

**Conflict Classification Through the Prism of International Humanitarian Law  
(IHL): The Case of Balochistan**



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National University of Sciences and Technology (NUST)

Islamabad, Pakistan(2024)

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A thesis submitted to the National University of Sciences and Technology, Islamabad, in partial fulfillment of

the requirements for the degree of

**Master of Science in**

**Peace and Conflict Studies**

Supervisor: Dr. Najimdeen Bakare

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Islamabad, Pakistan(2024)

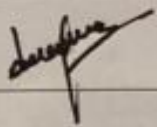
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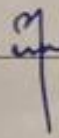
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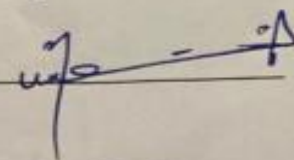
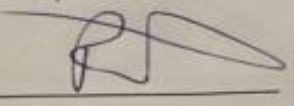
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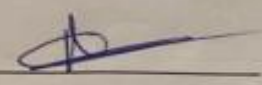
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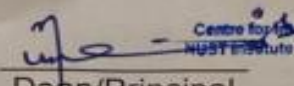
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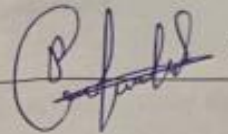
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## **DEDICATION**

I dedicate this work, my life and everything beneficial that I have ever done in it and will do to my father, who has left this world (by the will of Allah) but not our hearts and thoughts. I dedicate it to my mother who stood for and by us when all she wanted was to give up. To the peoples of Balochsitan, their wounds and resilience. Finally, to Mary Oliver, who let the world know that no writing piece is ever perfect yet in its imperfection, it holds the strength to change the world.



## **ACKNOWLEDGEMENT**

I would like to thank Allah, the most bountiful and the most merciful, who never looked away from me even when I was the least noble or deserving of love and mercy. My acknowledgments extend to my supervisor Dr. Bakare Najimdeen, who not only supported me in every phase of the research but helped me become a better version of myself; my sister who believes in me when no one else does and my nephew whose laughs bring peace to my heart. And my friends. Maham Shahbaz, I thank you for listening to my voice even in the loudest of spaces. Saad Kausar, I thank you for always being there even when I made it hard. Asma Ashraf, I thank you for letting me be myself when everyone else was telling me to change and Yasir Abbas, for being.

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## ABSTRACT

Inspired from its history and ethnic lineage and devastated from constant underrepresentation in centre, resource exploitation, and lack of development, the province of Balochistan has been the hub as well as the victim of Pakistan's oldest insurgency that firstly came to surface in 1948. Since then, Balochistan has faced five violent waves of insurgencies, a manifestation of nationalist sentiments, each subsequent wave bigger than the previous one in sense of perpetuated violence, intensity, longevity and inclusion of people and geographical areas. The fifth wave (2005) seems to be the deadliest of all in terms of fatalities and frequency of violent attacks. The present ethno-separatist Baloch insurgent (armed) groups have not only continued to operate despite the stringent counter-insurgency operations led by state's military forces, but they have also managed to become well-organised and plan and carry out strategically important attacks. The research argues that the protraction of the violent situation in Balochistan, increased intensity of violence over the years, and sophisticatedly organised armed groups, specifically Baloch Liberation Army (BLA), qualify the insurgency as non-international armed conflict (NIAC), provided in international humanitarian law (IHL). The research thoroughly discusses the framework of LONIAC and employs the criteria of organisation and intensity, laid out by common Article 3, Additional Protocol II and Tadic formula, on Baluchistan's case. Using purposive sampling, relevant stakeholders and experts on Balochistan were interviewed, which was coupled with secondary data, extracted from security reports published by state institutions and humanitarian organisations, research and news articles, and interviews conducted with leaders of armed groups. The data clearly shows that Baloch insurgency groups and conflict has now reached the threshold needed for the qualification of NIAC. The work presents a commentary on the application of the set criteria of NIAC to an underrepresented conflict that has been terrorizing the state in general and people of Balochistan in particular.

**Keywords:** Balochistan, insurgency, non-international armed conflicts, IHL



## INTRODUCTION

Balochistan is the largest province of Pakistan in the area but the least populated, developed, and the most troubled. Since its independence, the state of Pakistan has witnessed five insurgencies erupting from Balochistan. These episodes of violence started in 1948 when the state of Kalat was forcefully acceded by the leadership of Pakistan, ending the standstill agreement of 1947 between the Khan of Kalat and the state (Chawla, 2014). The second and third waves of insurgencies hit the region in 1958-59 and 1963-69 on the application of one-unit policy and establishment of cantonments in Balochistan, respectively (Muzaffar et al., 2018). The fourth insurgency came forward in the wake of the dissolution of the coalition government in Balochistan by the then-president Bhutto in 1973 and lasted till 1977 (Tanner, 2017). The fifth, ongoing insurgency erupted in the early 2000s, after the uneasy peace of a few years, with the killing of Akbar Bugti, “a leading political figure who was the head of the Bugti tribe and served as federal minister, chief minister and Governor of Balochistan” (Samad, 2014). The death of Bugti initiated the fiercest and longest Baloch insurgency that made the province a victim of a series of violent attacks by different rebel groups and military operations conducted against them.

These five rounds of insurgencies are the manifestation of the enduring trust deficit between the province and the federation on the issues of resource management, development projects, political control, and sovereignty (Jaffrelot, 2015). Where many Baloch political leaders aspire for increased autonomy and resolution of these issues, there also exist armed separatist groups, fighting for complete independence from the state of Pakistan (KC, 2020). Such separatist groups have played the most prominent role in the latest insurgency, as the events of organized violence were ninety-six with a total of 386 fatalities in the year 2009. The gradual decline was recorded in the violent activities which is credited to the counterinsurgency operations of the security forces of Pakistan against the Baloch insurgents. However, the formation of BRAS in November 2018, a coalition of three major rebel groups; Baloch Republican Army (BRA), Baloch Liberation Front (BLF), and Baloch Liberation Army (BLA), indicated the regrouping of the Baloch separatists to fight for self-determination more systemically (KC, 2020).

Scholars and policy experts on the Balochistan issue have also identified that the current insurgency is more intense, organized, and violent as compared to the last four due to assorted reasons. The ongoing rebellion has broader support from the Balochi middle class and diaspora. The tactics and attacks have become more advanced and attention-grabbing as by making alliances with Sindhudesh Revolutionary Army (SRA), BLA attacked the Pakistan Stock Exchange on 29<sup>th</sup> June 2020 (Khan, 2020); the use of advanced weaponry and strategies during the large-scale attacks on the security check-points in the early months of 2022; and the attack by “the BLA’s first female suicide bomber, Shari Baloch, a research scholar and teacher, on China’s Confucius Institute in the southern port city of Karachi”

(Rai, 2022), which killed four civilians including three Chinese nationals. These attacks displayed an obvious shift of focus of the militants towards the urban chokepoints (Rizwan et al., 2014).

While exploring the reason behind the staunch Balochi nationalism, the authors of the article, *The History of Baloch and Balochistan: A Critical Appraisal*, review the emergence of the Baloch nation as a distinct ethnic entity, which dates to medieval times (Ahmed & Khan, 2017). To explain the Baloch resentment towards the federation of Pakistan, they have employed the ethno-symbolist approach and reiterated that the conflict has its roots in the “history, identity and resources” of the people and land of Balochistan and is catalyzed by the failure of the state to integrate the people in the mainstream polity. In his article, *Repression, and Revolt in Balochistan*, Mendez explains that the overall fight is against the historic wrongs and increasing human rights abuses to which Balochis have been subjected for decades (Mendez, 2020). He gives concise accounts of attacks conducted by Balochi separatists against the Pakistan army and multiple development projects from August 2018 to July 2018 and argues that contrary to the mainstream idea, the fifth wave has persisted and intensified with the unification of three major separatist and ultranationalist groups (Baloch Liberation Front, Baloch Republican Guard, and Baloch Liberation Army) under the banner of BRAS in 2018. Y. Samad has argued in the chapter, *Understanding the Insurgency in Balochistan*, that the fifth wave resurged with the killing of Akbar Bugti in 2006 which completely shattered the relative peace between the province and the federation (Samad, 2014). He further writes that the ongoing insurgency has different, more advanced features if compared with the 1970s separatist movement in Balochistan, which was concentrated between the rebel groups and armed forces. However, the present rebellion is more widespread and deeply supported by the Balochis, which is being operated in a more systemic and advanced manner. Similarly, Tanner provides that the contemporary version of the Balochistan conflict is more resilient and has “outlasted its predecessors by over two-fold” mainly because of the Balochi middle-class involvement in the conflict (Tanner, 2017).

Though there exists sufficient literature on the Balochistan conflict, its dynamics, and its ever-evolving nature, the legal perspective of the conflict is limitedly discussed. Nonetheless, the report “We Can Torture, Kill, or Keep You for Years” by the Human Rights Watch addresses the issue of enforced disappearances in Balochistan with the yardstick of international and domestic law (Human Rights Watch, 2011). It called such disappearances a collectivity of multiple human rights violations, which are protected under the International Covenant on Civil and Political Rights (ICCPR) and other related treaties that are ratified by Pakistan. While presenting his views at the international conference on “Combating Terrorism Through Law,” Soofi has justified the operations and efforts of Pakistan's armed forces in Balochistan and argued that they were in line with the obligations set by international law (Soofi, 2023). However, he has also admitted that Pakistan lacks a legal framework to regulate the conduct of the country's military forces during and post such conflicts. Though the state of Pakistan has named the Balochistan situation as a “low-intensity insurgency,” the Baloch nationalists or separatists do not perceive it as such. The shape and tactics of

the insurgency have become much more sophisticated with time, in fact in 2022 “the BLA’s first female suicide bomber – Shari Baloch, a research scholar and teacher – attacked China’s Confucius Institute in the southern port city of Karachi,” (Rai, 2022) and killed four civilians. Unfortunately, there is no well-crafted discussion on the legal perspective of the conflict in Balochistan, which causes further ambiguity around the legitimacy of the insurgency and its repression by the armed forces. While the state has named and treated the Balochistan situation as an insurgency and called the separatist demands of self-determination illegitimate (Soofi, 2023), the Geneva Academy, RULAC classifies it as a non-international armed conflict (RULAC, n.d.). Amnesty International in 2006 also urged Pakistan and the armed groups in Balochistan to respect the principles of “international humanitarian law” (Amnesty International, 2006). Certain scholars also criticize Pakistan for calling the Balochistan situation an insurgency (Hashmi, 2018) as insurgencies usually burn out after 10-13 years (Rabasa et al., 2011). In the paper, *Constructing Baloch Militancy in Pakistan*, the author has argued against the given typologies in which Balochistan conflict is usually placed such as public unrest or disorder, separatist or nationalist insurgency, a rebellion or terrorist militancy, and introduced a novel classification for the conflict; “chaotic ethno-terror militancy (CETM), generated by the interplay of identity, atrocity, anarchy, connectivity, and transnationality” (Feyyaz, 2012). However, the existing scholarship on this subject has neglected the classifications of armed conflict provided by the framework of IHL in the case of Balochistan. There is a dire need to explore the Balochistan issue within such a framework to see if it classifies as a non-international armed conflict and should be treated as such.

## **Problem Statement**

Over the years, the Balochistan insurgency has garnered quality literature around its premises, where scholars have dissected, analyzed, and discussed it with almost every possible angle and theme such as the era of British occupation and its impacts on Baloch identity (Rizwan et al., 2014), the consequences of horizontal inequalities and political deprivation on the people of Balochistan (Mushtaq & Mirza, 2021), the mismanagement of resources and employment of greed vs. grievance in the case of Balochistan (Aslam, 2011) et cetera. These and many other such works have explained the possible reasons or drivers of the continuity of the Baloch insurgency since 1948 and have given practical solutions to resolve the conflict as well. Though there still exists gaps or areas of further discussion within the existing themes, the literary effort to classify the status of the Balochistan conflict is almost nonexistent.

The literature does have traces of domestic law employment on a Balochistan situation to justify as well as question the conduct of the state’s military forces and the rebel groups in the region. However, there is hardly any scholarship that checks or verifies the status of the Balochistan case through the lens of international humanitarian law. Due to such lack of work around these lines, there exists an ambiguity around the status of the Balochistan conflict as the

state calls it a low-intensity insurgency or internal unrest while some humanitarian organizations and think tanks put it under militancy, armed conflict, and ethnic war et cetera.

## **Research Questions**

1. How to categorize a non-international armed conflict as per International Humanitarian Law (IHL)?
2. Does the Balochistan conflict fall under the category of non-international armed conflict and should be treated as such?

## **Research Objective**

The research will investigate the given principles or distinctions to understand and categorize a non-international armed conflict as per IHL. Primarily, the objective of the research is to study the Balochistan conflict with a legal perspective to check if it fits the outlay of non-international armed conflicts, provided by different conventions, rulings, and protocols, and whether it should be treated as such.

## **Research Significance**

There exists a pool of literature and discussions on the Balochistan conflict and its history, causes, catalysts, and ever-evolving nature. This research will introduce the legal perspective on the Balochistan conflict in the literary circle. It will analyze the Balochistan insurgency with the lens of IHL to check if it fits the category of non-international armed conflict in the given framework. The research will thoroughly study or lay out the classification system of conflicts as per IHL to the Balochistan conflict. It will employ the principles or distinctions of non-international armed conflict in the case of Balochistan and will initiate a much-needed discussion on the legal status of the conflict. The Baloch insurgency has affected Pakistan since its independence in many ways, which explains the reason it has been in the contours of literary discussion ever since. This research will determine the typology of the conflict to nudge the discussions toward new avenues.

## **Thesis Outline**

The research starts with a comprehensive introduction to the topic. Chapter 1 explores existing literature and scholarship on the subject. It also includes the relevant conceptual framework. The research methodology is explained in detail in chapter 2. Chapter 3 discusses the classification of armed conflicts and give distinctions of non-international armed conflict in IHL and related sources. Chap 4 focuses on (a) the geography, history, people, land, and political and social system of Balochistan, and (b) the Balochistan insurgency itself. Chapter 4 further encompasses data analysis and discussion with respect to organization and intensity. Conclusion summarizes the overall research with its findings.

# Chapter 1

## 1.1 LITERATURE REVIEW

The existing scholarship on the law of non-international conflicts offers a vast and in-depth commentary on the principles and provisions provided in the legal instruments of international humanitarian law (IHL). It also includes a plethora of literature that not only raises controversial but essential questions on the legal provisions and rulings, but also dissects them to extract clarity especially in case of context-based legal confusions. Before diving into the existing scholarship on the law of NIAC, it is appropriate to briefly understand the broader legal paradigm, International Humanitarian Law (IHL) under which the law of NIAC operates.

Law of Armed Conflict (LOAC), more commonly known as International Humanitarian Law (IHL), stands as an overarching legal framework designed to regulate the conduct of hostilities during an armed conflict with the purpose of safeguarding the rights and dignity of individuals who do not partake but still bear the effects and consequences of such hostilities (Solis, 2021). The roots of IHL are traceable to ancient times when early principles aimed at minimizing unnecessary suffering in times of war had emerged. Nonetheless, the creation of present system of such nuanced set of rules and provisions is accredited to Henry Dunant, whose short pocketbook, *A Memory of Solferino*, led to the adoption of First Geneva Convention as well as a “permanent, voluntary, and international organization that would care for victims of war”, the *International Committee of the Red Cross (ICRC)* in 1864 (Cassese, 2014, p. 2). At the turn of the century, the adoption of two Hague Conventions (1899 and 1907, respectively), along with other treaty laws, further cemented the LOAC by mitigating the horrors of warfare through prohibiting the means and methods that inflicted unnecessary suffering (Kalshoven, 2016). However, the modern codification and development gained impetus in response to the appalling experiences of World War II. The profound humanitarian crises witnessed during the mid-20th century prompted the international community to establish a more structured and constructive legal regime.

As a result, four conventions, based on the earlier sets of treaty law, were produced and adopted in the conferences held at Geneva in 1949, namely (i) *The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*; (ii) *The Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea*; (iii) *The Geneva Convention Relative to the Treatment of Prisoners of War*; and (iv) *The Geneva Convention Relative to the Protection of Civilian Persons in Time of War*. Like their parent laws, these conventions are applicable to all instances of war or armed conflict that occur between two or more High Contracting Parties or states, known as international armed conflicts (IACs). These conventions were, later, coupled with the Additional Protocols I and II of 1977 to blend The Hague and Geneva laws as well as

to build an exclusive law system for the regulation of ‘armed conflicts of a non-international character’ or non-international armed conflicts (NIACs).

Hence, the two types of armed conflicts that are directly dealt by the IHL, though on distinct levels, are international and non-international armed conflicts and Akande (2012) explained the application of international humanitarian law in different forms of violence that can be amounted for such armed conflicts. He provided that the complete code of Geneva and Hague Conventions along with the Additional Protocol I of 1977 deal with the incidences of international armed conflict (IAC) while the provision related to non-international armed conflicts (NIAC) are rather limited, which are, "Common Article 3 of the 1949 Geneva Conventions, the provisions of Additional Protocol II of 1977 and article 8(2)(c) and (e) of the ICC Statute" (see. 3, para. 1). Though deemed revolutionary and necessary during the time of conception, the limited scope of application and ambiguous nature of these conventions and protocols and hence, IHL itself became evident in the last years of the 20<sup>th</sup> century. With the eruption of asymmetric conflict that did not strictly follow the two types of armed conflicts crafted by IHL, scholars started questioning the meaning of “armed conflict” itself, which ironically was not present in the legal documents that built the structure of the LOAC/IHL (Balendra, 2007; Milanović & Hadzi-Vidanovic, 2013).

Until early 1990s, the legal and scholarly attention towards the law related to internal armed conflicts was rather limited as states were focused on enhancing and enriching the corpus of international law that directly dealt with IACs, wars and violences that were traditionally deemed legitimate (Browning, 2013). As a result, the latter body of law garnered more space in literal and legal debates while the growth of law of NIAC was neglected (Sivakumaran, 2011). However, with the end of the cold war, the focus of scholars and legal practitioners shifted from conflicts of international nature to non-international ones with the rise of intra-state conflicts such as the five internal wars (1990-1995) leading to the break down of former-Yugoslavia and eruption of genocidal violence in Rwanda and Bosnia in 1994 and 1995, respectively (Browning, 2013). The 1998 map of armed conflict, drawn by International Institute of Strategic Studies, depicted that out of all the conflicts or wars that the world witnessed from 1994 to 1997, there were only a handful of international character while all the rest of the world was engaged in internal conflicts or civil wars except North America, Australia, and New Zealand (“The 1998 Chart of Armed Conflict,” 1998). The brutality of such internal conflicts exceeded that of many inter-state armed violences such as the mass execution of approximately 800,000 people by the Hutus majority in Rwanda in 1994 and the massacre of more than 8,000 Bosnian Muslim boys and men, committed by the Bosnian Serbs, in the UN safeguarded area of Srebrenica (Wood, 2001; Nettelfield & Wagner, 2013; Harsch & Headley, 2015).



The documented exponential rise of the armed conflicts of non-international character - as Uppsala database provided that out of 225 armed conflicts (1946-2001), 163 were internal armed conflicts (Gleditsch et al., 2002) - opened avenues for the scholarly exploration (Moir 2002; Cullen, 2010; Sivakumaran, 2012; Zamir, 2017; Dinstein, 2021) on the existing sets of principles within the ambit of IHL to regulate such acts of violence. Another recurrent theme in the literal inventory of international humanitarian law (IHL) dealing with NIACs is the scholarly agreement and critique on the premises that the body of the law (IHL) mostly concerns itself with IACs - the entirety of the Hague Conventions, Geneva Conventions 1949, and Additional Protocol I- while there exist only rudimentary provisions in the brackets of law of NIACs, namely the Common Article 3 to all four Geneva Conventions and Additional Protocol II of 1977, and article 8(2)(c) and (e) of the ICC Statute (Sassòli & Olson, 2008; Wilmshurst, 2012; Bothe et al. 2018). At the same time, the unprecedented judgement of Tadic case, given by the International Criminal Tribunal for the Former Yugoslavia (ICTY) under the presidency of Antonio Cassese in 1993 and critique on the inadequacy of treaty law of NIAC, provided strong grounds for the debates on eliminating or, at least, reducing the distinction between international and non-international armed conflicts, so to regulate all the armed conflicts with a uniform set of regulations. (Willmott, 2004; Crawford, 2007; Mastorodimos, 2010; McGuckin 2018).

The book, *The Law of Internal Armed Conflict*, is deemed to be in the vanguard of scholarship that gave undivided attention and literary space to the law of NIAC as it became eminent in the wake of the events that had occurred in former Yugoslavia and Rwanda in 1993-1995 (Moir, 2002; Sivakumaran, 2012). The work mainly focused on addressing the threats to civilians during an internal armed conflict and the regulation of Common Article 3 and provisions of Additional Protocol II in such instances. Moir (2002) argued that those internal conflicts that cross the set threshold of intensity must be subject to international regulations or law; firstly, because such armed conflicts have the capacity to disrupt the international peace and security and secondly, international humanitarian law is as much concerned with the protection of civilians as it is with the regulation of warfare. Cullen (2010), in the initial chapters of his work, explored the concept of NIAC in its infancy, a period prior to the conceiving of Geneva Conventions. While quoting the UK Ministry of Defence Manual of the Law of Armed Conflict, Cullen argued that only a strict “recognition of belligerence” by the government or a third party’s involvement made a civil war qualify for the application of laws of traditional war. The said criterion was maintained during the conception of Common Article 3 to the four Geneva Conventions of 1949, later extended by the Additional Protocol II (AP II) of 1977 and other treaties (Mastorodimos, 2010). Kleffner (2007) ventured that the principle of recognition of belligerence was set in the Second Peace Conference (1907) by the scholars, practitioners and states who had considered inter-state war as the only legal use of force (Van Creveld, 1991). He argued that the principle was crafted in a way that gave

states the complete writ to call an internal conflict liable to the provisions of traditional law of war, making every other instance of violence a domestic crime regardless of its intensity (Kleffner, 2007).

Perna (2006) further traced down the formation and development of treaty law applicable to the instances of NIAC and argued that the insufficient nature of basic provisions of Common Article 3, mainly addressing and pushing for humane treatment during an armed conflict of non-international character, had become evident in the wake of the rising number of internal conflict and the twisting nature of atrocities occurring in such conflicts in post-World War II era. The author elaborated on the void that pushed for the adoption of Additional Protocol II, a legal and only instrument that excessively addresses the armed conflict of non-international character, and other relevant treaties to the instances of NIAC such as “Amended Protocol II to the Conventional Weapons Convention (1996), the Ottawa Convention (1997), the Second Hague Protocol for the Protection of Cultural Property in the Event of Armed Conflict (1999), the Optional Protocol to the Convention on the Rights of the Child (2000), and the Conventional Weapons Convention as amended by the Second Review Conference (2001)” (Perna, 2006, p. 113). The leading legal practitioner, Antonio Cassese criticized the absence of means of warfare from Protocol II by reverberating that states were allowed to use all kind of weapons, even the ones that were forbidden in IAC, against their own citizens and no method such as inflicting unnecessary injury, a breach of the law of IAC, was banned for states in an internal conflict. He concluded that states managed to uphold their sovereignty and writ at the expense of humanity and protection of its civilians by nullifying the original drafts of the Protocol (Cassese, 1986). Antonio Cassese did not only widen the scholarship on IHL, but he also played a profound role in bringing forward the innovative interpretation of international criminal and customary laws by giving an unprecedented judgement on Tadic case, which enlisted that the crimes against humanity were punishable in both internal and international humanitarian law (Hoffmann, 2010). The judgement is considered as a breakthrough in the literal and legal sense as (a) it supplemented the provisions of the Rome Statute, such as the inclusion of the elaborative definition of NIAC, extended by the Tribunal, and (b) the judgement positively impacted the adoption of Statute of International Criminal Court (Arsanjani, 1999). Spieker (2001) academic endeavor, *Twenty-five Years after the Adoption of Additional Protocol II*, highlighted the question of adequacy of the norms and legal provisions guarding NIAC. He argued that enhancing the existing law, which many scholars have pushed for and rightly so, would not bring forward any revolutionary change since the rudimentary provisions in place had been neglected in many instances. The author dug out legal problems that had hindered the proper implementation of IHL, particularly the law of NIAC, and suggested the filling of lacunae that outflank the adequate applicability of the existing body of law. Though the literal and scholarly speculations on the treaty and customary law of NIAC have occupied a visible space in the discourse, many authors still believe that literature itself has not become evolutionary over the past years. In the article, *Re-envisaging the*

*International Law of Internal Armed Conflict*, the author argued that literary discussions on NIACs and related issues/concepts had occupied a meagre space in the scholarly paradigm of IHL (Sivakumaran, 2012). He further ventured that since 1977, the law of NIAC had become a structure of its own, and therefore, the continued scholarly negligence towards the law of NIAC was questionable. To widen the scholarship on NIAC, the author organized the applicable, relevant, and controversial provisions related to NIAC in a systemic manner while taking the whole existing inventory of international humanitarian law, its historical development, and present analyses of multiple case studies in account (Sivakumaran, 2012). Yoram Dinstein also made significant contribution in the scholarly analyses and understandings of the legal instruments dealing with NIAC through his detailed accounts on the used terms such as difference between hostilities and ordinary crimes under NIAC, thorough explanations of underlying rules and analogies extracted from the treaty texts, and opinions on states' practices when it comes to invoking IHL to deal with cases of NIAC (Dinstein, 2021). Another essential scholarly input comes from the work of N. Derejko, in which he has asked the question of "termination of hostilities" in context of NIAC. Derejko (2020) argued that it was paramount in both practical and legal sense to determine the end of an internal conflict as it would hold IHRL and jurisprudential implications and provided a functional approach, in place of ICTY's 'peaceful settlement' and ICRC'S 'lasting pacification' approaches, to ensure complete cessation of hostilities (p. 2-3). The end of NIAC also ends or the applicability of IHL, or at least puts it in the backseat, and brings IHRL abroad to deal with the post-conflict issues and consequences, therefore, timely decision and declaration of the complete cessation of such conflicts is an absolute legal standard. However, Lapidor (2023) argued that determining such ends becomes tougher in cases of those NIACs that experience 'lulls' - periods of discontinuity.

Where multiple authors, political scholars and legal experts have dived deep into the body of law governing NIAC to lay down the concepts, buried logics, and building blocks of the provisions, many have resorted to a critical approach. The report on Minimum Humanitarian Standards lauded the efforts that brought forward Common Article 3 to all the Geneva Conventions as a first provision to exclusively deal with the conflict of non-international character. However, the authors of the report highlighted that the provision had many shortcomings such as it provided only a minimum standard of protection to civilians and left room for governments' to easily contest its applicability especially in case of conflicts like international terrorism that could not fit in one of the two rigidly drawn categories of armed conflict in IHL (UN. Secretary-General et al., 1998). Murphy (2012) through his work, *Will-o-Wisp? The Search for Law in Non-International Armed Conflicts*, added into the critique on Common Article 3 by echoing that the ambiguous wording and phrasing, and lack of definitions or descriptions had bore more confusions than clarities, such as the phrase "inhumane treatment" had not been explained, leaving unchartered space for varied interpretations (Henckaerts et al. 2005). In the ICRC Commentary on Geneva Convention 1, the author,

Pictet (1952) recognized that the Common Article 3 left constructive and explanatory gaps such as absence of the definition of NIAC itself. The author further argued that the provided phrasal description “armed conflict of a non-international character” did not hand over any substantive clarity on the subject.

The tiresome drafting process and reluctant conceiving of Additional Protocol II of 1977 have also been heavily disparaged by the legion of academics as the final Protocol II did not bring the necessary and revolutionary changes that were required for responsible dealing of rising instances of atrocious internal armed conflict in the last years of the 20th century. While criticizing the states’ ignorant behavior towards the adoption of the Protocol in 1977, Wright & Falk, (1975) and Perna (2006) highlighted that even those states, which actively favored for the adoption of the Protocol such as countries of Latin America, preferred a “high threshold and low standard of protection” (p. 102), and only the Scandinavian states’ pushed for a set of regulation that would be in uniformity with the existing law of IAC. Though the Protocol outlined what can and what cannot be considered and treated as a non-international armed conflict, it does so with little to no conviction. The threshold, based on conditions like control of territory, responsible command, and capacity to organize and carry out protracted attacks, is set so high and highly underdefined that many internal conflicts remain under local jurisprudence despite the high number of civilian casualties (Perna, 2006; Crawford, 2007). Bothe et al. (2013) presented that many articles related to the means and method of combat and execution and prosecution of the fighters, or any other article that accorded even a slight resemblance to the ones provided in the law of IAC, had to be omitted for the adoption of Protocol II. The threshold and conditions set in Additional protocol II were too complicated than the ones provided in Common Article 3, and it enhanced the division between different internal conflicts and limited the applicability only to the ones that were accepted by the states as NIACs (Kalshoven & Zegveld, 2011). The lack of depth and stability in the law of NIAC, the supposed objective of Protocol II, even after the adoption of such instruments has been summarized by Graham (2012) as such

“...despite the stated intentions of the drafters of the Protocols, it might understandably be argued that we have returned to where we started-an inability to systematically identify, with very few exceptions, when violent activities occurring within States may legitimately be characterized as non-international armed conflicts. If this is the case, where do we next turn?” (p. 48)

The debate on the convergence or unification of IHL under a singular legal framework has also become frequent in the literary space especially after the Prosecutor v Tadic decision (1995). Many scholars, such as Aldrich (2000), Sassòli & Olson (2000), Mastorodimos (2010), Veuthey (2005), Kawagishi (2015), Crawford (2016), McGuckin (2018), find the existing legal distinction that was created through the instrument of Common Article 3 and AP II

elusive and redundant. Ben McGuckin argued that classification of IACs and NIACs came from the reluctance of states towards granting the status of combatant, and consequently Prisoners of War (POW), to the non-state actors in an internal conflict as the legal status would make their actions legitimate and with the cessation of hostilities, such actors would qualify for immediate release and immunity from prosecution (McGuckin, 2018). Grounding her argument on the Tadic case and the ICRC Study on Customary International Humanitarian Law (2005), Crawford (2010) strongly advocated for the abolition of the legal dichotomy of armed conflicts and their respective laws. She presented a case of humanity over sovereignty as

a uniform approach to regulating conduct in armed conflict is achievable. This is not to say that there are not significant barriers to a unified approach. However, the ultimate aim of such a law – that of protecting those least able to protect themselves during times of conflict – should be sufficient incentive to overcome most, if not all, resistance to the creation of such a law. (p. 467)

The difficulty in classifying an armed conflict in international or non-international categories has become problematic manifolds. In *Another Argument towards Abolishing the Distinction between International and Non-international Armed Conflicts*, Mastorodimos (2010) demonstrated that the classification of Gaza conflict that occurred between the armed forces of Israel and Hamas in 2008-09 could be treated as an IAC; as it was not limited to a state's territory, Hamas was believed to be a national liberation group, the conflict itself was a part of the broader Palestine-Israel conflict, as well as NIAC; Hamas was recognized as an armed non-state actors' group. In addition to these legal ambiguities, the lack of a central authority that can call out an armed conflict and its character provides states with unquestioned writ to undermine or treat a conflict in a way that serves their political purpose (Moir, 2005; Crawford, 2006; Mastorodimos, 2010). Campbell (2005) highlighted the hegemonic role of states in determining of an armed conflict as per their own interests by providing a case study of the UK that emphasized on treating "The Troubles" in Northern Ireland (1968-1999) as an internal conflict despite the intensity of the violence. He further argued that the US HAD played similar tactics to avoid dealing the invasion of Iraq and the broader war on terror according to the provisions of international law (Campbell, 2005).

Some scholars, however, find the case of removing the distinction between laws of IAC and NIAC, as a purely academic stance, far from reality. Rein Müllerson (1997) dismissed the notion of complete elimination of distinction amongst the laws applicable to international and non-international armed conflicts as the author believed that such abolition of distinction is not feasible. Müllerson argued that the development of international human rights law and "non-derogable rights" - such as the right to life, freedom from torture et cetera - had bridge the differences that were

causing inharmony in application of IHL in armed conflicts. He justified that no military necessity or other such situation permitted any combatant or non-state actor to apprehend such rights, bringing the actors of both IACs and NIACs on the same stage, at least in this respect (Müllerson, 1997). The approach that while measuring and prosecuting individuals for the grave breaches of the conventions of IHL, that are strictly limited to IACs, the legal classification of the character of conflicts becomes necessary ((Preparatory Commission for the International Criminal Court, 2000; Byron, 2001). While accepting the inadequacy of Additional Protocol II of 1977, Spieker (2001) argued that the merger of international and non-international armed conflict would not bring any viable solution to the lack of proper implementation of IHL and highlights the importance of compartmentalization of such armed conflicts. Dinstein (2021) took a harsher approach to refute the criticism and provided that making the legal distinction completely obsolete was wishful thinking, only upheld by the academics and theorists. He concluded that scholars and practitioners should focus more on the problems and questions of implementation of IHL in its full capacity rather than trying to achieve a merger between the laws of international and non-international armed conflicts.

The critique on the underdeveloped nature of law of NIAC and the debate on the abolishment of the dichotomy between the laws of IAC and NIAC birthed literature that tries to provide alternative solutions to such issues by building a nexus between IHL and the International Human Rights Law (IHRL) in the cases of NIACs (Schabas, 2003; Saul, 2016; Dvaladze, 2022). The scholarship, though not so extensive, questions the status and applicability of human rights law and its violations in the instances of internal conflicts; addresses the problems of non-engagement of non-state actor groups in IHL, and suggests the convergence of both the bodies of law to overcome these complications (Aughey & Sari, 2015). Kamatali (2013) built the case of making IHRL applicable to the individuals involved in NIAC by pointing out the situation that arises otherwise. She stated that the findings of Human Right Watch and other humanitarian organizations on gross human right abuses that were committed during the civil wars in Libya, Congo, Syria were based on the notion that human rights law applies on NIACs or civil wars. However, the said notion itself is not yet accepted by international law, making the findings controversial as well. On the issue of the right of authority to detain both the state forces and the non-state actors, Mégret (2019) assumed the position which favored the regulation of detention by the principles or analogy of IHRL. Saul (2016) highlighted the importance of engaging with the non-state actors' groups to uphold IHL and hence, protect more civilians, through the yardstick of IHRL and humanitarian measures.



## **Chapter 2**

### **2.1 RESEARCH METHODOLOGY**

#### **2.1.1 Research Strategy**

The research employed a qualitative research strategy as to verify whether the Balochistan case/insurgency meets the threshold of a non-international armed conflict (NIAC), provided in and through the provisions of IHL (international humanitarian law). The research, therefore, carried out a detailed study of the body of law dealing with NIAC and in-depth exploration of the case of Balochistan, so to gain sufficient data on both the concepts. For that reason, the researcher opted for qualitative methodology or strategy, as it is a “deep understanding of the particular” (Domholdt, 1993). The employment of a qualitative research methodology helped the researcher to study the variables and related issues in depth and detail, providing the opportunity to analyse existing literature, official treaties, statements of international and domestic actors, and conduct face-to-face, open-ended interviews with experts on the subject. Both primary and secondary data sets were employed for data collection.

#### **2.1.2 Research Design**

The thesis employed the ‘case study’ research design, which takes a single setting under focus to understand the dynamics of that particular case/setting to find answers in a specific context(s) (Eisenhardt, 1989). As Creswell (2018) stated that case studies “are a strategy of inquiry in which the researcher explores in depth a program, event, activity, process, or one or more individuals”. Yin (2009) further explained that a case study as ‘an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not evident’.

For this research, the case study design was selected for Balochistan, which has been infected with violence since 1948. However, to further narrow down the context and build a more comprehensive case study, the latest wave of insurgency (2005-ongoing) was taken under consideration. The case study of Balochistan insurgency was selected to study whether it qualifies the criteria of NIAC.

### **2.2 Qualitative Data Collection**

#### **2.2.1 Primary Sources**

The primary data was collected by two means i.e. analysis of available official documents, security reports and semi-structured interviews. For the sections that deal with the variable of IHL, relevant treaty laws such as the four Geneva Conventions and their Additional Protocols, Rome statute; the rulings of different international tribunals, including the Tadic case, and domestic courts related to non-international conflicts; and other relevant treaties and case laws, were thematically analysed to extract a lawfully accepted threshold for an internal conflict to qualify as NIAC.

To gather more reliable, first-hand information on Balochistan insurgency (while using the lens of LONIAC), open-ended interviews with relevant stakeholders were conducted. The researcher gathered and organized relevant and exclusive data such as information on rebel group-controlled territory in Balochistan, which is an absolute requisite for the qualification of non-international armed conflicts, through semi-structured inquiry.

### **2.2.1.2 Method: Semi-Structured Interview**

“Semi-structured (fairly open-ended) qualitative interviews”, which offer the opportunity to keep the conversations focused thematically while retaining the flexibility to delve deeper into the qualitative aspects of the issues, will be conducted to get more detailed and experienced-based answers. An interview guide was developed, in which the researcher included a description about the subject-matter so to clear grounds for discussion, the main research questions to narrow down the scope of subject matter without obstructing the natural flow of interviews, and specific, context-based yet flexible sub-questions for the interviewees, relevant to the research area and questions.

### **2.2.1.3 Sampling Technique: Non-Sequential Purposive Sample (Snowballing)**

The researcher employed purposive sampling technique, which is a non-probability form of sampling to garner more context-based, relevant data from the participants who were selected based on their knowledge, expertise, and experience to the subject. As laid out by Alan Bryman in his book, *Social Research Methods*, “the goal of purposive sampling is to sample cases/participants in a strategic way, so that those sampled are relevant to the research questions that are being posed” (2012. p. 418). In addition to that, the purposive sampling followed a non-sequential approach, which allowed the researcher to increase or change the number of participants during the data collection methods according to the relevance and availability of participants in a sampling unit.

To cover and gather sufficient data on Balochistan case, the researcher included the following participants in the sample.

- academic experts on Balochistan, who were able to provide the timeline, history, reasons, factors, and details on actors involved in the years-long insurgency.
- journalists who had covered the stories of Balochistan in past such as protests, violent attacks on governmental institutions et cetera, most preferably the ones who have interviewed the non-state actors of the area,
- researchers who knew about the territory captured or level of organization of different non-state actors’ groups.

The number of participants were intended to be between 5-10 as the Warner’s rule stated that two to three intensive interview sessions are enough for the researcher to gather detailed accounts of events and opinions (Warner, 2002) while Crouch and McKenzie (2006) argued that “samples of fewer than twenty increase the qualitative researcher’s

chances of getting close involvement with their participants in interview-based studies and generating fine-grained data” (p. 426). However, as the sampling technique was following a non-sequential approach, the size increased to 14 participants, given the conditions of availability and relevant data.

Following is the coding mechanism of all the interviews that were conducted for primary data.

<b>Codes</b>	<b>Interviewees</b>	<b>Background</b>	<b>Time</b>
<b>P1</b>	Anonymous	Field Researchers at PIPS	April, 2024
<b>P2</b>	Anonymous	Dir. Research & Analysis, IPRI	April, 2024
<b>P3</b>	Anonymous	Research analyst at PIPS	April, 2024
<b>P4</b>	Anonymous	Author of Multiple books on Balochistan & Executive president of Baloch Human Rights Council	April, 2024
<b>P5</b>	Anonymous	Dir Research, Balochistan Think Tank Network (BTTN)	April, 2024
<b>P6</b>	Anonymous	President of Research Society of International Law (RSIL)	April, 2024
<b>P7</b>	Anonymous	Assistant Lecturer at NDU	April, 2024
<b>P8</b>	Anonymous	HoD Dept of IR, NDU	May, 2024
<b>P9</b>	Anonymous	Researcher & Consultant at the SPPC	May, 2024
<b>P10</b>	Anonymous	Local Baloch Journalist	May, 2024
<b>P11</b>	Anonymous	Local Baloch Journalist	May, 2024
<b>P12</b>	Anonymous	Baloch Columnist at Jamestown foundation	May, 2024
<b>P13</b>	Anonymous	FC Pak Army Officer	June, 2024
<b>P14</b>	Anonymous	Author of multiple books and articles on Balochistan and ethnic wars	June, 2024

*Table 1* Coding mechanism of interviewees

During the data collection phase, the researcher employed the snowballing technique to include more relevant participants through the already selected ones. This approach helped to navigate the constraints of availability and time. Snowball sampling, a type of purposive sample in qualitative research, is defined as “a sampling technique in which the researcher samples initially a small group of people relevant to the research questions, and these sampled participants propose other participants who have had the experience or characteristics relevant to the research” (Bryman, 2012, p. 424).

### **2.2.2 Secondary sources**

While explaining the importance of secondary data utilization, Tate and Happ (2018) wrote, “secondary analysis, defined as the reuse of existing data to investigate a different research question”. The secondary sources included existing literature on both the variables, commentaries of ICRC and other legal manuals on the Geneva Conventions and additional protocols particularly on the law of NIAC, case studies (such as Indian Maoist insurgency as NIAC

(Prasanna, 2016); Colombian case study (Machado & Lozano, 2012) and the case of Mexico (Bergal, 2011) legal and academic papers that offered further insights and grounds to the findings. It also referred to existing research on Balochistan, opinion papers, news articles, journal entries and reports or documents obtained during the primary data collection phase.

### **2.3 Data Analysis; Thematic Analysis**

Qualitative data collection provides the research with a set of detailed but unstructured information which Miles (1979) describes as an “attractive nuisance”. To analyse the content presented in the document and gathered through the interviews, the researcher utilized thematic analysis, which “is a common approach to analysing documents (and indeed interview transcripts) and that it can be applied in relation to different kinds of orientation to qualitative data” (Bryman, 2012, p. 558). Through this approach, the collected data was grouped in different themes to observe patterns. The built criteria of NIAC were used to extract themes such as controlled territory, designated zones of operation, increase or decrease in violence over the years et cetera. These themes were further divided into relevant subthemes to arrange data more efficiently.

All interviews were transcribed, which were then highlighted according to the themes. Documents that were provided by 4 of the respondents were also analysed in the similar manner. Each interview transcription was thoroughly examined and structured during this phase.

### **2.4 Limitation**

The researcher was unable to carry out field research due to the security challenges. Interviewing the non-state actors or insurgents was infeasible and to compensate, the researcher interviewed such journalists who had direct interactions with insurgents. Thirty-three experts on Balochistan insurgency were contacted, out of which, only 14 agreed to give interviews. The lack of willingness stems out of the security reasons or sensitivity of the topic.

## Chapter 3

### LEGAL FRAMEWORK OF LAW OF NON-INTERNATIONAL ARMED CONFLICT

Two broad categories of armed conflict, namely *international and non-international armed conflicts*, exist within and according to the international legal code i.e. international humanitarian law (IHL). Distinctive legal customary regimes, treaty and case laws structure the said legal system, where the Geneva Conventions of 1949 and Additional Protocols of 1977 take the dominant roles, supplemented by Hague Regulations, which now correspond as customary law (Oppenheim, 2006). Various weapons and cultural heritage protection treaties such as the 1972 Biological Weapons Convention; 1980 Convention on Certain Conventional Weapons (CCW); 1993 Convention on the Prohibition of Chemical Weapons; 1954 Hague Convention on Cultural Property and its Protocols of 1980 and 1999; 1997 Ottawa Convention on Anti-Personnel Landmines; 1998 Rome Statute of the International Criminal Court also contribute to the inventory of IHL by providing insights and elaboration on related aspects (Sassoli, 2024, pp. 35–44). Along with the treaties, ICRC, a non-governmental humanitarian organization founded in 1863, has published multiple interpretations and commentaries on some of these treaties, with the aim of developing and clarifying the terms and wordings used in the treaty text, purpose of adoption of the treaty or a particular article, state practices and relation to previous conventions (Dörmann & Raab, 2022; Mührel, 2024, p. 55). The Pictet Commentaries on the four Geneva Conventions, the Additional Protocol Commentary (1987), and the updated Commentaries of 2016-21 stand out in this regard.

With all the developments over the years, the IHL now provides a well-organized code of conduct for combat, regulates means and methods involved in warfare and offers various levels of protections to prisoners of war, civilians, and their objects (Maresca & Lavoyer, 1999). However, no concise definition of the term armed conflict or its types can be found in the text of the legal instruments (Balendra, 2007). The renowned definition of armed conflict, provided by Jean Pictet, which states “any difference arising between States and leading to the intervention of members of armed forces is an armed conflict,” (1960) is in fact a bird eye view of an international armed conflict (Bartels, 2009).

Indeed, the prodigious body of law, the four Geneva Conventions 1949 and Additional Protocol I to these conventions, mainly caters and regulates international armed conflict (*hereby* IAC), defined by the Trial Chamber VI of the International Criminal Court (ICC) as “whenever there is a resort to armed force between states” (citing a treaty?). The common article 2 to all Geneva Conventions also describes it as “all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties” (citing CA2 GV, 1949). While laying out the temporal and geographical application of IHL in the case of IAC, common art. 2 highlights that all four Conventions (along with Addition Protocol I) get triggered in any instance regarded as IAC. The threshold

set for the qualification of IAC is “remarkably low” (Milanović & Hadzi-Vidanovic, 2015) - any act of violence, attributable to one state, against the armed or authoritative forces of another state is considered sufficient for the invocation of IHL regardless of the intensity or declaration of war (cite CA 2; Crowe & Weston-Scheuber, 2013, p. 10; Sassoli, 2024, p. 187). The scope of IAC covers complete or partial military occupations, albeit the resistance from occupied territory or the lack of it, as well as wars of national liberation (CA2; AP 1; Fleck, 2021). The definition of IAC provided by Blank (2020), “any conflict between two states involving their armed forces, no matter how minor or short lived, even if one or both states deny the existence of the conflict” (p. 258), points out that the degree, extent, or recognition of an armed attack do not play a role in the qualification of an armed conflict as an international one. A mere airstrike (Hampson, 2008), a capture of a uniformed soldier (Pictet, 1960) or even a raid in another state’s territory (Blank, 2020) is enough to activate *almost* the entirety of the law of armed conflict. For further clarification on what applies to an IAC, the Preamble of API outlines that all the relevant legal instrument “must be fully applied in all circumstances to all persons who are protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the Parties to the conflict” (cite API; Green, 2018, p. 56–57). In conclusion, IAC enjoys a straightforward, low threshold of qualification and warrants the triggering of a panoply of law of armed conflict (LOAC).

When it comes to the other type of armed conflict in IHL, non-international armed conflict (NIAC), the regulating legal regime shrinks while the criteria or threshold for qualification gets interestingly complicated and rigorous. Where on one hand the concept of NIAC is underdefined and limitedly discussed within the law of armed conflicts (LOAC), on the other, it encompasses major legal and scholarly discussions relevant to the terms and phrases used within those limited provisions. One may not be able to find a concrete definition of the term itself within the whole structure of IHL, the limited text designated to it has managed to create two different categories of NIAC, which are based on the low and high thresholds laid out in Common Article 3 to all Geneva Conventions and Additional Protocol II respectively.

Prior to the conceiving of Geneva Conventions in 1949, laws of wars were not applicable to internal conflicts unless the principle of *recognition of belligerency* had met – a state had to formally acknowledge the existence of the civil unrest or war (Jinks, 2003; Cullen, 2010; Bergal, 2011). The intrastate conflict or insurgency, after attaining recognition from the parent or a third state, would become eligible to be regulated with the laws of war or law of neutrality (Sivakumaran, 2012, p. 67). The conditions of such recognition were laid out in the statement, provided by the Supreme Court of United States in the case of *Williams v. Bruffy* (1877): “When a rebellion becomes organized, and attains such proportions as to be able to put a formidable military force in the field, it is usual for the established government to concede to it some belligerent rights”. Recognition of belligerency, according to Lauterpacht (1944), was based on the following four criteria,

first, there must exist within the State an armed conflict of a general (as distinguished from a purely local) character; secondly, the insurgents must occupy and administer a substantial portion of national territory; thirdly, they must conduct the hostilities in accordance with the rules of war and through organised armed forces acting under a responsible authority; fourthly, there must exist circumstances which make it necessary for outside States to define their attitude by means of recognition of belligerency. (p. 176)

The recognition would, then, award the parties of an internal conflict the status of belligerents and by the virtue of traditional legal norms, they would afford the same treatment and rights as the states in an interstate conflict (Falk, 1964, p. 203; Bond, 1971, p. 51; Cullen, 2010, p. 20). The doctrine, however, fell to disuse with the adoption of Geneva Conventions (UK Ministry of Defence, 2005, p. 382), which deliberately used the term *armed conflict* in place of *war* in its common Articles 2 and 3 to avoid or eliminate the issue of recognition for triggering the application of IHL in such situations. As ICRC Commentary mentions: “There is no longer any need for a formal declaration of war, or for recognition of the state of war, as preliminaries to the application of the Convention. The Convention becomes applicable as from the actual opening of hostilities” (Pictet, 1960, p. 31). Many scholars have argued on the lack of practicality of the doctrine of belligerency, mostly quoting the example of non-recognition of belligerency of the Spanish Civil War, highlighting its many gray areas and high threshold (Falk, 1964, p. 191; Gomulkiewicz, 1988). Nevertheless, it is considered the vantage point that initiated the application of IHL in internal conflicts to regulate and govern the hostilities (Lootsteen, 2000).

The post-World War II era witnessed a surge of internal conflicts of high intensity and civilian casualties (Smith, 1997, pp. 90–95; Henckaerts & Doswald-Beck, 2005; Crowe & Weston-Scheuber, 2013, p. 17; Moir, 2002; Green, 2018, p. 310), pushing the guardians of international law towards the adoption of a more objective and structured set of standards regulating internal conflicts – than the one offered by the doctrine of recognition of belligerency. As a result, common article 3 (hereby CA3) to the four Geneva Conventions of 1949, first legal, universally accepted provision of its kind that directly addressed the issues of internal conflicts reaching a certain threshold (Cullen, 2010, p. 25), was adopted by the drafters of Geneva Conventions. CA3 governs the “armed conflict not of an international character occurring in the territory of one of the High Contracting Parties” and identifies the *minimum level of protections* for persons not taking part in direct hostilities, *limits the level of violence*, and *permits bodies like ICRC to offer their humanitarian services* to persons being directly affected by such hostilities. The rationale behind the acceptance of CA3 in the conventions is the fundamentality of certain principles of humanity or protections that must be extended to all conflicts regardless of their nature and actors involved (Crowe & Weston-Scheuber, 2013, p. 17) such as torture by state against a member of an insurgent group cannot be used as tool of warfare or suppression

(Pictet, 1960, pp. 28-9; Green, 2018, p. 17). CA3, described by Elder (1979, p. 68) as “initial but very important first step” was taken to advance protection to the victims of internal conflicts by bandaging the gaps left by the traditional international legal regime. The followings words of Heather A. Wilson (1988) capture the essentialness of the article in stretching the scope of IHL to NIAC,

Article 3 of the Geneva Conventions was a milestone in the development of the law of war. Although the Article does not grant any legal status to the rebels, as evidenced by the final paragraph, its adoption affirmed that internal wars are not entirely beyond the scope of international law. Each of the States parties to the Conventions has the right to demand that its provisions be respected by a government engaged in a civil war. To this degree at least, humanitarian protection in non-international armed conflicts was effectively internationalized. (p. 44)

Despite its significance in molding the traditional legal position towards NIACs, CA3 gave no precise or positive definition of the concept, explaining what in fact counts as one, in lieu, it provided a negative parameter (*not of an international character*) to qualify the armed conflict as such. The absence of a singular definition and that of a strict criterion in this regard have helped the development of the law of non-international armed conflict (hereby LONIAC) and provided it with an interpretive authority (Cullen, 2010, p. 60; Abi-Saab, 1988, pp. 224–225), which does not limit its scope to civil wars, but rather allows to push the threshold to its lowest level, as was done by ICRC, “particularly as regards access to prisoners and detainees to ensure humane treatment” (Moir, 2002, p.23). Nonetheless, the lack of definition and the constitutive elements that could determine the applicability of CA3 give enough space and reason to Governments to challenge the application of IHL in conflicts occurring in their territories (Minimum Humanitarian Standards Analytical Report, 1998, para. 74). To overcome this gnawing gap in the provision, ICRC held a Commission of Experts in 1962, which came up with the following explanation: “The existence of an armed conflict, within the meaning article 3, cannot be denied if the hostile action, directed against the legal government is of a collective character and consists of a minimum amount of organization” (International Committee of the Red Cross [ICRC], 1962). The threshold set in CA3 is, thereby, low and aligns with that of customary law i.e. it applies to all the conflicts that are *not international* in nature and occurring *on the territory of a High Contracting Party* (Sassoli, 2024, p. 199).

The limited scope and minimal protections guaranteed in CA3 were questioned in the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law (1974-1977), pushing for the further development of the body of law governing NIAC. The need for further elaboration on the rules of CA3 led to the



adoption of the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-international Armed Conflicts (hereby APII). C. Greenwood described APII as “the first attempt to regulate by treaty the methods and means of warfare in internal conflicts” (Greenwood, 1999, p. 14). APII supplemented the existing CA3 by injecting more concrete and explanatory rules relevant to the LONIAC into the broader mindset of IHL (Cullen, 2010, pp. 62-66; Bergal, 2011, pp. 1057–1059; Dinstein, 2021). It applies to conflict “which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol” without affecting or excluding the conditions for application provided in CA3. It provides the much-needed human rights to the persons involved or being affected by and during an internal conflict. Many of such rights are upheld as customary international provisions in different human rights provisions (Meron, 1989; Moir, 2002, p. 133).

However, a few developments that were brought forward through the adoption of Additional Protocols (1977) have rendered APII problematic (Cullen, 2010, p. 102). Firstly, the Additional Protocol I declared “armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination” as international armed conflicts in its article 1(4); thus, incorporating a hitherto category of internal conflict into IACs (Cullen, 2010, p. 90). However, it has done so without providing any objective criteria which would identify an internal conflict as a struggle for national liberation, hence, making it an international one (UK Ministry of Defence, 2005, p. 29; Green, 2018). The provision, consequently, has blurred the distinction between international and non-international armed conflicts, drawn by the rudimentary CA3 (Green, 2018, p. 61) . and has narrowed the scope of application of APII. Secondly, the higher threshold of intensity – than that expressed in CA3 – and expanded criteria set in article 1 of APII has further narrowed its scope. Furthermore, the article 1(2) of APII categorically excludes “situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature” from its scope – thus, making its application much more restrictive than that of CA3 and “limiting it to the most intense and large-scale conflicts” Moir, 2002, p. 101).

Article 1(1) provides the material application of APII, which would ultimately get triggered once the provided criteria, given in the article, have reached (ICRC et al., 1987, para. 4459). The application of APII is reserved to armed conflicts that involve armed forces of a state and a dissident or organised armed group(s) as parties to the conflict – thus excluding the NIACs where two or more non-state armed groups are confronting each other (Moir, 2002, p. 104; Sassoli, 2024, p. 202). Such conflicts, however, come under the ambit of CA3. One of the criteria, described in art 1(1) of APII, demands an “organized group”, involved in active hostilities against the state, to be regulated by a “responsible command”. In this regard, organized armed groups indicate some level of hierarchy or system, though it does not necessarily have to be akin to the one present in a regular military force of a state; the

group must be somewhat controlled, disciplined, and possess some structure in which it operates (Bradley, 2019, p. 92; ICRC et al., 1987, p. 1352). The presence of a sufficient level of organization, therefore, is determined through the presence of a responsible command, which Bradley (2019) defines as “the ability of the leadership of an armed group to exercise control” (p. 93). Only such organized armed groups can plan and sustain military operations, control a certain degree of a territory, and uphold the principles of APII by the virtue of its responsible command. The protocol, though, measures the threshold of organization through territorial control, it does not provide any minimum size of territory that has to be under the control of an armed group. While quoting Junod (1983), Bradley (2019) states that it is rather the quality of the control over a territory that is essential to the threshold than the size of it – territorial control that enables an organized armed group to carry out sustained and planned military operations (*Prosecutor v. Alfred Musema*, 2000; Abi-Saab, 1988, p. 228). The terms ‘sustained’ and ‘concentrated’ military operation highlight the requirement of high-level of violence to come in play for the invocation of APII – where

‘Sustained’ (in French the reference is to *opérations continuées*) means that the operations are kept going or kept up continuously. The emphasis is therefore on continuity and persistence. ‘Concerted’ (in French: *concertées*) means agreed upon, planned, and contrived, done in agreement according to a plan. Thus, we are talking about military operations conceived and planned by organized armed groups. (ICRC, 1987, para. 446)

Fundamentally, the notion of intensity, implied by the term *sustained*, indicates towards an additional criterion of *prolonged* military operations or violence, in a sense that a pattern or frequency can be seen in the carrying of those operations (*Prosecutor v. Issa Hassan Sesay, Morris Kallon and Augustine Gbao*, 2018) . Additionally, art 1(2) regards all the acts of violence that do not fulfil the criteria of art 1(1), such as “riots, isolated and sporadic acts of violence and other acts of a similar nature”, outside the scope of application of APII. Lootsteen (2000), sums up the criteria given in APII as “establishing a threshold that is considerably higher than mere civil unrest, [and] is lower than state-to-state warfare” (p.130).

It is, therefore, agreed on that the article 1 of APII provides a high level of threshold (Cullen, 2010; Bradley, 2019; Bradley, 2020; Dinstein, 2021) and thus applies to only such conflicts that fulfil the objective criteria – apparently the “most severe of internal conflicts” (Moir, 2002, p. 108). The shortcomings of APII, that it only extends itself to a certain type of internal conflicts, became even more evident in 1990s with increasing atrocious NIACs of various types and thresholds such as in former Yugoslavia and Rwanda. These internal wars witnessed many violations of the LONIAC such as practicing of torture by states’ armed forces against the armed groups in Algeria, Uganda, and Cambodia, which was a clear violation of the provisions of LONIAC (Perna, 2006, pp. 140–142).

In fact, during the years 1949-1980, the period where CA3 and APII made the entirety of law of internal armed conflicts, there existed no judicial mechanism, on national or international level, for individuals who violated the provisions of LONIAC. CA3 briefly addresses the issue of individual criminal responsibility and suggests the national courts to punish the offenders of law of NAIC during an armed conflict of non-international character. Perna (2006), however, argued that the political imbalances involved in such situations could lead to injustices and human rights abuses and states displayed a general reluctance to prosecute individuals for war crimes in those years. Similarly to CA3, Protocol II stayed silent on the issue of violation of its provisions and the individual criminal responsibility.

However, the disregard for the law of NIAC, evident from the brutal and horrific events happened in Bosnia and Herzegovina compelled the United Nation Security Council, under the article 41 of its charter, to create international criminal tribunals to testify the accused for grave violations against humanity (Moir, 2002, pp. 133–139; Sivakumaran, 2009; Cullen, 2010, p. 118; Sivakumaran, 2012; Crowe & Weston-Scheuber, 2013, pp. 10–11). The Tadic case, *Prosecutor v. Dusko Tadic* (1995) (hereby *Tadic*), heard in the International Criminal Tribunal of the Yugoslavia (ICTY), holds immense importance in this regard as it i) re-evaluated the thresholds of NIACs provided in the existing instruments of IHL, ii) suggested that there, indeed, existed an appropriate set of customary rules, applicable during NIACs, and iii) announced that violation of such rules invoked individual criminal responsibility. Referring to the “custom of wars” in articles 2, 3, and 5 of its statute, the Appeal Chamber held Dusko Tadic responsible for the grave violations of several provisions of Geneva Conventions and customary rules during the armed conflict in Prijedor region (*Prosecutor v. Dusko Tadic*, 1995, para. 8), possessing the aspects of both IAC and NAIC, which was denied by the defence of the accused. The Appeal Chambers, for this matter, built a tantamount definition of armed conflict to determine the existence of armed conflict, which reads as,

[An]armed conflict exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State. International humanitarian law applies from the initiation of such armed conflicts and extends beyond the cessation of hostilities..., in the case of internal conflicts, [until] a peaceful settlement is achieved. (*Prosecutor v. Dusko Tadic*, 1995, para. 70)

The aforementioned definition of NIAC provided by the Presiding Judge Antonio Cassese in *Tadic* is now regarded as a formula, which builds on the CA3, and provides two closely associated criteria for the characterization of non-international armed conflicts; i) *intensity* of the conflict and ii) *organization* of the warring parties to the conflict (*Prosecutor v. Dusko Tadic*, 1995, para. 562). The requirement of intensity of the conflict radiates out of the words

protracted armed conflict – which do not solely refer to duration of a conflict as the word ‘protraction’ may suggest. This could be understood by the inclusion of words “large-scale” as a requisite of protraction (Sivakumaran, 2012) by the Appeal Chamber: “[T]here has been protracted, large-scale violence between the armed forces of different States and between governmental forces and organized insurgent groups (*Prosecutor v. Dusko Tadic*, 1995, para. 70). Thus, duration can be understood as an aspect of the intensity of violence – implying that a violence of relatively high magnitude occurring over a brief duration of time will still fall in the brackets of a NIAC. This verdict was upheld in *La Tablada* case, where the fighting lasted for just over 30 hours (*Juan Carlos Abella v Argentina*, 1997, para. 152). Nonetheless, the importance of duration should not be read as an understatement – a conflict over an extended period may witness related events of violence of different magnitude. The criterion of intensity, therefore, demands a violence to be greater than that of internal disturbances but may not be equivalent to ‘sustained and centered military operations’ (Tahzib-Lie & Swaak-Goldman, 2004, p. 248)”. In the 2008 *Boškoski case*, a Trial Chamber of the ICTY, pronounced a list of indicia to assess the intensity of fighting for characterization of a NIAC, which included, “the numbers of casualties; the diffusion of violence over territory; the deployment of military units against the insurgents; the types of weapons used; the siege of towns; and the closure of roads” (*Prosecutor v. Boskoski and Tarculovski*, 2008, para. 177). Various of these indicators were used by the International Criminal Court (ICC) in a 2012 Trial Chamber Judgment in the *Lubanga case*. The Chamber elaborated that ‘banditry, unorganised and short-lived insurrections’ fell outside of the ambit of *protracted armed violence*. This verdict was upheld by Inter-American Commission Human Rights (IACHR) in the case of *Juan Carlos Abella v Argentina*, which contrasted “disturbances with no concerted intent and isolated and sporadic acts of violence” from NIACs.

Analogous to the criterion of intensity, the requirement of having at least some degree of organisation on the part of armed groups has been thoroughly analyzed and reproduced by several tribunals, imbuing it with its own set of indicia. The answer to the precise degree of organisation required is unclear, however, according to the *Limaj* Trial Chamber “some degree of organisation by the parties will suffice (*Prosecutor v. Limaj et al.*, 2005, para. 84)” while the *Akayesu* Trial Judgment, pronounced armed groups to be “organized to a greater or lesser extent” (*Prosecutor v. Jean-Paul Akayesu*, 1998, paras. 620-25) While referring to *Boskoski* Trial Judgment (*Prosecutor v. Boskoski and Tarculovski*, 2008, paras. 194-203), Bartel and Fortin (2015) grouped the following indicators to measure the level of organisation of armed groups; “the existence of a command structure; the existence of military (operational) capacity; the existence of logistical capacity; the existence of an internal disciplinary system and the ability to implement IHL; the ability of the group to speak with one voice” (p. 8-9). In this regard, ICRC (2011) has, declared in its 31<sup>st</sup> conference that,

International jurisprudence has developed indicative factors on the basis of which the ‘organization’ criterion may be assessed. They include the existence of a command structure and disciplinary rules and mechanisms within the armed group, the existence of headquarters, the ability to procure, transport and distribute arms, the group’s ability to plan, coordinate and carry out military operations, including troop movements and logistics, its ability to negotiate and conclude agreements such as cease-fire or peace accords, etc.

These two-pronged criteria have since been reiterated in the cases of various ad hoc international criminal tribunals including *Prosecutor v. Haradinaj*; *Prosecutor v. Jean-Paul Akayesu*; *Prosecutor v. Brima*; *Prosecutor v. Fofana and Kondewa*. It is paramount to acknowledge that no one element or factor is determinative of the intensity or organisation as the relevant indicia of these criteria were listed down during high-intensity NIACs and may not fully apply to low-intensity one (Sivakumaran, 2012) . Therefore, it is suggested that characterization of situations that may appear to be NIACs should be handled through the case-by-case approach (Cullen, 2010, p. 131).

Regarding to the principle of the individual criminal responsibility, the Appeal Chambers in *Tadic* case, referring to the findings of the International Military Tribunal of Nuremberg, declared, that the individual criminal responsibility invokes with the violation of humanitarian law irrespective of the type of armed conflict and it further concluded, customary international law imposes criminal responsibility for serious violations of Common Article 3, as supplemented by other general principles and rules on the protection of victims of internal armed conflict, and for breaching certain fundamental principles and rules regarding means and methods of combatant in civil strife. (para. 134)

This concept of individual criminal responsibility in case of grave breaches committed in an internal conflict and the *Tadic* formula to classify a situation as so were borrowed and furthered strengthened by the Rome Statute (Dörmann & ICRC, 2003, p. 792) – adopted for the creation of International Criminal Court (ICC) in 1998. Article 8(2)(c) and (e) of the Statute uses the reference of CA3 to introduce ‘armed conflict not of an international character’, while Article 8(2)(f) – explaining the sphere of application of article 8(2)(e) – states, that it “applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.” The usage of ‘protracted armed conflict’ in the Statute instead of ‘protracted armed violence’ has brought forward many contrasting debates on the issue of the interpretation and thus, on the scope of application of these articles. However, such debates are outside the scope of this chapter, but it is important to highlight that the Pre-Trial Chamber of ICC in the case of *Prosecutor v Lubanga* has interpreted the

definition of a NIAC given in art 8(2)(f) of statute in line with the criteria laid out in the *Tadic formula*, thus disregarding the school of thought which argued that art 8(2)(f) had created yet another criterion, type or threshold for the classification of NIAC.

## Chapter 4

### ANALYSIS AND FINDINGS

This chapter takes a deep dive into the fifth insurgency that has been tormenting the region of Balochistan as well as the state. It analyses the organizational maturity of one of the leading insurgent groups in Balochistan i.e. Baloch Liberation Army, while briefly discussing the other prominent armed groups. It further goes to understand the level of intensity of perpetuated violence since 2005 through the lens of cumulative approach. Firstly, it gives a brief account of history that has given grounds to the ongoing insurgency to breed.

#### 4.1 Brief history of Balochistan and its insurgency

In April 2022, a master-degree holder, schoolteacher and mother of two, Shari Baloch, suicide bombed the Karachi University's Confucius Centre, killing four civilians, including three Chinese instructors. The event was followed by another attack in 2023, carried out by Sumaiya Qalandrani Baloch, a bachelor's student turned suicide bomber, who targeted a Pakistan military fleet in Balochistan's Turbat district. The Baloch Liberation Army (BLA), a prominent armed group in Baloch insurgency, proudly took the responsibility of these attacks by declaring that the "era of women's active participation in the armed struggle has begun" (Basit, 2023). The attacks marked a significant shift in the strategy and behaviour of Baloch insurgents, sending shockwaves throughout the security sector of the country. Though unique in their character, these attacks are a part of a bigger and bloodier insurgency that has clawed the state since its inception and has now become more mature and lethal than ever.

The aforesaid insurgency, that came to surface in 1970s as a result of continuation of One Unit Scheme, is a violent manifestation of Baloch nationalism which, according to its staunchest supporters, is older than the state of Pakistan itself – two-thousand years older (Grare, 2013, Jaffrelot, 2015). The experts on Baloch history (Zeb, 2019) trace the roots of this nationalism in the Confederation that was set up in 1666, comprising more than a dozen tribes, and treating state of Kalat as its capital (Jaffrelot, 2015). In seventeenth century, the said confederation had spread from Kandhar (now Afghanistan) to Punjab and Makhran. The eighteenth century dawned with British rule which defeated and replaced the Khan of Kalat as the ultimate head of the territory (Breseeg, 2004, pp. 159–160). However, a few years later, in 1877, the British rebuilt the agency employing, Sandeman system (Prasad & Patrick, 2023), in which it co-opted tribal chiefs and the Khan as symbolic figures of authority – incentivized monetarily and with a sense of autonomy to govern the region "provided they had no objection to the (numerous) operations of the British army in Afghanistan" (Grare, 2013, p. 105).

Other historians believe that the late nineteenth century's anticolonial struggle became the birthing ground of the Baloch nationalism with separatist tendencies, which in fact has led to the outbreak of this violent insurgency in

southwestern Balochistan (Baloch, 2023). While the nationalism took inspirations from Soviet revolution in Russia and the independence campaign run by Jinnah, Gandhi and Nehru in India, it crystallised when some of the princely states out of 565 objected against their submission to either India or Pakistan (Grare, 2013, Jaffrelot, 2015). At that time the present day Balochistan was divided into four princely states – Lesbella, Makaran, Kharan and Kalat (The Geostrata, n.d.). On 15 August 1947, right after the creation of Pakistan, the Khan of Kalat, Mir Ahmed Yar, declared the territory of Balochistan under his control as autonomous – the declaration was strongly and instantaneously rejected by Pakistan. While the other three states acceded to Pakistan in a relatively peaceful manner, it took a military operation in March 1948 to defeat the khan of Kalat and get the instrument of accession signed. Many scholars are of the view that Khan’s stance of independence was “essentially as a bargaining position— proposing to negotiate a special relationship with Pakistan in the domains of defense and foreign affairs (Grare, 2013, p. 08).

Unlike the khan, his younger brother, Prince Adbul Karim, and some of the tribal heads, especially of Marri, Bugti and Mengal tribes, did not accept the annexation and encouraged the Baloch people and other sardars to stand against the state and demand for autonomy. Many of these sardars, however, were appeased by the centre as it managed to co-opt them in provincial government. Abdul Karim, along with “other prominent Baloch political leaders, including Qadir Bakhsh Nizamani, Muhammad Hussain Anqa, Malik Saeed Dehwar, and Moulvi Muhammad Afzal (Baloch, 2023), based themselves in neighbouring Afghanistan from where he led a guerrilla campaign against the state of Pakistan, which survived only for some months. The harried military put an end to the first phase of insurgency in June 1948 after the arrest of Agha Karim and claimed the remaining rouge territory of Balochistan as part of Pakistan. However, the state failed to kill the insurgency thoroughly and forever – it witnessed three mores such violent waves in 1958, 1963–69 and 1973–77. Each subsequent wave proved to be bigger than the previous one in sense of perpetuated violence, intensity, longevity and inclusion of people and geographical areas (Devasher, 2019, Gattani, 2021). In fact, in 1973 “55,000 insurgents faced 80,000 Pakistani troops supported not only by Pakistani Air Force but also the Iranian Air Force. More than 5,000 insurgents and over 3,300 soldiers were killed in the insurgency that lingered on until 1977” (Bansal, 2005, p. 250). The 1958 wave came as the result of imposition of One Unit Scheme by the state, which intended to balance the division of power between the West and East Pakistan. However, it further brewed the grievances of Baloch people and sardar tribes – who already felt underrepresented in local bureaucracy – as the constitution of 1956 and One Unit plan strengthened the centralist agenda while leaving provinces with symbolic powers. Consequentially, Nawab Nauroz Khan Zarakzai Zehri and his Baloch People Liberation Front, which included almost 1000 insurgents, took weapons against the state, demanding emancipation of the state of Kalat and abolition of One Unit. This wave of insurgency was suppressed with the execution of many of the insurgents, the capture of Nauroz Khan and hanging of five of his sons and nephews as they were charged for treason by the



Military court in 1960. They were promised peace talks but were held captive as they reached the venue, which “set off a disillusionment from which Balochistan never fully recovered” (Mansoor, 2014).

The grievances on resource mismanagement and underrepresentation by and in the center, along with recent tumultuous past enhancing the nationalist sentiments, was met with a Marxist-Leninist inspired middle class in 1960s (Harrison, 1981, p. 30, Baloch, 2023) – reasons for the eruption of third wave of insurgency. The third wave was most likely a continuation of the second wave, led by Sher Muhammad Marri alias General Shero and his insurgents, who continued the demand of abolition of One Unit and control of the administration and resources of Balochistan. Sher Muhammad established 22 nationalist camps, run by 400-volunteers “spreading from Jhalawan to Marri-Bugti areas.” The violence ceased in 1969 when General Yahya took over and abolished the One Unit Plan, restoring the status of provinces and negotiated a peace agreement with Baloch insurgents through the then-Governor of West Pakistan, Air Marshal Nur Khan.

In 1973, Zulfikar Ali Bhutto came to power with a new constitution when his party won in majority in Sindh and Punjab. In Balochistan and then Khyber Pakhtunkhwa (NWFP), a coalition of National Awami Party (NAP) and Jamiat-Ulema-i-Islam won the majority of provincial seats, thus bringing nationalists in government in both provinces. However, Bhutto dismissed the government of Sardar Attaullah Mengal, the new Chief Minister of Balochistan, accusing him of being a leader of separatist ideologues in the province. Sardar Mengal and other prominent leaders of NAP, including Nawab Khair Buksh Marri, Abdul Wali Khan, and Mir Ghous Buksh Bizenjo, were then put behind the bars under the Hyderabad conspiracy case (Baloch, 2023). This event led to the yet another violent reaction from people of Balochistan – thousands of insurgents and fighters came together under the banners of Baloch People Liberation Front (BPLF) and Baloch Student Organisation (BSO) and led a widespread guerrilla warfare against the state.

More than 80,000 military personnel, with logistical help from Iran, were sent to quench the rebellion and 5,300 Baloch insurgents and 3,300 armed combatants lost their lives during the armed clashes. In 1977, General Zia-ul-Haq imposed the third martial law in country, toppled the government of Bhutto, and negotiated with the Baloch people through the new governor of Balochistan, Lt Gen Rehimuddin, and announced amnesty for the insurgents, hence putting a transient end to the insurgency. The wave of 1973-77 trickled the separatist’s sentiment to every level of Baloch society, especially middle class and intelligentsia as Grare (2013) puts “the demand for independence came later, not as a claim of the Baloch People’s Liberation Front, but as a result of the gradual alienation and radicalization of Baloch youth during the 1973–1977 conflict.” Many hardcore ideologues, such as Attaullah Mengal and Khair Buksh Marri, went into exile and continued to advocate for a separate Balochistan through the armed struggle – which again rose its head in 2005, almost three decades of an uneasy peace achieved in 1977.

In 2004, under the supervision of Chaudhary Shujaat Hussain, a Parliamentary Committee, with two subcommittees, was formed to address the issues and grievances of the people of Balochistan and smoothen the troubled centre-provincial relationship (Fani et al., 2011). However, no consensus could be reached amongst the committees on any set of recommendations and the military regime of Musharraf also, very conveniently, ignored the work done by these committees. The regime not only permitted copper extraction project in Sanidek, run by Chinese, it went on to establish a naval base and Gwadar port, without including any local stakeholders or workers in the projects. Where these and many other reasons were again brewing dissatisfaction amongst the Balochi people, the violent uprising of 2005 was triggered when a female doctor was raped allegedly by a Pakistan military captain (Walsh, 2005, Dawn, 2005, CBC News, 2006). “Baluchi people showed great dissatisfaction and Nawab Akber Bugti also sided of Dr Shazia. Nawab Bugti was accused of being involved in failed rebellions in Baluchistan in the 1950s, 1960s and 1970s” (Fani et al., 2011, p. 665). The situation worsened when in a military operation Nawab Akber Bugti, the leader of the Bugti clan, was killed in August 2006 (Shahid, 2006, Jazeera, 2006, Zafar, 2016). This event landed Balochistan in its ongoing, longest and deadliest wave of insurgency, which started within the far-flung areas of Dera Bugti and Sui, where the military was operating at that time, and now has spilled over to urban landscapes and hubs of the province such as Makran and Gwadar (Baloch, 2020)

From 2010-15, the insurgency was in its deadliest form, however, the gradual decline was recorded in violent activities, in 2015-2019, which is credited to the counterinsurgency operations of the Pakistan’s security forces against separatist insurgents’ outlets and lack of strong leadership to propel the very movement (Marino, 2019, Siddique, 2019). The section on intensity discusses all phases of the current insurgency in detail, focusing mostly on recent years resurgence of violence.

#### **4.2 Descriptive Profiling of Major Insurgent groups**

Following are the insurgent groups that have dominated the militant landscape in Balochistan throughout the fifth wave.

- The Balochistan Liberation Army (BLA) is one of the most prominent and influential militant groups in Balochistan, Pakistan. Led by Bashir Zaib and Hyrbyair Marri, the BLA is an ethnic-based separatist group known for targeting Chinese nationals and Chinese-funded projects in the region. The group's Majeed Brigade is particularly lethal. However, the Pakistani government claims that the BLA and the Balochistan Liberation Unity Front are fronts for tribal fighters seeking financial gain from the government (Wolf, 2017). Tensions exist within the BLA, as local commanders have formed factions and accuse Europe-based tribal leaders of being overly cautious and treating fighters poorly (International Crisis Group, 2016). In 2019, the BLA was

designated as a Specially Designated Global Terrorist organization by the U.S. State Department (Kupecz, 2012).

- The Balochistan Liberation Front (BLF), another significant militant group, is led by Dr. Allah Nazar and seeks to establish an independent Balochistan. The BLF employs a range of tactics, including rocket strikes, IEDs, and small-arms attacks, and targets foreign workers, Pakistani security forces, and political figures (Khan, 2009). Despite shared goals with other Baloch militant groups, the BLF operates independently. The group has been criticized by the Baloch Republican Army (BRA) for being too passive. The BLF's current leader, Dr. Allah Nazar, aims to transform the group into a powerful political entity that can pressure the Pakistani government through both armed struggle and diplomacy (International Crisis Group, 2016).
- The United Baloch Army (UBA), led by Mehran Marri, merged with the BRA in January 2022 to form the Baloch Nationalist Army (BNA) (Khan, 2009). The UBA had previously been challenged by the U.S. withdrawal from Afghanistan, which limited its operational space. The group accused its Europe-based leadership of hypocrisy for not targeting their own family members who supported the Pakistani government (Channer, 2023). The UBA was designated a proscribed organization by Pakistan's Ministry of Interior in 2013.
- The Baloch Republican Army (BRA), an ethno-nationalist separatist group, has been involved in violent activities aimed at achieving an independent Balochistan (Khan, 2009). Led by figures like Brahamdagh Bugti and Gulzar Imam, the BRA is known for its opposition to foreign investment in Balochistan and has targeted Pakistani security forces, public transportation, and infrastructure. The BRA's tactics include mortar strikes, car bombs, and guerrilla warfare. The group merged with the UBA to form the BNA in January 2022, and like other Baloch separatist groups, it has faced operational challenges due to the U.S. withdrawal from Afghanistan (Wolf, 2017). The BRA was designated as a proscribed organization by Pakistan's Ministry of Interior in 2010.
- The Baloch Raji Ajoi Sangar (BRAS) is an alliance of Baloch nationalist-separatist groups, including the BLA, BLF, and BRA. Formed in 2018, BRAS aims to unite these groups to launch more effective attacks against the China-Pakistan Economic Corridor (CPEC) projects (Amir, 2023). The alliance focuses on establishing an independent Balochistan and preventing the extraction of resources by outside powers. BRAS has claimed responsibility for several major terrorist acts, including attacks on Pakistani security forces. The group's ideology is influenced by Marxist-leftist principles, and it primarily targets Chinese workers and CPEC projects in Balochistan (Kyle, 2016).
- The Baloch Nationalist Army (BNA), formed in January 2022 through the merger of the BRA and UBA, has targeted both Pakistani state interests and Chinese interests. Unlike BRAS, which focuses on strategic targets,

the BNA primarily attacks softer targets in urban centers to create insecurity and attract recruits (Diyar, 2022). However, the group's current status is uncertain following the reported surrender of key leaders.

Group	Led by	Founded in	Nature
<b>Baloch Liberation Army (BLA)</b>	Hyrbyair Marri	2000	ethnic-nationalist separatist organization
<b>Baloch Liberation Front (BLF)</b>	Allah Nazar Baloch	1964	Paramilitary, separatist group
<b>United Baloch Army (UBA)</b>	Mehran Marri,	--	semi-military separatist group
<b>Baloch Republican Army (BRA);</b>	Brahumdagh Bugti	2006	quasi-military organization seeking ethnic-nationalist separation
<b>Baloch Raaji Ajoi Sangar (BRAS)</b>	Baloch Khan (spokesperson)	2018	alliance between BRA, BLF, BRG and BLA
<b>Baloch Republican Guards (BRG)</b>	Dostain Baloch (spokesperson)	2012	ethnic-nationalist separatist organization
<b>Lashkar-e-Balochistan (LeB)</b>	Javed Mengal	2008	military organization founded with the aim of restoring dignity of Mengal tribe
<b>Baloch Nationalist Army (BNA)</b>	Sarfaraz Bangulzai	2022	semi-military separatist group

*Table 2* Major armed groups involved in Balochistan Insurgency

4.2

## Organization

The Baloch Liberation Army (BLA) is an ethno-nationalist insurgent group primarily active in the Balochistan province of Pakistan. The Pakistani government, along with several foreign governments, including the US, has designated the BLA as a terrorist organisation (Taylor, 2021, Reuters, 2024). The BLA is considered the oldest and most dangerous group among the Baloch militant groups operating in Balochistan (Akbar, 2015). While officially founded in 2000, the BLA is seen as a resurgence of earlier Baloch ethno-nationalist movements, particularly the Independent Balochistan Movement of 1973-1977 (*Mapping Militants Organisations*, 2019).

BLA emerged due to growing resentment among the Baloch people towards the Pakistani government. The Baloch people believe the government unfairly controls and profits from Balochistan's natural resources while prioritising Punjabis over native Baloch people for jobs (Hashim, 2013). BLA gained recognition for a series of bombings targeting Pakistani soldiers and police in markets and railways. The group attracted significant media attention in

2003 and 2004 when they carried out a series of attacks against police, non-native Baloch residents, and Chinese workers involved in government-sponsored projects (Baloch, 2023). These attacks demonstrated the group's willingness to target foreigners to gain attention for their cause. In response, the Pakistani government deployed around 20,000 additional troops to Balochistan (Hasan, 2007). BLA views the Pakistani government's decision to grant China a 40-year lease for the Gwadar port in Balochistan as further proof of their exploitation and an attempt to colonise their land (Grare, 2013).

In 2008, BLA, along with other Baloch separatist groups, agreed to a ceasefire with the Pakistani government. This truce was meant to pave the way for negotiations and a peaceful resolution. However, BLA withdrew from the ceasefire in 2009, alleging that the Pakistani government had not made genuine efforts to initiate dialogue (Dawn, 2009). This withdrawal reflected their distrust of the government and frustration with the lack of progress. Following the failed ceasefire, BLA adopted a more aggressive and confrontational stance, evidenced by a series of violent incidents. In 2009, Brahamdagh Khan Bugti, then a prominent figure in BLA, publicly called for the killing of non-Baloch residents in Balochistan (Grare, 2013). This incitement to violence led to targeted killings of Punjabi civilians, a stark departure from their previous focus on security forces and infrastructure. BLA claimed responsibility for instigating this ethnic violence.

Another event that marked a significant shift in BLA and its organizational maturity was its first significant division that the group faced after the death of its leader, Balach Marri, in 2007 (Dawn, 2014, Khan, 2014). This power vacuum led to internal disputes and fragmentation. An analyst suggests that the BLA, initially less assertive, was revitalised by Balach Marri in 2004. However, after his death, the leadership transitioned to Hyrbair Marri, which led to dissent within the ranks (*Mapping Militants Organisations*, 2019). The appointment of Hyrbair Marri as leader caused dissatisfaction among some members, leading to a split in 2010. Key figures like Aslam Baloch and Bashir Zeb, disillusioned with the leadership, left to form their own faction. This faction, initially known as the United Baloch Army (UBA), eventually became recognised as a separate faction of BLA, distinct from the one led by Hyrbair Marri (Nabeel, 2017). Although Hyrbair Marri heads a faction, he doesn't openly claim leadership of a BLA faction, instead running an organisation named Free Balochistan Movement. The other faction is led by Bashir Zeb, who is recognised as the Commander in Chief of BLA, the faction that is described by one of the Participant (P14) as

a resilient and adaptable organisation, continuously evolving its tactics and strategies. Their primary objective remains the independence of Balochistan from Pakistan, driven by their belief in the exploitation of their resources and people. Their current activities demonstrate a multi-pronged approach, combining attacks on security forces, infrastructure, and economic targets with a strategic focus on Chinese interests. BLA

continues to pose a significant security challenge to Pakistan, particularly given their willingness to engage in high-profile attacks, target civilians, and exploit regional tensions for their benefit. Their resilience and capacity to adapt raise concerns about the conflict's trajectory and the potential for further violence and instability.

While its origins were rooted in lectures given by the late Sardar Khairbakhsh Marri, who advocated for Baloch emancipation through armed struggle, the BLA's structure has evolved over time (Mazar, 2020). The BLA functions with a hierarchical framework, headed by a Commander in Chief, a position currently held by Bashir Zeb (Sinha, 2020). He rose through the ranks, starting as a soldier and eventually reaching the organization's top position through a formal election process (Mazar, 2020). He oversees the BLA's operations and strategic direction. Zeb's ascent to leadership reflects the BLA's evolving recruitment strategies. Unlike earlier leaders often drawn from specific Baloch tribes like the Marri or Bugti, Zeb doesn't hail from these dominant groups. This shift towards inclusivity in leadership potentially broadens the BLA's appeal and support base, attracting individuals from diverse backgrounds. According to one of the Participants (P6) Zeb's leadership was formally endorsed through an internal election process, indicating a degree of organizational structure. This suggests a departure from earlier leadership transitions, often marked by internal disputes and fragmentation, as seen after the death of Balach Marri in 2007 (Reuters, 2022). P5, a research analyst in BTTN, also highlighted Zeb's role in shaping the BLA's ideology and strategy (Khan, 2020). In a video message, Zeb justifies the BLA's armed struggle as a necessary response to Pakistani oppression, advocating for an escalation of violence to gain international attention. This assertive stance underscores Zeb's influence on the BLA's direction (The Balochistan Post [TBP], 2023).

Jeyand Baloch acts as the current spokesperson of BLA, displaying another organizational understanding that group holds (Ahmed, 2024). The BLA's hierarchical structure doesn't solely depend on centralized leadership; it also relies on a network of area-based commanders. These commanders, including individuals like Commander Nisar, Commander Gendi, Commander Sheikhu, Commander Sharif, Commander Hamal, Commander Munshi, and others while other senior commanders are Noor Bakhsh Mengal, Agha Sher Dil, Kareem Marri, Rehman Gul (Basit, 2022). Their existence suggests a decentralized command structure that allows the BLA to maintain a presence across Balochistan, adapting to local conditions and challenges. Hammal Rehan Baloch is identified as the operational chief of the Majeed Brigade. Gulzar Khan serves as the logistical head. Junaid Baloch acts as the brigade's spokesperson (*Mapping Militants Organisations*, 2019).

The structure of BLA can be further understood by dissecting its three specialized units: Fateh Squad, Special Tactical Operations Squad (STOS), and Majeed Brigade. These units reflect the BLA's adaptation to the changing dynamics of the conflict and its strategic objective of increasing pressure on the Pakistani state.

- **Fateh Squad: An Elite Front-Line Unit** (Bhattacharjee, 2021)

Named after prominent BLA commander Fateh Qambrani, the Fateh Squad functions as an independent wing within the BLA. This elevation occurred after Qambrani's death in 2018 during a clash with Pakistani security forces. The BLA characterizes the Fateh Squad as an "elite unit" comprising highly skilled "Sarmachars" (freedom fighters). This specialized wing operates as a front-line unit, responsible for capturing military camps and engaging in direct confrontations. One of the interviewees (P9), who is well-versed with the organizational setup of Baloch militant groups, emphasized on the Fateh Squad's rigorous selection process and operational principles:

*Highly Selective Recruitment:* The Fateh Squad only accepts "Sarmachars" who demonstrate exceptional combat skills (*Mapping Militants Organisations*, 2019).

*17 Core Principles:* These principles govern the squad's discipline, communication, and operational integrity. These include strict adherence to central decisions, severe penalties for desertion, specific communication protocols, and non-disclosure of ranks.

The Fateh Squad's focus on capturing military camps and engaging in direct confrontations suggests a more offensive tactical approach compared to other BLA units.

- **Special Tactical Operations Squad (STOS): Special Operations in Diverse Terrains** (TBP, 2023)

The Special Tactical Operations Squad (STOS), described as an "elite unit" within the BLA, specializes in executing special operations in both urban and mountainous terrains. The unit's existence was first formally acknowledged in 2018 after the death of Fateh Qambrani, who was its commander at the time. The STOS's notable operations include:

*Abduction of Colonel Laiq Beg Mirza:* A serving member of the Pakistani army, abducted from Ziarat (News Desk, 2022).

*Capture of Military and Intelligence Officials:* Two officials from the Pakistani army and intelligence agencies were captured in Harnai (Siddiqui, 2022).

*Downing of a Helicopter:* An operation resulting in the deaths of six military officials, including high-ranking officers (Reuters, 2022b).

Beyond rural areas, the STOS is also active in urban settings, carrying out armed assaults and bombings. They are credited with introducing the use of "magnetic bombs" in Balochistan's cities. The STOS's ability to conduct complex operations across diverse terrains, coupled with their use of unconventional tactics, highlights their specialized role within the BLA.

- **Majeed Brigade: The Suicide Squad**

Named after two brothers, Majeed Langove Senior and Majeed Langove Junior, who died in separate attacks against the Pakistani government, the Majeed Brigade is the BLA's suicide squad (Mazar, 2020). This unit represents a significant tactical shift, indicating the BLA's willingness to employ suicide bombings for greater impact.

The Majeed Brigade's structure and operations are detailed in the sources:

*Direct Reporting:* The Brigade's operational chief, *Hammal Rehan Baloch*, reports directly to the BLA chief, Bashir Zeb, highlighting its importance within the organisation.

*Internal Structure:* The Brigade consists of three units: Logistics, Intelligence, and Operations (Mazar, 2020);

- The **Logistics Unit** handles the transportation and deployment of suicide bombers and ammunition.
- The **Intelligence Unit** selects targets and conducts reconnaissance.
- The **Operations Unit** recruits and trains suicide bombers.

*Modus Operandi:* The Majeed Brigade meticulously plans its attacks, considering the political and symbolic significance of targets, as well as potential collateral damage (Zahid, 2019).

The Majeed Brigade's structured approach, coupled with its focus on high-impact suicide attacks, distinguishes it from other BLA units. The Brigade's willingness to target Chinese interests, as seen in the attack on a military convoy carrying Chinese engineers in 2023, underscores its strategic importance within the BLA.

BLA also runs a media wing which has an official channel, called *Hakkal*. The wing also publishes an annual magazine, highlighting its activities, mission and objectives, known as *Dak*. It also publishes quarterly performance reports of the group (TBP, 2023a). BLA also operates a senior command council which is known as its highest body composed of secretive commanders, intelligentsia and command-in-chief (Mazar, 2020).

The setup of units within the group represents a key element in the BLA's operational capacity. They embody the BLA's evolution from a guerrilla force towards a more sophisticated and structured organisation capable of carrying out a wider range of operations, including special operations, direct confrontations, and high-impact suicide attacks. Due to the difficult and uncontrolled terrain of Balochistan, the capturing or securing of a territory seems infeasible. One of the Participants (P12) suggested that Aslam Baloch, former leader Aslam Baloch, claimed that he willingly did not want to restrict the operations of BLA to a certain territory or zone. Therefore, BLA has carried out attacks in almost all districts of Balochistan, with the highest concentration in Quetta (546 attacks since 2017). They have also been active in specific districts of Sindh (Kashmore, Karachi, Jacobabad) and Punjab (Rahim Yar Khan, Rajanpur, Muzaffargarh). This indicates a capacity to operate across a wide geographical area, even beyond Balochistan's borders.

The mention of BLA training camps, including one named 'Sarro' established by former leader Aslam Baloch in Bolan district, implies the existence of areas where the group potentially exerts a degree of control for training and logistical purposes (Mazar, 2020). Another source revealed that BLA-Marri maintains a significant presence in Ispalgai, Mastung district, as well as in Mach, Harnai, Nasirabad, Jaffarabad, Loralai, Quetta, and Awaran districts.



On the other hand, BLA-Zeb focuses its activities mainly along the coastal belt and eastern Balochistan. The BLA is headquartered in the mountains of the western province of Balochistan in Pakistan. The group's operations, as described, appear to be predominantly focused on carrying out attacks against strategic targets, rather than holding and governing territory (B. Baloch, 2023).

The following map drawn by South Asian Terrorism Portal (SATP) provides a detailed indication of areas of operation of BLA (see section on *Intensity* for more detail).

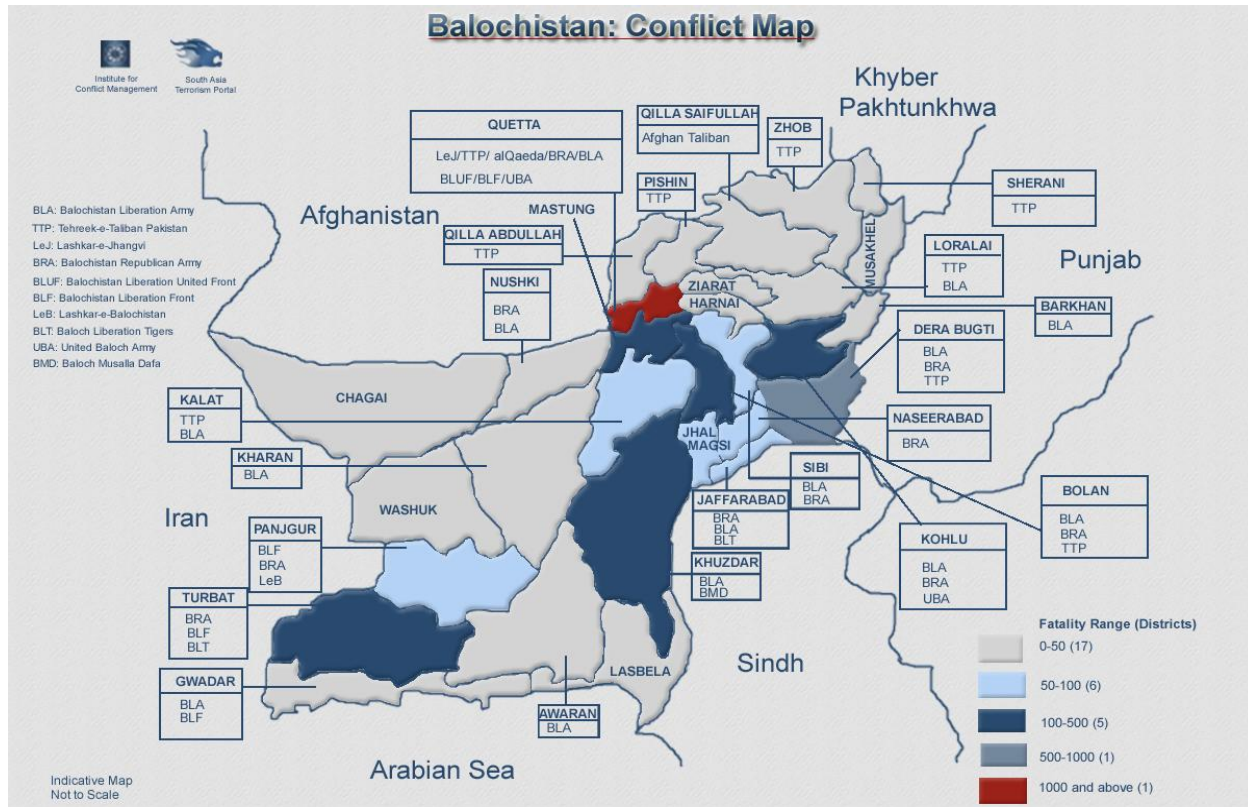


Figure 1

BLA's recruitment strategy indicates a move away from its traditional reliance on specific tribal affiliations towards a more inclusive approach aimed at attracting a broader base of support. Historically, the BLA's recruitment efforts primarily focused on members of the Marri and Bugti tribes (Mazar, 2020). This approach offered the BLA several advantages including the Marri and Bugti tribes, due to their history of grievances with the Pakistani government, provided the BLA with a readily available pool of potential recruits who already harbored anti-government sentiments. Recruiting from within these tribes enabled the BLA to capitalize on existing familial and tribal networks, facilitating communication, logistics, and the maintenance of secrecy. The strong presence of these tribes in Balochistan's remote rural areas, where government control is often limited, provided the BLA with a strategic advantage (*Mapping Militants Organisations*, 2019). However, BLA has recognised the limitations of this

tribe-centric recruitment model and has made a conscious effort to diversify its ranks. This shift is evident in several ways such as the current leadership structure of the BLA as evidence of this change. Bashir Zeb, the current Commander in Chief, does not belong to either the Marri or Bugti tribe. Similarly, his predecessor, Aslam Baloch, was also not from these dominant tribes. BLA's non-traditional approach, emphasizing a broader Baloch nationalist ideology, has resonated with younger and more educated Baloch. This demographic, often disillusioned with the traditional tribal power structures and the perceived marginalization of Balochistan, is increasingly drawn to the BLA's message of armed resistance. P11 highlighted that BLA's rise, and its inclusive recruitment strategy have challenged the traditional authority of tribal chiefs, particularly within the Marri and Bugti tribes. By offering an alternative power structure and a more inclusive vision of Baloch nationalism, the BLA has eroded the influence of these traditional leaders. While precise recruitment numbers are absent, estimates suggest a force of 1,500 active fighters in the BLA, with the Majeed Brigade comprising 100 to 150 active members (*Mapping Militants Organisations*, 2019).

On the element of capability of defining a united military strategy, almost all Participants agreed that BLA has transitioned from primarily employing hit-and-run tactics aimed at disrupting government activities to adopting a strategy that focuses on more impactful operations (Mazar, 2020) This is evident in the increased use of suicide attacks by the Majeed Brigade, targeting high-value assets and personnel. This strategic shift seeks to inflict greater casualties, garner international attention, and undermine the Pakistani state's sense of security. BLA demonstrates an ability to identify and prioritize high-value targets, as seen in their attacks on Pakistani military installations, Chinese interests, and government officials (*Mapping Militants Organisations*, 2019) This selectivity indicates strategic thinking regarding targets most likely to disrupt Pakistani control and attract international attention. The formation and operation of dedicated units like the STOS, Fateh Squad, and Majeed Brigade exemplify the BLA's capacity for sustaining specialized operations over extended periods. Each unit possesses distinct capabilities and focuses on specific types of operations, showcasing a layered approach to their armed struggle. The transition of the Majeed Brigade from hit-and-run tactics to suicide bombings illustrates the BLA's willingness to adapt their strategies for greater impact. This shift suggests a continuous evaluation of tactics and a capacity for strategic evolution (Baloch, 2023).

A prime example of their capabilities is the attack on the Pakistani Army's 129th Scout Wing's Owais Camp in Bolan's Marwaar on May 31, 2021 (Baloch, 2023). This operation resulted in significant casualties for the Pakistani forces and demonstrated the squad's ability to execute large-scale assaults. After a period of relative inactivity, the Majeed Brigade resurfaced with a clear focus on targeting Chinese interests in Balochistan. This shift aligns with the BLA's broader strategic objective of deterring foreign involvement, particularly Chinese investment, in the region. Notable attacks targeting Chinese nationals and interests include:

- An attack on a bus carrying Chinese engineers in Dalbadin in August 2018 (Zafar, 2018).
- An attack on the Chinese Consulate in Karachi in 2018 (BBC News, 2018).
- An attack on a van carrying officials from Karachi's Confucius Institute in April 2022 (BBC News, 2022).
- An attack on a military convoy transporting Chinese workers in Gwadar in August 2023 (Al Jazeera, 2024)

Beyond the specialized units, the BLA has conducted several other significant operations:

- **Attacks on Pakistani Military Bases (Noshki and Panjgur, 2022):**

While not directly attributed to a specific unit in the sources, the coordinated attacks on Pakistani military bases in Noshki and Panjgur in 2022 are significant for their scale and coordination. These attacks demonstrated the BLA's ability to plan and execute complex, simultaneous assaults on fortified targets (S. M. Baloch, 2022).

- **"Operation Dara-e-Bolan" (2024):**

This operation, lasting two days and involving 385 BLA fighters, stands out for its intensity and complexity. The operation involved multiple BLA units, including the Majeed Brigade, Fateh Squad, STOS, and intelligence wing, indicating a high level of coordination and planning. The BLA's claimed death toll of 78 Pakistani security forces personnel further highlights the operation's significance in the context of the Baloch insurgency (ANI, 2024).

- **Operation ZirPahazag:**

This meticulously planned operation targeted the PNS Siddique Naval Airbase in Turbat and involved a five-phase approach, while details regarding casualties are not explicitly mentioned, the operation's focus on a key naval airbase suggests an attempt to inflict significant damage and disrupt Pakistani military operations (TBP, 2024). BLA has carried out 95 attacks across 43 areas within the past six months, with half of these attacks being interlinked. This pattern suggests an ongoing campaign of strategic and coordinated attacks rather than isolated incidents (TBP, 2024). BLA has engaged in ceasefire agreements and expressed a willingness to participate in peace talks with the Pakistani government in the past, although these attempts have ultimately been unsuccessful. In 2008, the BLA, along with the Balochistan Liberation Front (BLF) and the Baloch Republican Army (BRA), agreed to a ceasefire with the Pakistani government. This ceasefire was contingent upon the Pakistani government's commitment to engaging in negotiations with the three Baloch groups (Ramachandran, 2021). However, the BLA withdrew from the ceasefire in January 2009, citing a lack of meaningful effort from the Pakistani government in initiating negotiations. Despite the breakdown of the 2008 ceasefire, the sources suggest that the BLA remains open to dialogue under specific conditions (Dawn, 2021). For instance, the group has demanded the withdrawal of all Pakistani security forces from Balochistan as a precondition for negotiations. Additionally, the BLA has proposed involving an "international guarantor" in any future peace talks, indicating a desire for third-party involvement to ensure the integrity and enforceability of any potential agreement (Reuters, 2022).

In terms of weapon procurement, BLA has recorded access to small and medium scale weaponry (Aziz, 2024) such as

- **Improvised Explosive Devices (IEDs):** IEDs are a staple of the BLA's arsenal, frequently used in attacks against security forces, infrastructure, and economic targets.
- **Mines (Anti-Personnel and Anti-Tank):** The sources specify the BLA's use of both anti-personnel and anti-tank mines, indicating their intent to target both personnel and vehicles.
- **Grenades:** Grenades provide the BLA with a readily available and portable explosive option for close quarters combat and ambushes.
- **Rocket-Propelled Grenades (RPGs):** RPGs offer the BLA a more substantial anti-armor capability, enabling them to target military vehicles and fortifications.
- **Automatic Weapons:** The sources broadly mention the BLA's possession of "various automatic weapons," suggesting access to assault rifles and light machine guns commonly employed in armed conflicts.
- **Rockets:** The sources note the BLA's use of rockets, including BM-12, 107mm, and 109mm types, indicating a capacity to engage targets from a distance.

Beyond conventional arms the BLA has deployed more advanced military equipment, pointing to a potential acquisition of such hardware through illicit channels or external support (Rais, 2023):

- **M4 Rifles:** The Majeed Brigade's use of M4 rifles, a standard service rifle of the US military and several NATO allies. This suggests a potential acquisition of these weapons through black market channels, given the historical presence of US and NATO forces in neighbouring Afghanistan.
- **C4 Explosives:** P3 highlighted that the Majeed Brigade utilizes C4 explosives in the construction of suicide vests. C4 is a powerful and versatile military-grade explosive, again suggesting acquisition through illicit networks (Shakil, 2022).
- **Advanced Military Gear in Noshki and Panjgur Attacks (2022):** BLA fighters involved in the 2022 attacks on Pakistani military bases in Noshki and Panjgur as being equipped with "high-tech military gear, far superior to that carried by Pakistan army soldiers." This observation, while lacking specific details, implies access to more advanced weaponry and equipment beyond the BLA's conventional arsenal (Ministry of Information and Broadcast [MOIB], 2024)

A photo posted by the BLA's "Special Tactical Operations Squad" depicts fighters armed with M4A1 carbines, an M32A1 (Mk 14) grenade launcher, and a PSL sniper rifle. The caption notes that these are "mostly former USA and NATO weapons from Afghanistan". Another instance where in 2022 Pakistani authorities intercepted a shipment of US-made M4A1 carbine rifles, Glock 9mm pistols, and Beretta pistol barrels, suggesting the potential flow of such weapons from Afghanistan into the hands of militant groups in Pakistan (Shakil, 2022).

In conclusion, the Baloch Liberation Army (BLA) has undergone a significant transformation, evolving from a predominantly tribal-based insurgency into a more sophisticated and organizationally mature entity. This evolution is evident in the BLA's increasingly structured framework, marked by a hierarchical command structure, specialized units like the Fateh Squad, STOS, and Majeed Brigade, and a strategic shift towards more impactful operations. The BLA's capacity to adapt and innovate is apparent in its adoption of suicide bombing tactics, its targeting of high-value assets, including Chinese interests, and its ability to acquire advanced weaponry. This organizational maturity is further underscored by the BLA's media wing, Hakkal, which strategically manages its narrative and disseminates propaganda through its annual magazine, Dak, and quarterly performance reports. The BLA's transition to a more sophisticated and organized force poses a significant challenge to the Pakistani state, underscoring the evolving dynamics of the conflict in Balochistan.

### 4.3 Intensity

Intensity is one of the main criteria, provided by Tadic formula, to qualify a violent situation as NIAC. The determinative indicators on intensity given by different case laws, the cumulative approach to aggregate level of intensity and other related minutiae have already been discussed in chapter 3. This section analyses the intensity of violence perpetrated by different but major separatist Baloch insurgent groups including BLA, BLF, BRA, BRAS, UBA (*see section 4.2*)—through the cumulative approach. It is important to highlight that intensity demands either a large-scale violence in a short period of time or a conflict stretched over a period with low threshold of violence, which reaches to a certain level upon amassing (*see chapter 3*) This section employs data from Global Terrorism Database (GTD), run by National Consortium for the Study of Terrorism and Responses to Terrorism (START); South Asian Terrorism Portal; security reports of Centre of Research and Security Studies (CRSS) and Pakistan Institute of Peace Studies (PIPS); and different national and international newspapers.

The fifth wave of insurgency in Balochistan officially erupted in 2005, however, BLA and BRA had become active in committing violence in 2000 as Musharraf's military regime came in. The ongoing wave is considered the most lethal, organised, geographically widespread in comparison with the previous four insurgencies in Balochistan (Ali, 2015) (*see section 4.1*) From 2005 to 2013, the insurgency was ruthless and bloodier, however, it witnessed a dip in violent attacks or intensity in 2014-2018 due to assorted reasons, mainly the stringent counter-insurgency operations led by military forces in the province and lack of leadership in the armed groups (*see section 4.1*). With the formation of BRAS, the armed groups coalition, in 2019, the violence has again increased significantly. It is generally accepted that the fifth wave is still ongoing and is in its most intense phase since its eruption.

Almost all interviewees agreed on the fact that the insurgency stayed alive despite the low dip period of 2014-2018. Armed Conflict Location & Event Database (ACLED) also noted a gradual decline in 2014 which became more pronounced in 2015 and lasted till 2019 (KC, 2020). However, the decline in violence is not similar to peace in any sense, as BLA, BLF and UBA managed to carry out certain attacks during this timeframe such as the killing of 22 passengers by UBA in 2014. The organizations also clashed against themselves due to factionalism and distrust. The deadliest inter-group clash between BLA and UBA claimed the lives of 20 insurgents (Nabeel, 2017).

To comprehensively analyze the trajectory of violence in Balochistan from 2005 to 2024, this section adopts a three-phase framework. This framework chronologically segments the insurgency into distinct periods: 2005-2013, 2014-2018, and 2019-2024/ongoing. This approach enables a nuanced examination of potential trends and shifts in the intensity and nature of violence, considering the evolving dynamics of the insurgency and the responses it elicited. The data provided by Global Terrorism Database indicates that between 2005 and 2013, a significant wave of violence swept across Balochistan, with Baloch separatist groups perpetrating a documented 241 attacks within this

timeframe. The attacks were attributed to eleven distinct groups, all espousing Baloch nationalist ideologies and seeking varying degrees of autonomy or independence from Pakistan. These incidents underscore the escalating tensions and armed struggle that characterized Balochistan during this period, highlighting the substantial security challenges faced by the Pakistani state, caused by one of the following perpetrator groups

- Baloch Liberation Army (BLA)
- Baloch Liberation Front (BLF)
- Baloch Liberation Tigers (BLT)
- Baloch National Liberation Front
- Baloch Republican Army (BRA)
- Baloch Republican Guards (BRG)
- Baloch Waja Liberation Army (BWLA)
- Baloch Young Tigers (BYT)
- Balochistan Liberation United Front (BLUF)
- Balochistan National Army

According to the South Asia Terrorism Portal (SATP), a database which aims to provide a comprehensive overview of terrorism trends in South Asia, from March 6, 2000, to the end of 2013, there were 7,077 terrorism-related fatalities in Balochistan. This figure includes the deaths of civilians, security forces, and terrorists/insurgents/extremists. “In 2012, 690 civilians and 178 security forces personnel were killed” (Hashim, 2013). Analysis of PIPS security reports, 4,320 casualties between September 11, 2001, and June 30, 2013, in Balochistan were recorded (Yamin & Malik, 2014, p. 14).

Between 2000 and 2013, there were a total of 472 arms recovered in Balochistan. This figure is derived from a year-by-year breakdown provided in the SATP database, which detail the number of arms recovered annually. However, the sources do not offer any further details regarding the specific types of arms recovered or the circumstances surrounding their recovery. To provide insight into the weapons used during the period covered by the sources (2005-2013), a review of the data shows the following weapon types were most frequently used:

- **Explosives:** This weapon type was widely used, often in Bombing/Explosion attacks.
- **Firearms:** Firearms were another common weapon type, frequently employed in Armed Assaults and assassinations

The source offers several examples of attacks using explosives, often in the form of bombings. For instance:

- On December 30, 2011, the Baloch Liberation Army (BLA) carried out a bombing attack using explosives in Quetta, Pakistan, targeting government buildings and private citizens, leading to 14 fatalities and 30 injuries.
- On May 14, 2012, the Baloch Republican Army (BRA) conducted a bombing in Quetta, Pakistan, targeting the military and private citizens. The attack resulted in 6 fatalities and 58 injuries.
- On October 21, 2013, the Baloch Republican Army (BRA) conducted a bombing attack using explosives, targeting transportation in the Nasirabad district of Pakistan, resulting in six fatalities and 18 injuries.

Similarly, the source provides numerous examples of attacks where firearms were used such as:

- On May 28, 2007, members of the Baloch Liberation Army (BLA) used firearms to take a government official hostage in the Bolan District of Pakistan.
- On August 14, 2010, Baloch Liberation Army (BLA) members carried out an armed assault in Quetta, Pakistan, using firearms to target businesses, which led to 6 fatalities and 3 injuries
- On August 31, 2013, the Baloch Liberation Front (BLF) used firearms in an armed assault in Mand, Pakistan, targeting the military, leading to seven fatalities and 11 injuries.

While the sources do not give an exact count for each target type, a careful review reveals that the military was the most frequent target during this period. In addition to direct attacks on military personnel and facilities, there were also a significant number of attacks on:

- *Businesses:* These attacks were likely intended to undermine the Pakistani economy and create a sense of instability
- *Transportation:* Attacks on transportation systems, such as bombings of buses and trains, would have disrupted daily life and created fear among the population.
- *Government (General):* This broad category encompasses a range of government related targets, signifying the separatists' broader aim to undermine Pakistani authority in the region.
- *Police:* Attacks on police could have been intended to weaken law enforcement and demonstrate strength against Pakistani state.
- *Private Citizens & Property:* Attacks against this target frequently caused civilian casualties

The Baloch Republican Army (BRA) carried out the most attacks between 2005 and 2013. While the sources do not provide an exact count for each group, a careful examination of the records shows the BRA listed as the perpetrator group significantly more than other Baloch separatist groups, such as the Baloch Liberation Army (BLA) or the Baloch Liberation Front (BLF). “In 2012 alone, the group carried out 121 terrorist attacks in Dera Bugti, Naseerabad, Dera Murad Jamali, Barkhan, and Loralai districts” (Yamin & Malik, 2014, p. 15).



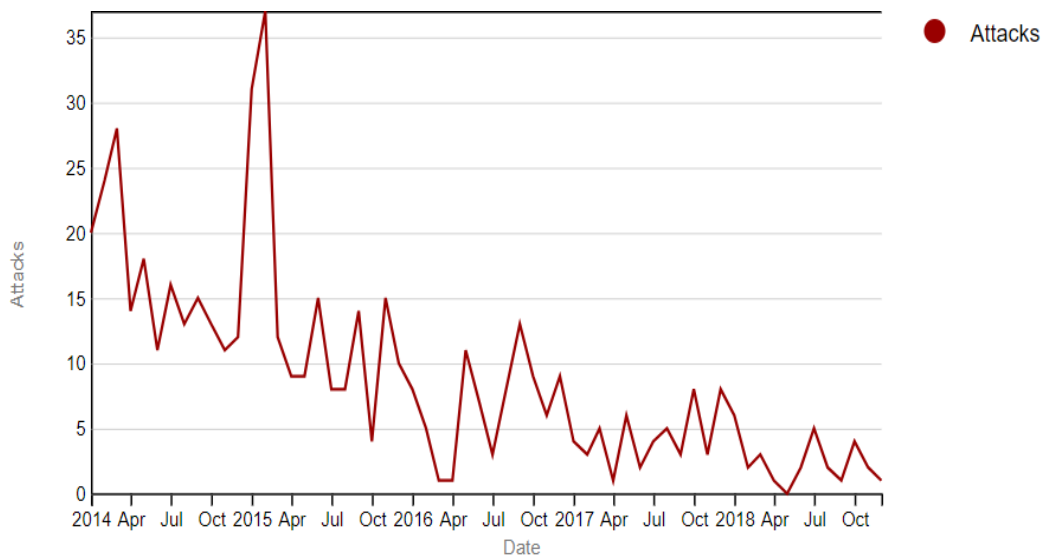
While citing official security report of paramilitary forces submitted to Dr. Baloch Malik, the Chief Minister of Balochistan, Express Tribune and Dawn published that between 2009 and 2014, Balochistan experienced significant violence, with over 2,118 people killed and 3,871 injured in 1,836 incidents (Gishkori, 2014).

However, 2014 saw a marked decline in violence, with a 50% reduction compared to 2013. This decline was attributed to a multifaceted approach by the government, including improved coordination between paramilitary forces, targeted operations against insurgents, and investments in capacity building for security personnel. The implementation of the Pakistan Protection Act, which granted greater authority to law enforcement agencies, also contributed to the decrease in violence.

The report offers a quantitative perspective on the decline of violence in Balochistan in 2014 compared to the previous year. Civilian casualties saw a significant reduction of approximately 58%, with 213 deaths reported up to September 2014, compared to 530 in 2013. This downward trend was also evident in the number of injuries resulting from violent incidents, decreasing by roughly 57% from 1,162 in 2013 to 522 in 2014. Attacks targeting settlers from other parts of Pakistan also witnessed a sharp decline of about 74%, with deaths dropping from 42 in 2013 to 11 in 2014. Furthermore, attacks on infrastructure, particularly those targeting Pakistan Railways, Sui Gas, and Quetta Electric Supply Company, experienced a significant decrease of approximately 64%, with 143 incidents recorded in 2014 compared to 368 in 2013. Interviewee P6, who writes on Balochistan for different media outlet, noted that a sharp decline in violence was witnessed in years 2015-17 due to the surrender of many Baloch insurgents. As Aziz (2024) points in his article that between 2015-2017, over 1300 militants surrendered under a government amnesty program. This led to a decrease in violence, with Balochistan experiencing 96 incidents of violence and approximately 400 fatalities in 2015. From 2017-2019, the region only experienced 38 incidents, resulting in 110 fatalities.

However, the decline in violence was transient as it resurged with the formation of Baloch Raaji Aajoi Sangar (BRAS), an alliance of three prominent Baloch sub-nationalist groups - a splinter faction of the Baloch Liberation Army (BLA), the Balochistan Liberation Front (BLF), and the Baloch Republican Guards (BRG) - in 2018 (Nabeel, 2024). P9, a senior researcher in a renounced Baloch think tank, stated that by bringing together different factions under a single umbrella, BRAS has fostered greater collaboration and coordination among these groups. This has likely enhanced their operational capacity, enabling them to plan and execute attacks more effectively. This is consistent with the article "Counter-insurgency dynamics in Balochistan: Examining militant surrenders and resurgences" which highlights increased coordination among Baloch militant groups as a key factor contributing to

the resurgence of violence.



*Figure 2*

The Special Security Report 2018, published by PIPS, states that the resurged violence manifested itself with a total of 115 reported terrorist attacks in 2018 (Pips, 2022). These attacks resulted in 354 fatalities, representing over 59% of the total 595 deaths from terrorist attacks across Pakistan. Additionally, 589 people were injured in these attacks in Balochistan. Religiously inspired militant groups, including the TTP, Hizbul Ahrar, ISIS affiliates, and unidentified groups, were responsible for 35 attacks. These attacks by religious militant groups resulted in 261 deaths and 385 injuries, primarily in Quetta and Mastung. Baloch insurgent groups, specifically the Baloch Liberation Army (BLA), Balochistan Liberation Front (BLF), and Baloch Republican Army (BRA), carried out 74 attacks. “Out of the 19 reported suicide attacks in 2018, 11 took place in Balochistan” (Pips, 2022, p. 51). Notably, 2018 saw a concerning 30% increase in civilian fatalities compared to the previous year. Two of the deadliest attacks that year, which resulted in a large number of civilian deaths, were a suicide attack in Quetta on July 25 and a bombing targeting a political rally in Mastung District on July 13 (SATP, 2019).

On the analysis of incidents that happened between 2014-2018 (GTD, n.d.), it was seen that the most frequently used arms were firearms and explosives. Out of the 529 incidents listed on Global Terrorism Database, almost every single one involved either explosives or firearms. Military targets were most frequently attacked, with 191 attacks on the military alone. Businesses were the next most frequently attacked group, with 121 attacks. This aligns with the goals of many separatist groups, which often seek to undermine and challenge the government's authority through attacks on the military and economic disruption. The high number of attacks on businesses may also suggest that these groups used extortion or intimidation against businesses to fund their operations.

PIPS security report of 2019-2020 and SATP yearly assessment show that the downward trend in fatalities witnessed in Balochistan between 2014 and 2019 (apart from 2018) did not continue after 2020. The security situation in Balochistan considerably worsened in 2020, with overall fatalities rising by 19.44% from 180 in 2019 to 215 in 2020. This deterioration is largely attributed to a significant increase in fatalities among Security Forces (SFs). While civilian fatalities saw a marginal rise from 83 to 84, SF fatalities increased by 74.07% from 54 in 2019 to 94 in 2020. This surge in violence against SFs is evident in several major attacks throughout 2020, including:

- February 19, 2020: BLT militants killed 16 Army personnel and seized weapons and ammunition in an attack on an Army post in the Singasila area of Dera Bugti District.
- July 25, 2020: Six Army personnel were killed, and three injured in an ambush on their patrol vehicles in the Pidarak Jamak area of Kech District. The BLF claimed responsibility for this attack.
- December 27, 2020: Seven Frontier Corps soldiers were killed in an attack on their checkpoint in the Sharig area of Harnai District.

An alarming 80% increase in violence-related fatalities in Balochistan was witnessed in 2021 compared to the previous year. Another report indicates that fatalities in Balochistan increased from 215 in 2020 to 308 in 2021. P5 believed that the US withdrawal from Afghanistan in 2021 has directly impacted the insurgency in Balochistan, stating

These insurgents or actors now have access to more advanced and proficient weaponry which was not in their hands before the US withdrawal. Their attacks have become more precise and sophisticated ever since, which as a result has increased their capacity to perpetuate more violence. Along with the new armament, BLA has built good relationship with TTP which in fact help them in carrying such nuanced attacks. The decline in separatist's insurgency in 2015 has now come to an end. A clear surge in violence can be witnessed

The access to advance weaponry has helped BLA to carry out three deadly and politically important attacks in 2022 (Prasad & Patrick, 2023) which are

- **Downing of a Pakistani Military Helicopter (August 1, 2022):** This incident, unprecedented in the history of the Balochistan insurgency, saw a Pakistani military helicopter shot down in southwestern Balochistan, killing all six personnel on board, including a major general and lieutenant general. While the Pakistani military attributed the crash to adverse weather conditions, the Baloch Raaji Aajoi Sangar (BRAS) claimed responsibility, asserting they used anti-aircraft weaponry. This incident underscores the insurgents' increasing access to advanced weaponry and their willingness to directly target high-ranking military officials (Gul, 2022).

- **Suicide Bombing at the Confucius Institute in Karachi (April 26, 2022):** This attack marked a chilling development in the insurgency, as it was the first instance of a female Baloch suicide bomber. Shari Baloch, affiliated with the Balochistan Liberation Army (BLA), targeted the Confucius Institute at the University of Karachi, killing three Chinese teachers and a Pakistani driver. This attack demonstrated the expanding tactics and reach of the insurgency, as well as its focus on targeting Chinese interests in Pakistan. This event highlights the human cost of the conflict and the willingness of at least some elements within the insurgency to employ extreme measures (Baloch, 2022).
- **Coordinated Bomb Attacks in Multiple Cities (December 25, 2022):** The BLA orchestrated a series of five coordinated bomb attacks in the cities of Turbat, Kahan, Gwadar, and Quetta on Christmas Day, resulting in the deaths of at least six Pakistani security personnel. This coordinated assault demonstrates the BLA's capacity for simultaneous operations across a wide geographical area, indicating a high level of organization and planning (The Balochistan Post, 2022).

These high-profile attacks, occurring within a single year, highlight the escalating capabilities and impact of the Balochistan insurgency. They also underscore the insurgents' evolving tactics and their strategic targeting of both Pakistani security forces and Chinese interests, two key players in the Balochistan conflict. The overall situation of violence in 2022 is captured in essence as

ACLED collected data on 433 security incidents in Balochistan in 2022. Analysis of these data shows that violence mainly took place in the districts Kech, Quetta, Kachhi and Panjgur. Further analysis indicates Baloch nationalist groups to be the main actors of violence in the province. Besides security forces personnel and infrastructure, Baloch insurgent groups also targeted Chinese projects and Chinese workers linked to the development of the Gwadar Port in Balochistan. TTP and ISKP carried out a limited number of attacks in Balochistan. TTP's focus on Balochistan is explained by one source as an attempt to stretch the Pakistan security forces and to impede a Pakistani army offensive in KP. Sectarian violence is also still present in Balochistan: The Hazara community of Quetta was targeted by a number of attacks in 2022 (Security Situation, 2023).

P10 highlighted that since around 2021-2022, the militant movement has intensified, marked by a significant increase in the ferocity and magnitude of attacks against the Pakistani state. The insurgents have expanded their targets to include military outposts, cantonments, and even a naval airbase.

Year	Incidents	Fatalities	Arms recovery
2020	20	215	11
2021	40	308	22
2022	50	406	27
2023	52	471	27

**Table 3** Compiled by using data from PIPS, Dawn and SATP

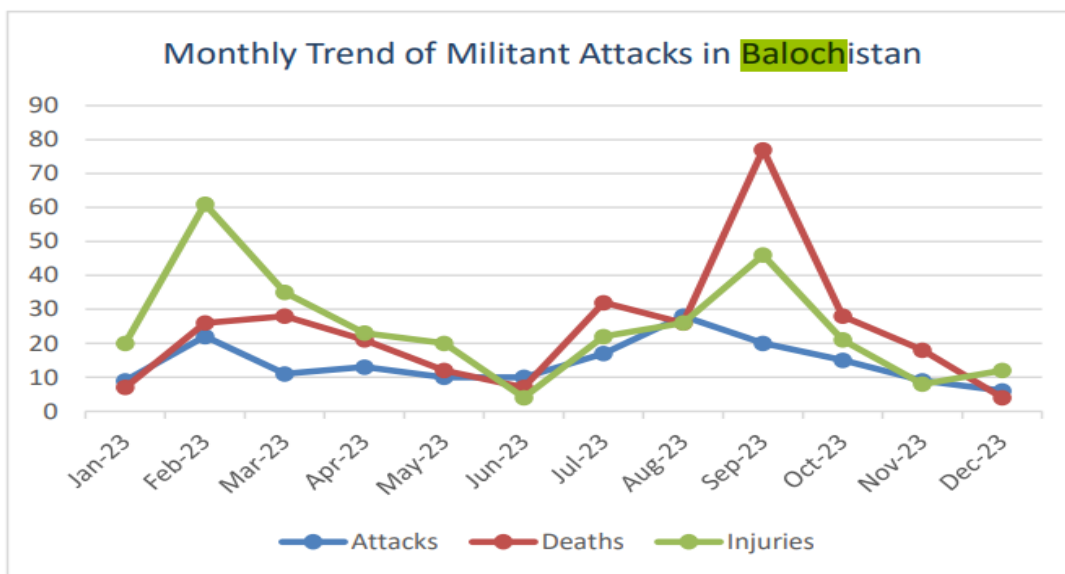
A dramatic rise in terrorist attacks in Pakistan during the first three quarters of 2023, with Balochistan being one of the most severely affected regions was recorded by many databases. This surge resulted in over 1,000 fatalities, with security personnel accounting for 36% of the deaths (Aziz, 2024b), a concerning escalation of violence in Balochistan, particularly during the first nine months of 2023 was recorded by CRSS. Balochistan, alongside Khyber Pakhtunkhwa, emerged as the primary hubs of violence, collectively accounting for a staggering 92% of all violence-related fatalities in the country during this period. This marked a significant increase from 2019 when these two provinces accounted for 72% of all such fatalities (Centre for Research and Security Studies [CRSS], 2024) Disturbingly, Balochistan recorded a 131% increase in violence within the first five months of 2023, underscoring its emergence as a focal point for escalating unrest and conflict. Three of the respondents highlighted terrorism as the primary driver of violence in Balochistan. Nearly 79% of all violence-related casualties during Q3 2023 were attributed to terrorist activities, resulting in 318 fatalities and 381 injuries to civilians and security personnel. This

**Figure 3**

surge in terrorist incidents

significantly overshadowed the impact of counter-terror operations, which were notably fewer in number.

Tragically, civilians bore the heaviest burden of this surge in violence, accounting for almost 58% of all casualties in Q3 2023. This indicates that terrorist groups are increasingly targeting civilians, either directly or as collateral damage. Security personnel constituted the second-largest group of victims, comprising nearly 23% of all casualties



for

during the same period. The data presented by Pakistan Institute Conflict and Security Studies (PICSS, 2023) reveals that

Balochistan experienced a 65% increase in militant attacks between July and August 2023, rising from 17 incidents in July to 28 in August. This information places Balochistan among the region’s most significantly impacted by this surge in violence, alongside erstwhile FATA (Pakistan Institute of Conflict and Security Studies [PICSS], 2023). Balochistan suffered 170 militant attacks in 2023, representing a concerning 26% of the total attacks in Pakistan. These attacks resulted in a significant human cost, causing 286 fatalities and 298 injuries. This represents a significant increase in security incidents compared to 2022, with 103 militant attacks recorded in 2022. Of the 286 individuals killed in militant attacks in the province in 2023, 151 were security forces personnel. The most prevalent attack types included with 118 recorded incidents, Improvised Explosive Device (IED) attacks were the most common type of attack, accounting for 41% of total attacks, armed attacks with 108 instances representing 38% of total attacks, suicide attacks, 35 recorded suicide attacks, making up 12% of the total attacks in the province (“Pakistan’s Comprehensive National Security Profile,” 2024, p. 24).

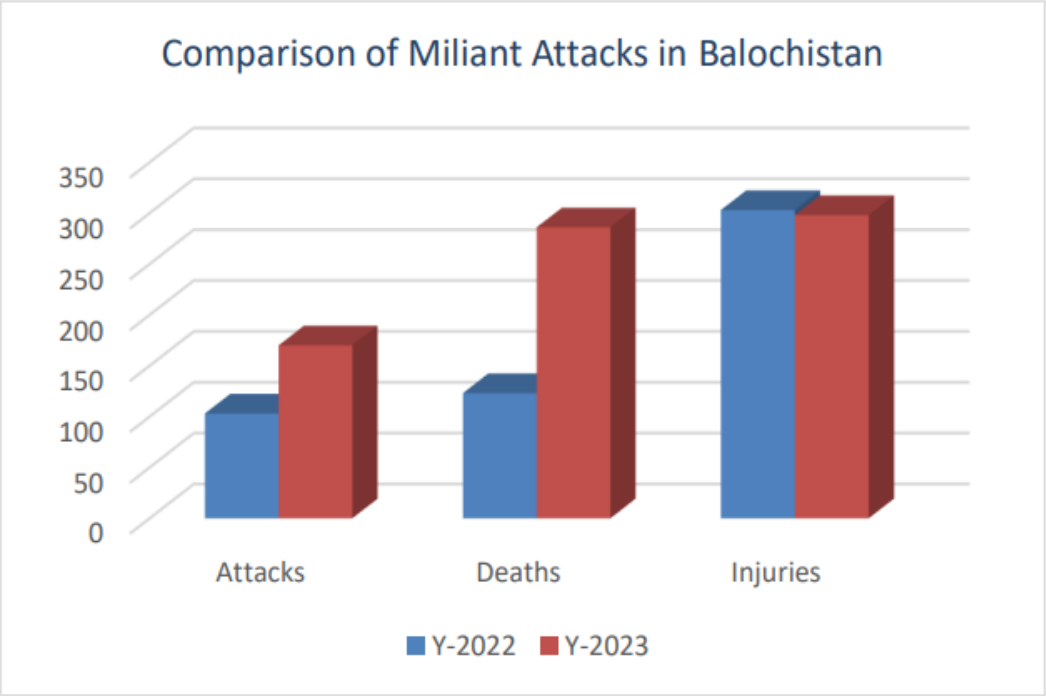


Figure 4

Quetta, the provincial capital, experienced the highest number of attacks (35), followed by Khuzdar (14) and Mastung (13). These three districts alone accounted for over one-third of all attacks in the province. Other districts significantly impacted by militant violence include Dera Bugti (8 attacks), Kalat (8), and Gwadar (7). In Gwadar, six militant attacks targeting security forces escorting Chinese workers were carried out. These attacks in Gwadar

underscore the vulnerability of infrastructure projects and foreign interests in the province (“Pakistan’s Comprehensive National Security Profile,” 2024).

In conclusion, the security situation in Balochistan presents a complex and concerning picture of escalating violence, marked by periods of relative calm punctuated by surges in attacks. While the intensity of the conflict has oscillated since its formal resurgence in 2005, the overall trend points towards a worsening scenario. The analysis of the situation highlights a worrying increase in attacks in recent years, particularly from 2021 onward, as demonstrated by the rising number of fatalities and incidents, particularly those targeting security personnel and strategic infrastructure. The proliferation of increasingly sophisticated weaponry, evidenced by incidents such as the downing of a Pakistani military helicopter in 2022, coupled with the emergence of new alliances among Baloch separatist groups, underscores the increasingly dangerous and unpredictable nature of the conflict. This escalation, compounded by the persistent targeting of civilians, paints a bleak picture of the human cost of the conflict and the multifaceted security challenges faced by the province. The soaring numbers of fatalities, high-intensity attacks, increasing procurement and use of advanced weaponry, and human displacement indicate that the resultant violence is intense and protracted.

## CONCLUSION

The Balochistan insurgency has been clawing at the peace and wellbeing of Baloch people, the state and non-ethnic Balochis since 1970s. The insurgency has manifested itself in five waves of changing magnitudes till date. These five rounds of insurgencies are the manifestation of the enduring trust deficit between the province and the federation on the issues of resource management, development projects, political control, and sovereignty. In fact, the ongoing wave that resurged in 2005-06 is generally accepted as the most lethal, organised, geographically widespread in comparison with the previous four insurgencies in Balochistan. The present ethno-separatist Baloch insurgent (armed) groups have not only continued to operate despite the stringent counter-insurgency operations led by state's military forces, but they have also managed to become well-organised and plan and carry out strategically important attacks. Out of all of these groups, Baloch Liberation Army (BLA) stands atop on (a) being the most sophisticatedly organized armed/insurgent group in the militant landscape of Balochistan and (b) capable of perpetuating high-intensity violence through sustained and concentrated attacks.

When checked against the indicia of non-international armed conflict (NIAC), provided in the legal instruments of IHL, the ongoing Baloch insurgency (2005-present) fulfills the criteria of characterization i.e. i) intensity of the conflict and ii) organization of the warring parties to the conflict. In relation to intensity of violence, the security situation in Balochistan presents a complex and concerning picture of escalating violence, marked by periods of relative calm punctuated by surges in attacks. While the intensity of the conflict has oscillated since its formal resurgence in 2005, the overall trend points towards a worsening scenario. The analysis of the situation highlights a worrying increase in attacks in recent years, particularly from 2021 onward, as demonstrated by the rising number of fatalities and incidents, particularly those targeting security personnel and strategic infrastructure. The proliferation of increasingly sophisticated weaponry, evidenced by incidents such as the downing of a Pakistani military helicopter in 2022, coupled with the emergence of new alliances among Baloch separatist groups, underscores the increasingly dangerous and unpredictable nature of the conflict. This escalation, compounded by the persistent targeting of civilians, paints a bleak picture of the human cost of the conflict and the multifaceted security challenges faced by the province. The soaring numbers of fatalities, high-intensity attacks, increasing procurement and use of advanced weaponry, and human displacement indicate that the resultant violence is intense and protracted.

The Baloch Liberation Army (BLA) has undergone a significant transformation, evolving from a predominantly tribal-based insurgency into a more sophisticated and organizationally mature entity. This evolution is evident in the BLA's increasingly structured framework, marked by a hierarchical command structure, specialized units like the Fateh Squad, STOS, and Majeed Brigade, and a strategic shift towards more impactful operations. The BLA's



capacity to adapt and innovate is apparent in its adoption of suicide bombing tactics, its targeting of high-value assets, including Chinese interests, and its ability to acquire advanced weaponry. This organizational maturity is further underscored by the BLA's media wing, Hakkal, which strategically manages its narrative and disseminates propaganda through its annual magazine, Dak, and quarterly performance reports. The BLA's transition to a more sophisticated and organized force poses a significant challenge to the Pakistani state, transforming the low-level insurgency of late 20th century into a full-blown non-international armed conflict (NIAC).

# Appendices

## Appendix 1

According to your knowledge, how many armed groups are actively involved in the ongoing Baloch insurgency? Could you please identify the main or leading groups in this regard.

Do you believe that these armed groups have a sufficient level of organisation such as

Do there exist any structure and disciplinary rules and mechanisms within the group(s)?

Are there any areas of operation, headquarters or a part of territory dominated by such groups within the province?

Do you believe that these groups could procure or distribute (advance/modern) arms and recruit new members?

Do you believe that these groups have the capacity to define a military strategy or use military tactics for their operation?

Do you recall any national or international level negotiations related to the conflict in which these groups participated as a party?

What are your thoughts on the seriousness of this conflict – do you believe that the clashes or confrontations have increased or become bloodier over time?

Was there any occasion where the state had to deploy its armed forces or a subunit to curb the attacks or clashes?

Please comment on the issue of displacement or material destruction caused by this conflict.

Please comment on the status of the insurgency/conflict – do you consider it to be more than just a mere internal disturbance?

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