *Ibid.*

<sup>55</sup> “Religious School Reforms Reap Few Rewards”, *The News*, 9 September 2003.

According to the NWFP minister of religious affairs, the central government has three options: maintain the status quo and continue with the existing policy of non-interference in madrasas; change that policy through extensive consultations with and the consent of the five madrasa boards; or leave reform for each provincial government to approach separately. Revealing their preference, MMA leaders argue that education is a provincial responsibility under the 1973 constitution, and provinces, therefore, have the right to devise their own policies.<sup>56</sup>

Given MMA and mullah resistance to tangible reform, and Musharraf's alliance with the religious right, it is unlikely that the ongoing negotiations on the draft registration bill between the MMA government in the NWFP, representatives of the madrasa *wafaqs*, and the federal government will make any headway.

#### IV. RESURGENT EXTREMISM

The military-run government's failure to tackle the jihadi madrasa effectively is encouraging the growth of Islamist extremism, with all the attendant dangers to Pakistani stability and regional and international security.

##### A. SECTARIAN VIOLENCE

Many madrasas in Pakistan continue to provide foot soldiers for jihads in Afghanistan and Kashmir. Within Pakistan, the jihadi madrasa also continues to play a central role in promoting sectarian hatred and violence. As in the Zia years, the military's erstwhile tacit and now open support for the religious right has also reinforced sectarian divisions. The resurgence of Islamist extremist organisations is evident in the rising graph of sectarian violence, even in regions like Baluchistan where such attacks were once unknown.

The death toll from sectarian attacks was more than 250 in 2002<sup>57</sup> and 88 in the first six months of 2003. On 5 July 2003, an attack on a Shia mosque in Baluchistan's capital, Quetta, left 54 Shia Hazaras dead and dozens wounded.<sup>58</sup> Sunni extremist leader Azam Tariq's assassination in Islamabad in October 2003 was most likely retaliation by Shia militants. While such tit-for-tat attacks are likely to escalate, the military refuses to acknowledge their underlying causes, attempting instead to blame external sources.

Following the attacks in Quetta, for instance, the then Baluchistan Governor, Lt. General Abdul Qadir, insisted that there was no sectarian conflict in his province, and the attacks were an attempt to undermine Pakistan's security. Belying this claim, the Sunni extremist Lashkar-e-Jhangvi, a Taliban ally, accepted responsibility for both attacks.<sup>59</sup> Since Quetta's predominantly Shia Hazara community opposes the Sunni Taliban, the possibility of a link between Quetta attacks and the Taliban resurgence within Pakistan and in Afghanistan cannot be ruled out.

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<sup>56</sup> ICG interviews, Peshawar, March and June 2003. Minister Ali summarised: "Both education and *auqaf* are provincial subjects. Under the provincial autonomy formula promised in the constitution, the provinces should have the right to make policies according to their own peculiar situation and political conditions".

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<sup>57</sup> Cited at [www.satp.org/satporgtp/countries/pakistan/database/sect-killing.htm](http://www.satp.org/satporgtp/countries/pakistan/database/sect-killing.htm).

<sup>58</sup> An earlier attack on 8 June 2003 in Quetta killed thirteen police trainees from the Hazara community.

<sup>59</sup> Cited at [http://news.bbc.co.uk/2/hi/south\\_asia/3069689.stm](http://news.bbc.co.uk/2/hi/south_asia/3069689.stm).

Sectarian tensions are also on the rise after the arrest of Allama Sajid Naqvi, leader of the banned Shia organisation Islami-Tehreek-e-Pakistan, for the Tariq assassination. Naqvi's arrest and the fact that he is the only leader of a banned party currently on trial by an anti-terrorism court have reinforced perceptions that the military-run government is biased against the Shia minority.<sup>60</sup> Sectarian tensions are, in any case, bound to increase so long as the jihadi madrasa is allowed to preach religious intolerance.

## B. PROPAGATING JIHAD<sup>61</sup>

The Institute of Policy Studies (IPS), the Jamaat-i-Islami's research institute, attempted to paint a positive picture of the madrasa sector in a recent survey of religious educational institutions. Its findings, however, were alarming. It reported that 20 per cent of the madrasa students interviewed were intolerant of other sects.<sup>62</sup> According to another finding, 29 per cent of respondents identified Ahmedis (a small sect, also called Qadianis, who were declared non-Muslims through an act of parliament in September 1974) as "the most mischievous or misguided sect of contemporary times"; 15 per cent expressed similar attitudes towards Shias, 7 per cent towards both Shias and Qadianis, 9 per cent towards Wahhabis, 4 per cent towards the Sipaha-i-Sahaba, and 3 per cent towards the Barelvis.<sup>63</sup> Only some 60 per cent of students in Deobandi and 49 per cent in Barlevi madrasas expressed readiness to accept the existence of other sects. For the students of these schools, jihad against members of other sects is as much a religious duty as jihad against non-Muslims.

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<sup>60</sup> Since the MMA has refused to accept the ban on the ITP, and it remains one of its constituent elements, the ITP is in effect a party to President Musharraf's accord on the LFO with the mullahs.

<sup>61</sup> Jihad is a frequently misunderstood doctrine that has multiple meanings. What is sometimes called "greater jihad" is generally understood as internal struggle or effort at self-cleansing. So-called "lesser jihad" is roughly understood as holy struggle or even war. For a brief discussion of distinctions and variations, see the section "Jihad and Violence" in ICG Asia Report N°72, *Is Radical Islam Inevitable in Central Asia? Priorities for Engagement*, 22 December 2003, pp. 15-16. The term is used in this report to refer to jihad involving at least the prospect of violence.

<sup>62</sup> Institute of Policy Studies, *Pakistan: Religious Education Institutions. An Overview* (Islamabad, 2002), pp. 50-61.

<sup>63</sup> Since 1974, Sunni extremists have systematically persecuted and killed many Ahmedis.

While the Musharraf government has repeatedly downplayed the link between jihad and the madrasa, the leaders of these schools say otherwise. "Madrasas play an important role in the propagation of jihad and are essential for the preaching of Islam", said Maulana Saleemullah Khan, who heads Jamia Farooqia madrasa in the southern port city of Karachi, a hotbed of sectarian conflict.<sup>64</sup> His reference was clearly to the armed struggle in Kashmir, Afghanistan and other parts of the Muslim world.

Despite the obvious dangers in granting jihadi madrasas almost complete autonomy over their functioning and funding, the military – with its own motto of *Jihad fi sabil Allah* (Jihad in the way of Allah)<sup>65</sup> – continues to promote these schools for its external goals.

Since Pakistan increased its support for the Kashmir jihad in the 1990s, a more pernicious variety of religious school has emerged, controlled by the Jamaat al-Dawa, whose armed wing, the LeT (renamed the JD after its parent organisation was banned in 2002), is in the forefront of the insurgency in Indian-administered Kashmir.<sup>66</sup> Distinct from other madrasas both in their structure and curriculum, these jihadi seminaries are not affiliated with any of the five mainstream madrasa boards. Unlike traditional madrasas, they charge a fee for education and boarding.

Teachers at the primary level introduce their pupils to the basics of jihad, offering instructions in how to wage a jihad against infidels and using the Afghan and Kashmiri mujahidin as examples. The mullahs who run these jihadi madrasas have expanded their anti-India and anti-Hindu doctrine to include an overtly anti-Western one. Central Punjab, particularly the districts of Gujranwala and Lahore, remains the epicentre of this new variety of madrasa.

According to Western intelligence sources, the JD is training cadres of al Qaeda and other terrorist organisations such as Indonesia's Jamaah

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<sup>64</sup> *Darb-e-Momin*, Al-Rasheed Trust, Karachi, 22-28 July 2003, p. 1.

<sup>65</sup> Ayaz Amir, "The New Jihad: Riding with Uncle Sam", *Dawn*, 18 July 2003.

<sup>66</sup> The group's ideas resemble those of the Salafi, a puritanical minority sect in Pakistan that is close to the Saudi brand of Wahhabi Islam.



Islamiyah.<sup>67</sup> Given President Musharraf's repeated pledge to eradicate religious intolerance and support the U.S.-led war against terrorism, these schools should have been among the first targets of his madrasa reform policy.

Yet, even if the government were to ban these madrasas, the propagation of jihad would not end until the government revised the curriculum of the government-controlled and run educational system. Primary school textbooks, for example, teach children that Muslims have always had to confront challenges in a world dominated by infidels and urge good Muslims to struggle and strive for victory over followers of other faiths and religions.<sup>68</sup>

## V. EXTREMISM AND THE LAW

When President Musharraf banned several jihadi and sectarian groups in January 2002, some of their leaders were temporarily detained but none were tried in a court of law, even those against whom cases were already pending.<sup>69</sup> Azam Tariq's example is noteworthy.

Released from prison three weeks after winning a seat in the National Assembly, the lower house of parliament, in the 2002 general elections, the leader of the Sunni extremist Sipah-i-Sahaba supported the pro-Musharraf government in Islamabad until his assassination on 6 October 2003. To retain Tariq's support, the government ignored non-bailable warrants for his arrest. These included warrants issued under anti-terrorism laws in July 2000. Tariq remained free even after an anti-terrorism court in Dera Ghazi Khan in southern Punjab issued non-bailable warrants for his arrest for the seventh time, in March 2003.

Similarly, Maulana Azhar Masood of Jaish-e-Muhammad and Hafiz Muhammad Saeed of Lashkar-e-Tayyaba were only detained for a few months under the Maintenance of Public Order (MPO) legislation,<sup>70</sup> and not under the more stringent Anti-Terrorism Act. Both were soon free to regroup their organisations. Maulana Masood Azhar renamed his Khudam-ul-Islam, while Hafiz Muhammad Saeed changed the LeT's name to Jamaat al-Dawa (JD). Both leaders have continued to issue open calls for a jihad in Kashmir, despite President Musharraf's January 2002 pledge that no one would be allowed to do so. At its annual congregation in the central Punjab town of Patoki in October 2003, for instance, JD speakers openly propagated and organised contingents for the jihad in Kashmir.<sup>71</sup> Although these activities clearly violate numerous articles of the Anti-Terrorism Act,

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<sup>67</sup> Amy Waldman, "The Tightrope is Fraying Under the President of Pakistan", *The New York Times*, 30 December 2003.

<sup>68</sup> Future Youth Group of Liberal Forum, *Ideas on Democracy, Freedom and Peace in Textbooks*, (Islamabad, 2002), pp. 63-74.

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<sup>69</sup> The Anti-Terrorism Act of 1997, as amended in 2001, envisages severe punishment, including capital punishment, for any Pakistani individual, group or organisation responsible for terrorist acts within the country. The law, along with certain provisions of the Pakistan Penal Code, also covers acts of terrorism performed outside Pakistan.

<sup>70</sup> The Maintenance of Public Order law permits the authorities to detain any person for a maximum of one month without producing him or her before a court of law.

<sup>71</sup> Cited at <http://server2.jamatdawa.org/marsad/nov03/majnov03/pages/0.eps081.htm>.

the government only placed the JD on its terrorism watch list in November 2003.

Since the government's ban on the Jaish and the LeT was not accompanied by the use of existing anti-terrorism statutes against their leaders, the signals sent were mixed at best. Similar foot-dragging was even evident on al Qaeda, which was not officially banned until March 2003.<sup>72</sup>

The government has yet to disclose its reasons for proscribing Pakistani extremist groups. For example, it is still unclear whether it banned the LeT and the Jaish for their activities in Indian-controlled Kashmir, as the U.S. had done, or for acts of terrorism within Pakistan. When asked, officials refuse to discuss the reasons, taking refuge under the Official Secrets Act.<sup>73</sup> Whatever the reasons for their proscription, the government's refusal to prosecute the leaders and many of the workers of banned organisations, particularly those involved in the Kashmir jihad such as the Jaish and the LeT, under the Anti-Terrorism Act undermines its ability to curb homegrown extremism.<sup>74</sup>

The government is also ignoring Pakistan's obligations under Security Council Resolution 1373, which clearly demands firm action against the use of a country's territory for terrorism against other states or their citizens. Resolution 1373 also requires all states to bring to justice anyone who has supported or participated in the planning, preparation or execution of terrorist acts.

Some officials in the law ministry argue that leaders such as Hafiz Saeed could not be prosecuted under the Anti-Terrorism Act since he had stepped down as the head of LeT two weeks before its proscription.<sup>75</sup> However, the Anti-Terrorism Act stipulates that any person who has committed a terrorist offence before

or after the enforcement of the Act will be considered a terrorist and prosecuted as such. On a number of occasions, the LeT as well as Jaish have taken responsibility for terrorist attacks in Indian-administered Kashmir. According to Pakistani law, this would make their members liable to charges of terrorism.

Instead, President Musharraf continues to distinguish between terrorist acts and what he insists is a justifiable and legitimate Kashmiri struggle against Indian rule. In a 2003 interview on Kashmir Day (5 February), which is annually observed by Pakistan to demonstrate solidarity with the anti-Indian struggle there, Musharraf said: "It (the Kashmir jihad) is not government-sponsored. It has its own dynamics. Jihadi groups are not terrorist groups. There are splinter groups which are maligning the jihad and jihadi organisations".<sup>76</sup>

Musharraf's Kashmir policy continues that of his military predecessors who, beginning in the late 1980s, supported a proxy war against India, equipping and funding jihadi groups in Indian-administered Kashmir.<sup>77</sup> Despite his January 2002 pledge to end such activity, it continues largely unabated.

Justifying its support for the insurgency, the Pakistani government emphasises that international law permits the use of force in disputed territories.<sup>78</sup> The government has also asked the UN to define terrorism. Addressing the Sanctions Committee on 30 July 2003, Pakistan's acting ambassador to the UN, Masood Khalid, said, "Unless we control our actions by subjecting them to the limitation of a legal definition and a political commitment to addressing this problem in its entirety, it would not be possible

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<sup>72</sup> The ministry of interior issued a notification banning al Qaeda on 17 March 2003.

<sup>73</sup> The Official Secrets Act, 1923, amended in 2002, bars government officials from making public any information received in their official capacity that is deemed prejudicial to the national interest.

<sup>74</sup> Nearly all 2,578 workers of the banned organisations arrested in 2002 were held under the Maintenance of Public Order law and later released under a general amnesty announced by Home Minister Lt. Gen Moinuddin Haider. Without giving the exact number, interior ministry officials say that only those with no formal charges pending were released. ICG interviews, Islamabad, June 2003.

<sup>75</sup> ICG interviews, Islamabad, June 2003.

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<sup>76</sup> "Kashmir Only Dispute Between India and Pakistan", *The News*, 5 February 2003.

<sup>77</sup> In its annual report, a major Kashmiri jihadi organisation, the Hizbul Mujahidin, disclosed that it established 32 new offices in Pakistan in 2001. It recruited and trained as many as 2,626 persons, raising its total strength to 12,987, including 2,558 active mujahids. The Pakistani Hizb is closely affiliated with the Islami Jamiat-i-Tulaba (IJT), the student wing of JI, which not only motivates students to join the Kashmir jihad but also raises funds for the organisation. Mohammad Amir Rana, *Kashmir and Afghan Jihad* (Lahore, 2002), p. 364.

<sup>78</sup> The government repeatedly denies giving the Kashmir insurgency other than diplomatic and moral support. See ICG Asia Report N°68, *Kashmir: The View from Islamabad*, 4 December 2003.

to avoid abuse of human rights, denial of right to self-determination or prevention of state terrorism".<sup>79</sup>

This sympathy and support for the Kashmir jihad partly explains the government's failure to reform the jihadi madrasas. Musharraf's desire previously to gain the mullahs' approval for his LFO and now to retain the religious right's parliamentary support is equally, if not more, responsible for lack of progress in madrasa reform.

Conscious of their utility for the government's domestic and external agendas, most of the groups banned by the government in November 2003 have vowed to resist curbs. Islami Tehrik Pakistan leader Abdul Jalil Naqvi told reporters in Islamabad: "Our group will continue to work".<sup>80</sup> The MMA has also refused to accept the ban on the ITP, one of its component parties. "We condemn the ban on religious groups, and the Islami Tehrik Pakistan will remain part of the MMA", said MMA chief Maulana Shah Ahmed Noorani after a meeting of the alliance's supreme council.<sup>81</sup>

## VI. EXTREMISM AND FINANCIAL FLOWS

Just as the government is ignoring its obligations under Resolution 1373 to bring to justice anyone who has supported or participated in the planning, preparation or execution of terrorist acts, it has also failed to enforce important provisions of the resolution regarding financial controls.<sup>82</sup> While some Arab-based charities have been closed, measures have yet to be taken to regulate the funding of madrasas. As a result, there is no way of monitoring and ending the flow of funds to religious extremists through the seminaries.

Pakistan has yet to sign the International Convention for the Suppression of the Financing of Terrorism and has failed to check the flow of funds that could be used to finance acts of terrorism through official and unofficial banking channels, as required by Resolution 1373.

In its 19 July 2002 report to the UN Counter-Terrorism Committee, Pakistan stressed that the Banking Companies Ordinance of 1962, which empowers the State Bank to monitor the performance of every banking company to ensure compliance with statutory criteria, is adequate to check transactions that may be used for terrorism. However, a judgement by the Sindh High Court that

<sup>79</sup> "Islamabad Seeks Legal Definition of Terrorism", *Dawn*, 31 July 2003.

<sup>80</sup> *Ibid.*

<sup>81</sup> Cited at <http://www.jang-group.com/thenews/index.html>.

<sup>82</sup> UN Security Council Resolution 1373 requires member states "to prevent and suppress the financing of terrorist acts; criminalise the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts; freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities; and prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons." At <http://www.un.org/News/Press/docs/2001/sc7158.doc.htm>.

unfroze the accounts of Al Rasheed Trust demonstrated the inadequacy of this statute. In 2001, bypassing the interior ministry, the ministry of foreign affairs had called for the Trust's accounts to be frozen under the Banking Companies Ordinance, on suspicion that it was funding al Qaeda and other terrorist organisations.<sup>83</sup> According to the court, however, that law only empowered the State Bank to control financial irregularities and unethical banking practices to protect the interests of depositors. As such, it had no relevance to terrorism.<sup>84</sup>

The Trust's accounts were once again frozen when the government put the organisation on its terrorist watch list.<sup>85</sup> However, it continues its activities, such as newspaper publishing and fundraising for charity. According to a report released by a UN panel of experts on terrorist flows in December 2003, the Al Rasheed Trust "continues its operations in Pakistan under various names and partnerships...it has continued to be active in funding al Qaeda-related activities as well as other social and humanitarian projects".<sup>86</sup>

Pakistan's financial managers are ignoring Resolution 1373's requirements to criminalise the funding and financial assets of entities that attempt or participate in terrorist acts. According to government records, the assets of fifteen organisations and individuals in nine banks, amounting to Rs.641.41 million (U.S.\$11.5 million), had been frozen by June 2003.<sup>87</sup> However, most of these organisations and individuals were not on the watch list nor were many of the former banned, as required by the anti-terrorism law.

Until the end of 2002, the government had maintained that it was formulating an Anti-Money Laundering Act that would also cover terrorist financing.<sup>88</sup> But in its report to the UN Counter-Terrorism Committee in March 2003, it declared, "The subject of terrorist financing has been removed from the scope of the draft of [the] Anti-Money

Laundering Act after much consideration, since conceptually money laundering and terrorist financing are different issues".<sup>89</sup>

Pakistan also lacks legislative provisions that allow the government to freeze funds, financial assets or economic resources of persons or entities suspected of terrorism on the request of another state.<sup>90</sup> In addition, Pakistan provides legal guarantees to account holders of foreign currencies against temporary or permanent restrictions.<sup>91</sup> Moreover, there are virtually no restrictions at entry points, except for an upper limit of U.S.\$10,000 on transfers to Afghanistan.

During a visit in September 2003, U.S. Treasury Secretary John Snow praised Pakistan for clamping down on the informal *hawala* banking system, a major source of terrorist financing.<sup>92</sup> "Pakistan has made enormous strides and is a strong partner with the United States in the global war on terror...The evidence of that is the strong actions that have been taken on money laundering, and registration and regulation of *hawala* networks", he said.<sup>93</sup> However,

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<sup>89</sup> Cited at [http://www.un.org/Docs/sc/committees/1373/submitted\\_reports.html](http://www.un.org/Docs/sc/committees/1373/submitted_reports.html).

<sup>90</sup> In the same report to the UN Counter-Terrorism Committee in March 2003, *ibid.*, the government said, "At present there is no provision in law that allows the government to freeze funds, financial assets or economic resources of suspected persons or entities, either resident or non-resident, on the request of another state. In any case, in all countries, where this may be possible, the laws and the courts are involved to authorise such procedures to give them local cover, and appeals are also part of this process, of the rule of law".

<sup>91</sup> "No person holding a foreign currency account shall be deprived of his right to hold or operate such account or in any manner be restricted temporarily or permanently to lawfully sell, withdraw, remit, transfer, use as security or take out foreign currency there from within or outside Pakistan", Section 3 of the Foreign Currency Accounts (Protection) Ordinance, 2001. This guarantee is in addition to the protection provided to a foreign currency account holder under an earlier statute – the Protection of Economic Reforms Act, 1992 (XII of 1992): "All citizens of Pakistan resident in Pakistan or outside Pakistan and all other persons shall be entitled and free to bring, hold, sell, transfer and take out foreign exchange within or out of Pakistan in any form and shall not be required to make a foreign currency declaration at any stage nor shall any one be questioned in regard to the same" (Section 4).

<sup>92</sup> *Hundi* or *hawala* is an unofficial alternative remittance and money exchange system that enables the transfer of money without its actual physical movement.

<sup>93</sup> Cited at <http://www.startribune.com/stories/1576/4108357.html>.

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<sup>83</sup> The U.S. froze the Trust's funds in September 2001.

<sup>84</sup> "SHC Sets Aside Ban on Al-Rasheed Trust Accounts", *The News*, 5 August 2003.

<sup>85</sup> Section 11-E of the act only allows for the freezing of the accounts of proscribed organisations. ICG interview with a ministry of interior official, Islamabad, November 2003.

<sup>86</sup> Douglas Farah, "Al Qaeda's Finances Ample, Say Probers", *The Washington Post*, 14 December 2003.

<sup>87</sup> "15 Accounts Frozen on Terror Charge, Parliament Told", *The News*, 21 June 2003.

<sup>88</sup> "Pakistan Vows to Curb Money Laundering", *The News*, 20 November 2002.

Snow also urged Pakistan to enact the Anti-Money Laundering Act through parliament, revealing his concerns about lax controls over illegal financial flows.<sup>94</sup>

While Musharraf's government enacted a law in 2002 requiring *hawala* dealers to register with the government and document their transactions and closed down a number of unregistered firms, many unregistered firms remain active.<sup>95</sup> According to a July 2003 report by the Security Council Committee, established pursuant to UNSC Resolution 1267 (1999) concerning al Qaeda, the Taliban and associated individuals and entities: "Pakistani bankers investigating such activity last year estimated *hawala* accounts for around U.S.\$3 billion entering their country every year, compared with only U.S.\$1 billion via the formal banking system. It is not surprising that groups such as al Qaeda would use such facilities for their own purposes".<sup>96</sup> It is more than likely that these informal transfer flows continue to remain a major source of illegal funding for extremists and terrorists.

## VII. STRATEGIES OF REGIME SURVIVAL

### A. APPEASING THE MULLAHS

President Musharraf's pledges in 2002 to confront and eliminate Islamist extremism were compromised by his desire to obtain MMA support for controversial constitutional amendments and indeed his presidency. Now that the MMA has played a pivotal role in giving the LFO constitutional cover and helping Musharraf gain a vote of confidence to extend his presidency until 2007, the military-run government may be even less likely to risk taking effective action against the religious alliance and its many extremist offshoots.

Although the Seventeenth Amendment's allocation of sweeping powers to an unelected president and army chief have stalled democratic transition, Musharraf has had considerable success convincing influential international actors, in particular the U.S., that Pakistan has no viable civilian alternative to implement vital political, social and economic reforms and eliminate Islamist extremism.<sup>97</sup> The military's strategies of regime survival, centring on the empowerment of the religious right to offset its secular political opposition, however, are likely only to undermine the U.S. goal of eliminating terrorism in the region.<sup>98</sup>

The quid pro quo for Musharraf's deal with the mullahs might never be officially revealed but can be gauged, at least partially, through the MMA's demands. Even prior to the December 2003 agreement, it had insisted upon official support for Islamisation in return for acceptance of the LFO and Musharraf's dual hats of president and chief of army staff. In June 2003, PML-Q leader Chaudhry Shujaat Hussain admitted that the government had accepted ten MMA demands for Islamisation, in addition to pledging government funding to 8,000 madrasas. The ten included legislation in accordance with the recommendations of the Council of Islamic Ideology; restructuring the economy, education and

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<sup>94</sup> Nadeem Malik, "U.S. for Tough Anti-money Laundering Law", *The News*, 20 September 2001.

<sup>95</sup> The U.S. Department of State believes that the use of the informal money transfer system remains a serious problem throughout South Asia. *Patterns of Global Terrorism*, 2002, U.S. Department of State, cited at <http://www.state.gov/s/ct/rls/pgtrpt/2002/html/19982.htm>.

<sup>96</sup> Cited at <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N03/398/55/PDF/N0339855.pdf?OpenElement>.

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<sup>97</sup> "Our democracy is not mature in the country. I think many politicians do not behave in a mature manner...I have a belief that democracy has to be modified to an environment; that is the reason of my retaining the power of dismissing an assembly". President Musharraf, quoted in "Musharraf Favours Tailored Democracy", *The Nation*, 16 June 2003.

<sup>98</sup> ICG Report, *Madrasas, Extremism and the Military*, op.cit.

media along Islamic lines; ensuring rights for women in accordance with Islamic injunctions; and giving Islamic subjects equal importance with other fields of study in all educational institutions.<sup>99</sup>

Now that his alliance with the religious right is public knowledge, Musharraf can be expected to justify it to both domestic and external audiences as a means of moderating the mullahs' behaviour through democratic channels. Many, even within ruling party circles, however, believe that concessions to the MMA will only strengthen the religious right within and outside government. Months before the agreement was reached, a senior member of the ruling PML-Q warned, "If such a deal is actually struck...there would certainly be an overall shift towards conservatism, with the extreme right wing becoming even stronger".<sup>100</sup> There is little doubt that the religious right intends to reap the benefits of its alliance with the military.

## B. RELIGIOUS OVER SECULAR

The military's reliance on the religious right to neutralise its secular opposition has already transformed Pakistan's political landscape. While the MMA victory in the Pashtun belt of the Northwest Frontier Province and Baluchistan owes much to popular opposition to U.S.-led operations in Afghanistan, the party is also indebted to the military.<sup>101</sup> According to Afrasiyab Khattak, then chairperson of the Human Rights Commission of Pakistan: "Conventionally, the religious parties used to get a marginal share of assembly seats. Their phenomenal rise in October 2002 elections was not just coincidental, but a part of the political plans of the military. Without the threat of religious extremism, the military would have lost its utility for Western powers".<sup>102</sup> Khattak warned that while the military hopes to use the mullahs as a "bargaining chip with the West, the extremists of the MMA are getting out of control".<sup>103</sup>

The MMA, on its part, insists that it owes its victory to Musharraf's unpopular pro-U.S. tilt, particularly on Afghanistan. But soon after the 2002 elections, the religious alliance expressed its willingness to work with him.<sup>104</sup> MMA leaders repeatedly pledged they would not destabilise the government in Islamabad and expressed their willingness, if a mutually acceptable agreement was reached, to support Musharraf's controversial LFO and his equally controversial presidential referendum.

Said Maulana Samiul Haq, a key MMA leader and head of his own faction of the Jamiat Ulema Islam (JUI-S), said: "General Musharraf does not deserve a breathing space after his decision to ditch the religious parties, but, in the larger interest of the country, we are prepared to accept him as president of Pakistan".<sup>105</sup> Haq runs a madrasa in his hometown of Akora Khattak in the NWFP, which is one of Pakistan's largest and also the alma mater of many Taliban leaders, including Mullah Omar.

To prepare domestic and international opinion for a deal with the mullahs, Musharraf distinguished between the MMA and Islamist extremist forces. Until 2003, Musharraf had called the MMA's constituent parties a threat to Pakistan's national interests. In his 12 January 2002 address, he said:

Extremists also formed a Pakistan-Afghanistan Defence Council!<sup>106</sup> Apart from damaging Pakistan, they had negative thinking and had no idea of anything good for Afghanistan. Did they ever think of bringing about peace to Afghanistan through reconciliation between the Taliban and Northern Alliance? Did they counsel tolerance to them?<sup>107</sup>

In the run up to the December 2003 agreement, the president argued, however, that the MMA was far more reasonable in its approach to national issues than other political forces. At the same time, he

<sup>99</sup> "PML-Q, MMA Come Closer to Agreement", *Dawn*, 2 June 2003.

<sup>100</sup> Zafar Abbas, "Friends in Need", *Herald*, August 2003, p. 29.

<sup>101</sup> See ICG Asia Report N°49, *Pakistan: The Mullahs and the Military*, 20 March 2003.

<sup>102</sup> ICG interview, Peshawar, June 2003.

<sup>103</sup> Owaid Tohid, "Rankling Islamabad", *Weekly Independent*, 19-25 June 2003.

<sup>104</sup> "MMA Ready to Work with President", *Dawn*, 28 October 2002.

<sup>105</sup> "Musharraf can be Accepted in National Interest, says Sami", *Daily Times*, 3 June 2003.

<sup>106</sup> All MMA component parties were part of the council along with more than twenty other smaller religious and jihadi groups.

<sup>107</sup> Cited at <http://www.dawn.com/2002/01/12/speech020112.htm>.

portrayed secular political parties as the real threat to Pakistani national interests and security.<sup>108</sup>

Criticising the government's willingness to cooperate with the mullahs and its refusal to work with moderate secular political parties, an influential and independent Pakistani newspaper pointed out:

Moderation and tolerance cannot be practiced in isolation and restricted to religious domain or political spheres of the government's own choosing. They have to be reflected in the overall approach to constitutional and political matters. There is some irony in the fact that while the president talks of moderation, the parties he will prefer to deal with in ensuring that his LFO-dominated agenda is accepted are those that will fall within his definition of fundamentalist... [Musharraf has] made known his distaste for PPP and the PML-N, which in our rather mixed up political scenario will come closest [to] being described as moderate parties in terms of secular politics.<sup>109</sup>

The motivations behind the military's decision to choose the religious over the secular were clear. Secular political parties posed the only credible threat to its political dominance. Targeted by the military, including through corruption charges against its leaders and military-inspired defections, the numerical superiority in Parliament of the Pakistan People's Party (PPP) was whittled down.<sup>110</sup> The MMA was transformed into the largest opposition group in the National Assembly.

To ensure mullah support, the military used sticks as well as carrots. While the mullahs benefited from the controversial waiver of the education condition for madrasa graduates during the 2002 national elections, in July 2003 an election tribunal of the Peshawar High Court unseated an MMA National Assembly member, Mufti Ibrar Sultan, declaring that his madrasa degree (*sanad*) was not equivalent to university graduation.<sup>111</sup> Sultan appealed to the

Supreme Court, which has stayed execution of the decision. A similar petition challenging the educational qualifications of 65 MMA members awaits hearing before the Supreme Court, and 35 MMA legislators currently face disqualification references submitted to the National Assembly speaker.<sup>112</sup> The Supreme Court has grouped all the disqualification petitions together and has yet to specify a definite date for the hearing.<sup>113</sup>

With the threat of disqualification hanging over its members' heads, the military hoped to gain the MMA's support for the LFO in parliament.<sup>114</sup> Since a majority of its parliamentarians are madrasa graduates, Fazlur Rehman's Jamiat Ulema Islam (JUI-F), the MMA component party with the largest number of seats in the National Assembly and in the NWFP legislature, was under pressure to reach a settlement on the LFO. Had the judiciary disqualified parliamentarians with only madrasa degrees, the MMA would have lost its parliamentary majority in Islamabad and its government in the NWFP.

While the JUI-F may have supported the LFO and Musharraf's retention of his dual posts specifically to save its governments in the NWFP and Baluchistan, the mullahs also benefited enormously from their informal alliance with the military prior to December 2003.<sup>115</sup> They stand to benefit even more from the formalisation of that relationship.

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institutions of higher learning by law. The *Wafaqul Madaris*, or the madrasas functioning under it, had not been empowered to award degrees by any statute or the University Grants Commission Act 1974. Their certificates or *sanads* might be of some academic use but could not be a substitute for university degrees". The tribunal ordered re-election in Sultan's Kohat constituency in NWFP. "*Sanad* Holders Were Not Eligible to Contest Oct. Polls: Detailed Judgment Issued", *Dawn*, 2 July 2003.

<sup>112</sup> The speaker can forward such a reference to the Election Commission, which has to give a decision within three months. However, there is no time limit within which the speaker must act on the decision.

<sup>113</sup> ICG interview with a Supreme Court official, Islamabad, September 2003.

<sup>114</sup> ICG interview, Islamabad, August 2003.

<sup>115</sup> "From the MMA's perspective", says an analyst, "staying in power in NWFP and the sharing of power in Baluchistan" was also "important for availing state patronage in the next elections". Hasan-Askari Rizvi, "Seventeenth Amendment and After", *The Daily Times*, 5 January 2004.

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<sup>108</sup> Najam Sethi, "I want to be COAS and president for 5 yrs: Musharraf", *Daily Times*, 25 April 2003.

<sup>109</sup> "Beyond the Religious Dimension", editorial, *Dawn*, 6 August 2003.

<sup>110</sup> PPP-Patriots, composed of PPP parliamentary defectors, have twenty members and support the federal government.

<sup>111</sup> In its detailed judgment, the tribunal said, "Holders of *sanads* issued by non-statutory *Wafaqul Madaris* were not eligible to contest the October polls....The award of degrees was an authority conferred on universities and other

### C. INCREMENTAL ISLAMISATION

The government's overtures to the mullahs have clearly increased the political space of the religious right. This is most evident in the passage of the *shari'a* bill by the NWFP Assembly in June 2003, which pledges to impose "Allah's rule on earth through His pious men".<sup>116</sup> The fifteen-point bill declares *shari'a* (Islamic law) the supreme law of the province and empowers the government to set up three commissions to examine ways of Islamising education, the economy, and the legal system.

Under another proposed law, yet to be presented to the provincial parliament, the MMA government intends to set up a *hasba* (accountability) department and ombudsman's offices at the provincial, district and local levels to ensure the enforcement of Islamic laws. Each ombudsman will have under his command a *hasba* force, a Pakistani version of the Taliban's vice and virtue police.<sup>117</sup>

Even before the passage of the *shari'a* bill, the MMA government in the NWFP had launched its Islamisation program through legislation and administrative measures, including bans on music in public transport, the coaching of female athletes by males, and the sale of un-Islamic videos and CDs. The *purdah* (veil) is also being gradually introduced.<sup>118</sup> The MMA's policies in the NWFP have encouraged extremists in other provinces and at the centre to follow suit. In Baluchistan, where the MMA is part of the PML-Q-led coalition government, the religious right has also decided to move a bill for the enforcement of *shari'a*, with the support of Chief Minister Jam Yusuf.<sup>119</sup>

In the Punjab, too, where the MMA has only fifteen seats in a 350-member provincial assembly, religious extremists are imposing their own notion of Islam. In June 2003, activists from the Shabab-i-

Milli, the Jamaat-i-Islami's youth wing, defaced billboards depicting women in the southern Punjab town of Multan. In Lahore, a newly created *Hasba* group, affiliated with Jamaat-i-Islami, has taken to defacing un-Islamic billboards.

In Karachi, the provincial capital of Sindh, the Jamaat-run local council<sup>120</sup> has banned the depiction of women in advertisements as "obscene and vulgar". According to Karachi's mayor, Naimatullah Khan of the Jamaat-i-Islami, "Our culture and values are different from the West. We want to protect women's honour".<sup>121</sup> Instead of curbing such measures, the federal information ministry issued a notification to all advertising agencies in April 2003, asking them to end the "abuse" of women in promotional campaigns.

Conscious of the need to appease the mullahs, the Musharraf government has yet to act on the recommendations of the statutory Commission on the Status of Women in August 2003, which urged repeal of the Hudood Ordinance, a set of Islamic laws that discriminate against women. The PML-Q has endorsed a NWFP Assembly resolution opposing repeal.

On the eve of his visit to the U.S. in June 2003, President Musharraf openly criticised the MMA's extremist policies for the first time, asserting that they curtail civil liberties and send the wrong signals abroad about Islam and Pakistan. "There is no room for Talibanisation in the country", he declared.<sup>122</sup> After the MMA's support for the Seventeenth Amendment, however, Prime Minister Mir Zafarullah Jamali emphasised that his party, the PML-QA, and the MMA are "natural allies", and that both "favour...implementing of [a] complete Islamic system in the country".<sup>123</sup>

In a joint press statement with Indian Prime Minister Vajpayee, following a meeting on the sidelines of the regional summit of the South Asian Association for Regional Cooperation (SAARC) in Islamabad in January 2004, Musharraf once again pledged that he "would not permit any territory under Pakistan's

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<sup>116</sup> Mohammed Riaz, "Frontier PA adopts Shariat bill", *Dawn*, 3 June 2003.

<sup>117</sup> See "Hasba Act Termed Unconstitutional", *Dawn*, 27 August 2003.

<sup>118</sup> In some schools, for instance, female students have already been ordered to wear the veil. Peshawar's Khyber Medical College is one. ICG interviews with Khyber Medical College students and teachers, Peshawar, June 2003.

<sup>119</sup> The chief minister said that a committee comprising representatives of the component parties of the coalition government would prepare and table a *shari'a* bill in the provincial assembly. "Baluchistan Govt. to Table Shariat Bill", *Dawn*, 16 June 2003.

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<sup>120</sup> Like the Punjab, Sindh is ruled by a PML-Q coalition. However, the Jamaat-i-Islami is in charge of local government.

<sup>121</sup> ICG telephone interview, July 2003.

<sup>122</sup> "Musharraf Assails NWFP Islamisation", *The News*, 11 June 2003.

<sup>123</sup> "PM Seeks Opposition Cooperation", *The News*, 30 December 2003.



control to be used to support terrorism in any manner".<sup>124</sup> The president emphasises that his government would "take to task every extremism. No extremism will be allowed in Pakistan".<sup>125</sup> Nevertheless, government officials continue to distinguish between Kashmiri "freedom fighters" and terrorists,<sup>126</sup> and their religious allies continue to publicise their views: "We have supported jihads in Afghanistan, Palestine and Kashmir. And we will continue to do so", said MMA senator Prof. Khurshid Ahmed.<sup>127</sup>

## VIII. CONCLUSION

Bent on appeasing the mullahs, the military continues to stall on measures to contain Islamist extremism, including madrasa reform. However, its alliance with the mullahs has resulted in a resurgence of such extremism, which will ultimately work to its disadvantage. It is in the Pakistani military's own interests to ensure that its religious clients do not gain even greater internal autonomy and influence. If indeed religious extremists, local or foreign, were responsible for the assassination attempts on President Musharraf, the military should immediately reassess the implications of its inaction against terrorists and their networks. If sectarian violence is undermining the military's public standing as well as its self-proclaimed role as the guardian of Pakistani security, the nexus between Pakistani religious extremists and their Afghan counterparts could also raise doubts in the minds of important allies, particularly the U.S., about the military-led government's earnestness in curbing domestic terrorism.<sup>128</sup>

It is unlikely that the Bush administration will reverse its support for the Musharraf government in the near future. Yet the military-led government is equally unlikely to reform the madrasa sector and prevent the practise of jihad if influential international actors, including the U.S., restrict their pressure to verbal demarches. It is in the interest of the international community to press Pakistan to meet its obligations under Security Council Resolution 1373 by taking effective measures to contain Islamist extremism by reforming the madrasa sector, clamping down on extremist organisations, and enacting and implementing

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<sup>124</sup> Text of the joint Musharraf and Vajpayee press statement in the *Daily Times*, 7 January 2004. Pakistan has signed the Additional SAARC Protocol on Terrorism, while the Islamabad Declaration issued at the end of the SAARC summit stated that "terrorism in all its forms and manifestations is a challenge to all states and to all humanity and cannot be justified on any ground whatsoever". Text of Additional Protocol on Suppression of Terrorism in *The News*, 7 January 2004; "Composite Dialogue", *The Nation*, 8 January 2004.

<sup>125</sup> Raja Asghar, "It's a leap forward, says President", *Dawn*, 7 January 2004.

<sup>126</sup> Explaining Musharraf's anti-terrorism pledge to Vajpayee, Information Minister Sheikh Rashid Ahmed said that Pakistan's definition of terrorism differed from India's. Interior Minister Faisal Saleh Hayat urged the SAARC states to distinguish between terrorism and freedom movements. "Otherwise, all efforts aimed at eliminating terrorism would prove an exercise in futility". "SAARC States Urged to Define Terrorism", *Dawn*, 6 January 2004; "Parliament to be taken into confidence", *The News*, 9 January 2004.

<sup>127</sup> "MMA determined to maintain support for jihad in Kashmir", *Daily Times*, 10 January 2004.

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<sup>128</sup> Concerns about President Musharraf's reliability in the war against terrorism have been voiced by influential segments of the U.S. media following his deal with the anti-American MMA. "Pakistan's military ruler, Gen. Pervez Musharraf", *The New York Times* editorialised, "has been America's ally in Afghanistan, for which Washington has rewarded him and Pakistan well. Yet he has been unable to secure Pakistan's borders against a resurgent Taliban and has been equivocal against Kashmiri terrorists". In its editorial, *The Washington Post* said that the deal with the MMA to "legitimise his continuance in office until 2007 and ratify his rewriting of the constitution" was at "the price of further empowering a movement that seeks Taliban-style rule for both Pakistan and neighbouring Afghanistan". "The Musharraf Mysteries", *The New York Times*, 27 December 2003; "One Man's Fortune", *The Washington Post*, 27 December 2003.

legislation to prevent the flow of funds to extremist groups and causes.

Any action, whether it involves the reform of the madrasa, curbs on the flow of terrorist-related financing, or a crackdown on jihadi groups, will also require a transformation of Pakistan's political status quo. The restoration of legitimate civilian authority would empower mainstream moderate parties and reduce the political clout of the religious right. While the prospects for a resumed democratic transition ultimately rest on Pakistan's internal dynamics, international support would go a long way toward helping tilt the balance from the military to the civilian.

**Islamabad/Brussels, 16 January 2003**

## APPENDIX A MAP OF PAKISTAN



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