

**COUNTERING TERRORISM THROUGH DIPLOMACY:
INDIA'S SEARCH FOR INTERNATIONAL SUPPORT IN
THE POST 9/11 PERIOD**

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MASTER OF PHILOSOPHY

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CERTIFICATE

Certified that this Dissertation entitled "**Countering Terrorism Through Diplomacy: India's Search for International Support in the Post 9/11 Period**", submitted by me in partial fulfillment of the requirements for the award of the degree of **MASTER OF PHILOSOPHY** is my original work and has not been previously submitted for the award of any other degree of this or any other university.

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To my loving niece Neerja

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(Sanyogita P Churi)

PREFACE

Terrorism has emerged as one of the gravest threats to the world order in the present era. There are differing perceptions among states on who is a terrorist and what constitutes terrorism. The right to self-determination has often been used as a license to indulge in terrorist activities. This ambiguity on how to define terrorism has harmed the fight against terrorism. Until the early 1990s, the debate of 'one man's terrorist is another man's freedom fighter' raged in the United Nations. Thereafter, and especially in the post 9/11 period, this debate has taken a back seat. The terrorist attacks on the US on September 11, 2001, were an eye-opener not only for the US but also for the entire world. It became clear that any state, however powerful, was vulnerable to terrorist attack. The American war against terrorism was joined by its European allies and other countries including Russia, China, India and Pakistan. Thus, counter-terrorism has assumed a global character in the post 9/11 period.

The global alliance against terrorism has adopted many-fold strategies of ideological, military, legal, economic and political nature to combat terrorism. Firstly, the world community has evolved strong international norms against the use of terror. There is no difference between 'good' or 'bad' terrorism and that all forms of terrorism offend universal human values, inflict suffering on the innocent and hence deserve to be condemned. Terrorism cannot be justified on any ground whatsoever, be it religious, ethnic, economic or political. Secondly, there is outrage against those states which use terrorism as an instrument of state policy and without whose patronage, terrorist groups cannot survive for long. State-sponsors of terrorism are warned against providing sanctuary, training, finance or any other support to terrorist groups. They are threatened with economic and diplomatic sanctions if they refuse to give up their

policies of encouraging terrorism. Thirdly, states have forged a network of co-operation to prevent terrorist attacks as well as punish the guilty for carrying out such attacks. State agencies of various countries regularly exchange intelligence information. There has been joint training of multi-national counter-terrorist forces. States have strengthened the legal trap for terrorist crimes and have negotiated treaties on extradition and mutual legal assistance. Suspect groups have been declared as 'terrorist organisations', their assets have been frozen and their leaders have been arrested.

This study focuses on how India has used its diplomatic options in the post 9/11 period to combat Pakistan-sponsored terrorism in Jammu & Kashmir and other parts of the country. For India, terrorism after 9/11 is in no way qualitatively different from the pre-9/11 period. India has been fighting terrorism tooth and nail long before the world and the US in particular woke up to its dangers. India has faced militancy for many years in its North-Eastern region, Punjab and Kashmir with active involvement of Pakistani agencies. The basic thrust of India's diplomatic manoeuvres has been that mere disapproval of terrorism is not enough, but the states which fund, train and shelter terrorist groups must be targeted and forced to change their behaviour. In other words, India wants the world community to recognize Pakistan as a state-sponsor of terrorism and pressurize it to renounce its policy of promoting terrorism on the Indian soil.

The main objectives of the study are:

1. To examine the usefulness of diplomacy as an instrument of counter-terrorism.
2. To study how Indian diplomacy has responded to the terrorist threat posed by Pakistan.

3. To understand why India has placed so much faith in the international community in its fight against terrorism.
4. To expose the limitations of India's counter-terrorism policy.

The study tests the following hypotheses:

1. International diplomacy is an insufficient strategy to counter terrorism because promises are often not matched by action on the ground .
2. Excessive diplomatic reliance on third countries to rein in the state that sponsors terrorism does not show the desired results if the latter is vital for the strategic interests of the former.
3. An effective counter-terrorism policy must maintain a healthy balance between diplomatic efforts and military means.

The study has used historical and analytical methods to examine the problem. Primary and secondary data has been collected. Primary data includes government documents such as joint declarations, speeches and statements, press interviews and Parliamentary debates. Secondary data includes books and research articles.

The study has five chapters:

The first chapter develops a theoretical framework on the role of diplomacy in the counter-terrorism strategy. It examines some of the definitions of terrorism given by eminent scholars. It also examines the changing nature of terrorism over the last century and its new and lethal form in the present era. It analyses the role of security forces, intelligence agencies, courts and media in fighting terrorism at the domestic level. Finally, it takes a look at the factors that propel states to join the global alliance against terrorism and the conditions necessary for the success of any alliance in combating terror.

The second chapter deals with the causes and the nature of militancy in India's North-East and Punjab and the manner in which it was tackled by the Indian government. Further, it explains the origin of the Kashmir dispute, the outbreak of terrorist violence in the state and describes some of the prominent jihadi groups, their ideology and modus operandi and the role of Pakistan in spreading terror.

The third chapter examines the need for negotiating extradition treaties with a number of countries and the difficulties that arise in the process of extradition of terrorists. It also assesses the efficacy of Joint Working Groups (JWGs) as a bilateral instrument in the fight against terrorism.

The fourth chapter analyses the reasons why India has relied heavily on the US to pressurize Pakistan and in what ways has the US responded to India's concerns. It examines the concrete steps taken by the US to make Pakistan give up its policy of using terrorism against India. It also evaluates whether the steps taken by the US have met the Indian expectations.

The concluding chapter brings out the limitations of India's diplomatic efforts, the most important being India's misplaced faith in the international community. It throws light on the gulf between rhetoric and action in the war against terrorism. It exposes the lack of coherence in India's counter-terrorism policy.

CHAPTER - 1

DIPLOMACY AND COUNTER- TERRORISM: A CONCEPTUAL FRAMEWORK

Terrorism is one of the biggest threats to international security. Yet, there is no unanimity on how to define terrorism. It is a highly subjective phenomenon. Culture, collective history, individual experience and group identity play an important role in understanding terrorism. How one defines terrorism depends upon whether he/she is a terrorist, its supporter, its victim, a policy-maker or an analyst. Thus, the term 'terrorism' is interpreted differently to suit different interests. Such ambiguity over what constitutes acts of terrorism has prevented the world community from giving a tough response to terrorism. This, in turn, has encouraged terrorist groups to continue and even expand their heinous activities. Thus, terrorist violence has reached a dangerous level in the present era.

THE DEFINITIONAL DILEMMA

There are many reasons why states have not been able to agree on a single, universal definition that can comprehensively cover all the facets of terrorist violence. Firstly, terrorism is seen as a moral problem¹. Some observers are often unable to take a detached view on terrorism and tend to make a moral judgement about it. They hold that such an act may be justifiable since all other non-violent means have been rendered ineffective or if the act is likely to bring about positive consequences.

¹ John Richard Thackrah, *Dictionary of Terrorism: Second Edition* (London, 2004), p 75.

Secondly, in an anarchical international system, every state defines terrorism through the prism of its domestic and global interests. States find it politically expedient to define some acts as terrorist and others as not, depending upon their national interests. Thirdly, the phenomena of terrorism is more than two hundred years old and its meaning has changed. Terrorism has taken different forms throughout history. Terrorist methods have been used in peasant wars, labour disputes, brigandage, general wars, civil wars, revolutionary wars, wars of national liberation, resistance movements against foreign occupation, etc.² History is replete with examples of terrorist strategies being used in the pre-World War II era by various groups like the Russian revolutionaries from 1878 to 1881 and in the early years of the 20th century, the anarchists during the 1890s in France, Italy, Spain and the US, the Ku Klux Klan in the post-Civil War period in the US, radical nationalist groups such as the Irish, Macedonians, Serbs, Armenians or Bengal nationalists in the early 20th century and the Jewish Hagannah against the Arabs of Palestine .

Some of the diverse forms that terrorist violence has assumed are as follows:

State terrorism

Even states have been guilty of using terrorism against their citizens. In fact, the genesis of terrorist violence lies in the revolutionary government in France – *regime de la terreur*- during the French Revolution (1792-94). It was the first to use terrorism as an instrument of political repression and social control. Nazi-occupied Europe, Japan-dominated Asia, Soviet Union under Stalin, states like Pakistan, Indonesia, Philippines, Chile, Brazil, Argentina, Nigeria under military regimes are some of the instances where state violence was unleashed in times of war and peace.

² Walter Laqueur, *A History of Terrorism* (New Brunswick, USA , 1997), p 11.

Anti-colonial terrorism

In the post-World War II period terrorism assumed an anti-colonialist connotation. Palestinian groups like the PLO and Fatah used terror tactics to draw global attention towards Israeli occupation of their land. Kidnapping and murdering of diplomats, government officials and ordinary people, assassinations of important personalities, hijacking of aircrafts, gun and grenade attacks on passengers in international airports, bomb explosions at railway stations and business establishments were some of terrorist acts carried out by the movements for freedom in various Afro-Asian countries. Terrorism came to be viewed from the prism of Cold War divisions and the world could not agree on what constitutes terrorism. While the Soviets stood for the right to self-determination and actively supported the liberation struggles, the colonial powers –UK, France, Belgium, Portugal and Netherlands – joined hands with the US. To the imperial powers, the guerilla groups engaged in violence were terrorists as they broke the colonial rule of law. To the colonized masses and their supporters, repression by colonial, racist and imperialist regimes itself was an act of terrorism.

Left-Wing Terrorism

The 1960s and 1970s were the decades of 'left-wing' terrorism, which was popularly called as 'urban guerilla warfare'. It was carried out in the backdrop of the Vietnam War and the looming nuclear threat. It was not regarded as terrorism at all. It was seen as a wholly legitimate armed struggle and a revolution for the liberation of the exploited masses.³ It was heavily loaded with the Marxist jargon. The urban guerillas were fighting a people's war. They were striving for greater political freedom, economic justice and social empowerment. Hence, their grievances needed to be

³ Ibid, p 220.

sympathetically understood and redressed. Guerilla groups like the Red Army Faction of Germany, the Red Brigades of Italy, the Montoneros of Argentina and the Naxalites of India had a strong middle class component. They were dominated by the youth, including young women, hailing from professional and academic families. These groups deliberately carried out attacks on people and property rather than mobilize masses for bringing about a revolution.⁴ They did not enjoy support of the citizenry as a whole and their activities were put down with a heavy hand by the state apparatus. Similarly, the Black Panthers in the US were poor black youth who indulged in terrorism as a response to problems of the ghetto, crisis of identity, suburban boredom and desire for excitement and action.⁵

Nationalist/Separatist terrorism

Some of the terrorist outfits such as the Irish Republican Army in Northern Ireland, ETA in Spain and the Tamil Tigers in Sri Lanka were motivated by the urge for self-determination based on ethnic considerations. They have waged their struggle either from the territory which they sought to liberate or from abroad. They have claimed to receive support of the minority ethnic community in whose name they carry out terrorist acts.

Right-wing terrorism

The 1980s and 1990s witnessed the resurgence of 'right-wing' terrorism in the form of neo-Nazi youth groups in Europe, Russia and the former Warsaw Pact countries. Many racist skinheads and groups like the Klu Klux Klan, Phineas Priesthood and Aryan Nations targeted immigrants and refugees from the Third World countries.

⁴ David J Whittaker, *Terrorists and Terrorism in the contemporary world* (London, 2004), p 26.

⁵ David J Whittaker ed. , *The Terrorist Reader* (London, 2001) , p 30.

Religious terrorism

The dominant form of terrorism in the last two decades has been religion-inspired terrorism. It has arisen from almost all religions – Sikhism (secessionist movement in Indian state of Punjab), Christianity and Judaism (various doomsday cults) and Buddhism (Aum Shinri Kyo in Japan). But it is more frequent among the Islamic groups. Many religious cults have turned violent; violence is directed against the public or against their own members. The Movement for the Restoration of the Ten Commandments of God in Uganda is responsible for the killing of hundreds of its followers.⁶

Thus, the evolving nature of terrorism and its various forms it has assumed have given rise to a definitional dilemma. Broadly, we can classify terrorism into four types: state terrorism, non-state terrorism, state-sponsored terrorism and transnational terrorism. State terrorism is unleashed by the state against its own citizens to crush any kind of internal dissent to the regime. Its main purpose is consolidation of the state authority. Non-state terrorism is carried out by individuals, groups or organizations. Yonah Alexander describes terrorism as a symbol, tool, method or process of force, taking the form of random and systematic intimidation, coercion, repression and destruction of human lives and property, used intentionally by an organized group to create a climate of extreme fear in order to obtain avowed realistic or imaginary goals⁷. Bruce Hoffman considers terrorism as violence or threat of violence used and directed in pursuit of, or in service of, a political aim.⁸ He says that what distinguishes terrorism from other types of violence is that terrorism is fundamentally and inherently a

⁶ Clive Williams, *Terrorism explained: The facts about Terrorism and Terrorist Groups* (Sydney, 2004) p 67.

⁷ Yonah Alexander, "Introduction", in Yonah Alexander ed. *International Terrorism: National, Regional and Global Perspectives* (New York, 1976), p xi.

⁸ Bruce Hoffman, *Inside Terrorism* (New York, 1998), p 15.

political concept. It is about power – the pursuit of power, the acquisition of power and the use of power to achieve political change⁹. Martha Crenshaw has emphasized the external dimension in her definition of terrorism as “a means to accomplish certain political objectives with international support”¹⁰.

State-sponsored terrorism is sponsored by a state against another state as a substitute for war or as a consequence of failed diplomacy. In the words of Jay Mallin, “when diplomats fail, soldiers take over, when soldiers fail, terrorists take over”¹¹. Sridhar K Khatri defines cross-border terrorism in the South Asian context as proxy war by a sponsoring state which gives that state the advantage of denying its role. ¹²It is a strategy of achieving core geopolitical objectives at minimal cost.

Gus Martin defines international terrorism in terms of its spill over to across national boundaries. Targets are selected because of their value as symbols of international interest¹³. The perpetrators of violence belong to different nationalities. They are trained and armed in a third country. The act is funded by transnational sources. And the repercussions of the act transcend national boundaries. International terrorism today is largely identified with the Al Qaeda and its affiliates, which are estimated to be present in over 60 countries.

The UN has failed in its efforts to define terrorism. The Convention for Prevention &

⁹ Ibid.

¹⁰ Martha Crenshaw, “Theories of Terrorism”, *The Journal of Strategic Studies*, vol 10, no 4, December 1987, p 13 as quoted in Kshtitij Prabha, “Defining Terrorism”, *Strategic Analysis* (New Delhi), vol 24 ,no 1, April 2000 p 125.

¹¹ Jay Mallin, “ Terrorism as a Military Weapon”, *Air University Review* , vol xxviii, no 2, January-February 1977, pp 54-64 as quoted in Ibid ,p 126.

¹² Sridhar K Khatri, “Understanding and combating terrorism in South Asia”, in Ahmar Moonis ed. *The World after September 11: Challenges and Opportunities* (Karachi , 2003) , p152.

¹³ Gus Martin, *Understanding Terrorism : Challenges Perspective and Issues* (Thousand Oaks, California, 2003), p 216.

Punishment of Terrorism drafted under the auspices of the League of Nations in 1937 could not be adopted due to lack of consensus among the member states. However, they decided to focus on how to prevent terrorism. Since 1972, after the Munich massacre, the UN has identified several acts such as hijacking of aircrafts, hostage-taking, targeting diplomats etc for political purposes as terrorist acts. Till date, twelve UN conventions have been adopted to curb and eliminate terrorism.¹⁴ In the post – Cold War period, the UN no longer recognises terrorism as weapon of the weak against the superior power of the state. Acts of aggression threatening the territorial integrity and security of states, destabilizing the legitimately constituted governments and undermining pluralistic civil society have been declared by the UN as acts of terrorism. Today, the UN largely agrees on terrorism as “criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, social, ethnic, religious or other nature that may be invoked to justify them”.¹⁵ Resolution 1373 adopted by the UN Security Council in the aftermath of 9/11 attacks on the US still could not define terrorism.

¹⁴ These are **1.** Convention on Offences and Certain Other Acts Committed On Board Aircraft ("Tokyo Convention", 1963) ,**2.** Convention for the Suppression of Unlawful Seizure of Aircraft ("Hague Convention", 1970) , **3.** Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation ("Montreal Convention", 1971) , **4.** Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973), **5.** International Convention Against the Taking of Hostages ("Hostages Convention", 1979); **6.** Convention on the Physical Protection of Nuclear Material ("Nuclear Materials Convention", 1980), **7.** Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Extends and supplements the Montreal Convention on Air Safety), (1988),**8.** Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, (1988), **9.** Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988), **10.** Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991), **11.** International Convention for the Suppression of Terrorist Bombing (1997), **12.** International Convention for the Suppression of the Financing of Terrorism (1999)

¹⁵ A/Res/54/110 , General Assembly Resolution , adopted in 54th session on February 2nd, 2000, taken from <http://daccessdds.un.org/doc/UNDOC/GEN/NOO/251/341/PDF/NOO251341.pdf?openelement>

If the definition of terrorism is difficult to arrive at, we can at least usefully distinguish it from other types of violence and identify the peculiar characteristics of terrorist phenomena. The basic difference between a terrorist and others is the choice of target and mode of activity.¹⁶ A terrorist is one who uses barbaric and unacceptable methods to harm innocent civilians.

There is a view that terrorists are not freedom fighters or insurgents¹⁷. The latter have genuine socio-economic grievances. They lack access to legitimate remedies for alleviating their suffering. On the other hand, there is no historical evidence to prove any direct correlation between poverty and terrorism. The roots of terrorism can in fact be traced to religious and nationalistic fanaticism. Neither do terrorists exhaust all the legitimate remedies available at their disposal for the redressal of their grievances. Insurgents do not attack innocent people. They attack state infrastructure such as railways, pipelines, telephone exchanges etc to demonstrate their deep sense of alienation. Terrorists deliberately target children, women, tourists, businessmen, political personalities etc. In fact, terrorism is propaganda by deed. The central objective is to have a high number of body count. Insurgency emerges in semi-developed or under-developed areas of the state, while terrorism is an urban phenomena. Insurgents seek to capture territory of self-rule. Terrorists have no such ambitions. Their sole purpose is to challenge the political regime by mounting attacks on innocent civilians.

Terrorism differs from other forms of crime and violence which are motivated by pecuniary gain or personal rivalries. Terrorism is backed by political motivations. However, terrorists may involve in criminal activities such as bank robberies,

¹⁶ Whittaker, n.4, p 4.

¹⁷ Pachinanda Ranjit, *Terrorism and response to terrorist threat* (New Delhi, 2001) p 6.

kidnappings for ransom and extortion as a means to obtain funds to support their continued existence.¹⁸ Terrorists believe that they are propagating some greater common good. Terrorists are not revolutionaries either. They have no vision or program of action for bringing about radical socio-economic change. In fact, the terrorist agenda is negative, destructive, reactionary and conservative. Rubenstein describes terrorism as a tactic of violence resorted to by small groups, mostly belonging to the educated, alienated middle classes, who have failed to become a mass movement or move the masses.¹⁹

Finally, to be able to arrive at a definition which captures the totality of the terrorist phenomena, we can deduce the following common features of terrorism:

- Used by state or non-state actors against innocent civilians
- Used by a state against another state as a substitute for overt warfare.
- Involves illegal use of force
- Clandestine, covert nature of operation
- Premeditated, purposive, systematic attacks
- Unexpected, unpredictable, incalculable attacks
- Operates through shock and awe
- Seeks to destabilize the political order

¹⁸ Harold J Vetter, Gary R Perlstein, *Perspectives on Terrorism* (Pacific Grove, California, 1991) , p 188.

¹⁹ Richard Rubenstein, *Alchemist of Revolution: Terrorism in the Modern World* (London, 1987) as quoted in Gupta , Rakesh, *Terrorism, Communalism and other challenges to Indian society*,(Delhi, 2004), p 107.

- Seeks publicity for its actions
- Seeks international support for its objectives

Thus, terrorism may be defined as an illegal use of force by state or non-state actors, through unexpected, pre-planned and systematic attacks on innocent civilians in order to intimidate people and governments, publicise their goals and win support for them, which are inherently political in nature.

TERRORISM IN THE PRESENT CONTEXT

The post-Cold war era has witnessed the emergence of what is called as “complex terrorism”²⁰. Such terrorism has two main features: the growing technological capacity of small groups and individuals to destroy things and people and, second, the increasing vulnerability of a state’s economic and technological systems to carefully aimed attacks. What distinguishes this new terrorism from its earlier form is its ability to launch attacks, with impunity, on soft targets like tourist places, temples, public transport and even national symbols like Parliament or World Trade Centre. The emphasis is on killing as many people as possible and in a gruesome manner. The terrorists can target the critical networks upon which modern societies depend – networks of food and water, information, energy, railways, highways, healthcare, finance etc. The nexus between criminal mafia, drug dealers, diaspora, religious charities and terrorist groups has enabled them to generate substantial amount of resources. The threat that terrorist groups may use chemical, biological, radiological and nuclear (CBRN) weapons is becoming very real. Cyber-terrorism has emerged as a major challenge to national security. The new ‘terror enterprise’ can raise its own

²⁰ Thomas Homer-Dixon , “Rise of complex terrorism”, *Foreign Policy* (Washington DC), vol 128, January-February 2002, p 53.

resources, recruit personnel, train them and send them across the world to carry out attacks on high-profile targets²¹.

Religion-inspired terrorism

Ideological indoctrination is a vital element of terrorism. Terrorism in the 1990s has come to be described as holy terror or sacred .It has overlapping religious and political goals. Its main enemy is the Judeo-Christian West which is held responsible for persecuting and corrupting Muslims all over the world.²² This ‘clash of civilisation’ theory also applies to Hindu India which is accused of subjugating Muslims in Kashmir.²³ The other enemies of Islamic fundamentalism are Arab regimes – in particular Egypt’s and Saudi Arabia’s whose close relationship with the US amounts to the betrayal of the true spirit of Islam. The ultimate goal of Islamic fundamentalism is to establish a pan-Islamic Caliphate running from Kashmir to Pakistan, Afghanistan, Iran and Central Asia, in which non-believers have either to be converted or destroyed. For this, there is a need to wage jihad against all infidels and non-Muslim societies. Thus, Islamic fundamentalism threatens to diminish the West’s – and particularly the US’s – global political and military leverage and ultimately to shift the balance of power from the West to the Islamic world, after a violent global confrontation.

Islamic revivalism was one of the responses to colonialism whereby Western customs and ideas were seen as a challenge to the purity of Islam. Muslims have a long list of political, economic and cultural grievances against the West. They felt betrayed when

²¹Rahul Tripathi , “SAARC Convetion on suppression of Terrorism:An agenda for relocation”, in Mishra, Omprakash and Ghosh, Sucheta eds. *Terrorism and Low Intensity Conflict in South Asian Region* (New Delhi, 2003) p 178.

²² Jonathan Stevenson, “Counter-terrorism: Containment and beyond”, *Adelphi Papers* 367 (International Institute for Strategic Studies , Oxford University Press . Inc, N York : 2004) p 7.

²³ Ibid.

despite their support to the Franco-British alliance during the First World War, the promised Arab independent state, comprising of all Arab lands between the Mediterranean Sea and the Persian Gulf, was not given to them. Instead the Sykes-Picot Agreement established French dominion over Syria and Lebanon and British dominion over Palestine. The next betrayal came when the state of Israel was allowed to be born and thousands of Palestinians were forced to become refugees in the neighbouring Arab states. America's dogged support to Israel even as the latter continues to violate UN resolutions and deny Palestinians their right to self-determination, has become the most contentious issue between Islam and the West. The Muslims also accuse the West of protecting the emirs and princes in the Persian Gulf who are hated figures in the eyes of their own masses. They believe that the US introduced the capitalist system in Muslim countries to exploit the natural resources, impoverish the people and dominate them. The young Muslim minds are imbibing the loose morals of the Western society via cinema, radio, television, books and now the Internet. The Muslims see the West as a civilisation obsessed with longevity, material success and imperialism²⁴. Being the leader of the West, America stands for all the values of the West.

The Iranian Revolution of 1979 and the creation of the mujahideen to fight the Soviets in Afghanistan in the 1980s were turning points in pan-Islamism. The cruel sanctions imposed on Iraq throughout the 1990s, the anti-Muslim bias in the western countries after 9/11 attacks and now the humiliating occupation of Iraq has further pushed the Muslim youth into the arms of the radical forces.

Thus, the Islamic terrorists operate with the fanatical belief that they are fighting on

²⁴ Fereydoun Hoveyda, *The Broken Crescent: The "Threat" of Militant Islamic Fundamentalism* (London, 1998), p 135.

the side of Allah against the 'Satanic' United States. Supreme faith in their mission leads them to sacrifice their lives for the cause. Divine duty makes them kill innocent people in cold blood. However it is important to note that not all believers of Islam are fundamentalists and that not all Islamic fundamentalists are terrorists. In fact, the Islamic terrorists have not even spared their own moderate brethren and those Muslims belonging to other sects of Islam.

Narco-terrorism

Another feature of new terrorism is its success in tapping newer sources of finance, the most prominent being smuggling in narcotics. Narco-terrorism is the networking of trade in illicit drugs and terrorism. It is a loose global alliance of the two dangerous elements of the underworld, both trading in death.²⁵ The drug trade offers vast profits for terrorist groups as well as for nations who want to sponsor terrorist groups. Association with terrorists has now given a political character to organized crime, who earlier operated with no other goal but enrichment of the group and its members. It has added a new dimension to law-enforcement efforts to combat both drugs and terrorism.

Cyber-terrorism

The ability of terrorists to launch information warfare has given rise to the concept of cyber-terrorism. At a time when developed societies have high dependence on advanced information systems and computers, terrorists can launch an offensive information warfare with the aim of eliminating the states information gathering,

²⁵ Cindy C Combs, *Terrorism in the Twenty-First Century* (New Jersey, 1997), p 114.

filtering, processing and delivery system before a conflict actually begins²⁶. This highlights the fact that terrorists today have become techno-oriented and have learnt to exploit new communication technologies such as satellite phones, Internet etc. Information-processing technologies have also boosted the power of terrorists by allowing them to hide or encrypt their messages. For example, individuals can use a method called steganography to embed messages into digital photographs or music clips. Posted on publicly available websites, the photos or clips are downloaded by collaborators.²⁷

Cyber –terrorism is different from cyber-crime.²⁸ It goes beyond hacking confidential websites or damaging information systems. Cyber-terrorism uses computer technologies both as a target of terrorist acts and as a weapon for terrorist purposes. Terrorists may use information technologies in terrorist warfare for various purposes such as intelligence gathering, countering intelligence, propaganda, fund-raising, information-seeking, planning operations etc. For example, the September 11 terrorists could have found all the details they needed about the floor plans and design characteristics of the World Trade Centre on the internet.

Possible possession of WMD

An intense debate raging in international circles today is whether terrorists have the capability to acquire or produce WMD – weapons of mass destruction. Are we in the age of ‘superterrorism’? Many suspect and fear the weaponisation of chemical and biological agents like anthrax, plague, small pox, sarin etc which can be used to target large population centers by contaminating food and water systems or releasing toxins

²⁶ John Gearson , “The nature of modern terrorism”, in Lawrence Freedman ed. *Superterrorism :Policy Responses* (Oxford, UK , 2002) p 19.

²⁷ Homer-Dixon, n.20, p 54.

²⁸ Maura Conway, “What is Cyber-Terrorism?”, *Current History* (Philadelphia), vol 101 ,no 659. December 2002, p 437.

in trains or subways. Such weapons are sure to inflict mass casualties. Since their effects take time to get noticed, the time-lag enables the terrorists to get away beforehand. However, it is not clear whether terrorist groups possess the technical expertise and the financial resources needed to produce and deliver such weapons effectively. Most countries have restricted access to such materials. Their storage requires special containers. Heat, humidity, oxidation, wind direction etc determine the behaviour of these agents. A Palestinian chemical or biological attack in Israel may have more Palestinian victims if the wind were to blow in the wrong direction at the wrong time.²⁹

Moreover, the political consequences of the use of such weapons are unclear. Support from previously sympathetic groups and states is likely to be wiped out if such an attack causes widespread death and destruction. WMD cannot deliver a media spectacle because unlike the bombing of a building, the use of chemical and biological weapons lacks the single point for the media to focus upon.³⁰ Hence, many experts hold that terrorists do not want to take chances with such weapons and stick to time-tested, conventional methods of carrying out attacks – methods that allow terrorists to demonstrate their raw power.

Nuclear terrorism

Nuclear weapons till now have been the monopoly of a handful of states. It is unnerving to think that a terrorist group may seek and indeed acquire a nuclear device, howsoever crude. Possession of nuclear weapons by states may be justified by their national security. But, nuclear weapons in the hands of terrorists spell doom.

²⁹ David Claridge , “Exploding the myths of super-terrorism”, in Max Taylor and John Horgan eds. *The Future of Terrorism* (London, 2000), p 141.

³⁰ Ibid.

States are bound by international norms, world public opinion and most importantly by the strategy of deterrence. Even during the height of Cold War tensions, n-weapons were not used by either of the super powers. However, what can stop a terrorist group from using n-weapons to achieve its objectives? Just a threat of use, that is, nuclear blackmail, is sufficient to make states bow down to terrorist demands. Deterrence will not work in this case because retaliation is impossible against an unidentified enemy dispersed all over the world.

Besides the actual possession of n-weapons, nuclear terrorism can take certain other forms such as a hijacking aircraft hitting nuclear installations or use of radiological dispersal devices commonly known as 'dirty bombs'.³¹ These crude devices, called as weapons of mass disruption, do not kill through atomic explosions, but release radioactive materials creating zones of intense radiation. These are easy to use and the materials needed to make them is available as spent fuel in reactors and nuclear research centers around the world.

Some scholars argue that nuclear terrorism is a distant possibility because the nuclear wherewithal is difficult to acquire, build or deliver. States that sponsor terrorist groups may not want the n-technology to fall into terrorist hands lest they become Frankenstein monsters. On the other hand, it is argued that there is a thriving black market where n-materials can be bought. Nuclear scientists sympathetic to the terrorist cause may provide them the technical know-how as is suspected in the case of the Pakistani scientist Dr A Q Khan. Some states possessing the technology may also leak it out for commercial gains. Finally, the technology may also be stolen from

³¹ Anindyo Majumdar, "Nuclear terrorism" in Omprakash Mishra, and Sucheta Ghosh, eds. *Terrorism and Low Intensity Conflict in South Asian Region* (New Delhi, 2003), p 53.

these states due to poor security standards.³²

COUNTER-TERRORISM

Terrorism, more frequently than not, has appeared not under the most oppressive regimes, but, on the contrary, under conditions of relative freedom.³³ Democratic societies have been particularly vulnerable to terrorist attacks. It is ironic how terrorists exploit freedoms enjoyed in a democratic society in order to undermine democracy itself. They take advantage of the right to free speech and expression to unleash vicious propaganda against the state and win recruits. They misuse the confidentiality of the modern financial and banking systems to raise funds. Terrorism is grown from free movement of people within and between countries. A free and open media gives terrorists the 'oxygen of publicity' they so badly need. Terrorist acts often lead to ostracizing and stereotyping of a particular minority community, thereby creating divisions within the society. The fight against terrorism invariably imposes restrictions on civil liberties, especially privacy, free speech and political dissent. People become wary of the increase in the size and powers of the security personnel. Their enhanced powers to carry out search operations and to detain suspects without trial invite allegations of violations of human rights by security forces.

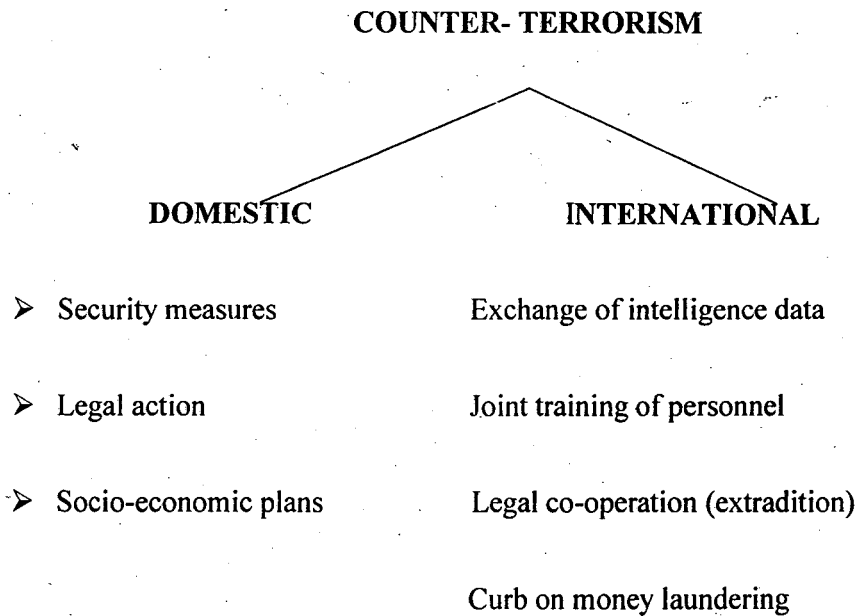
Thus, the biggest challenge before a democratic country is to contain terrorism within the limits of law, without alienating any section of the society or arousing adverse public opinion. In fact, extreme counterterrorist reactions may prove to be counter-productive and may diminish the authority of the state. They may arouse a backlash of sympathy for the terrorists who may be perceived as victims of state brutality. This

³² Ibid, p 55.

³³ Laqueur, n.1, p ix

will be used by terrorist groups to justify further attacks.

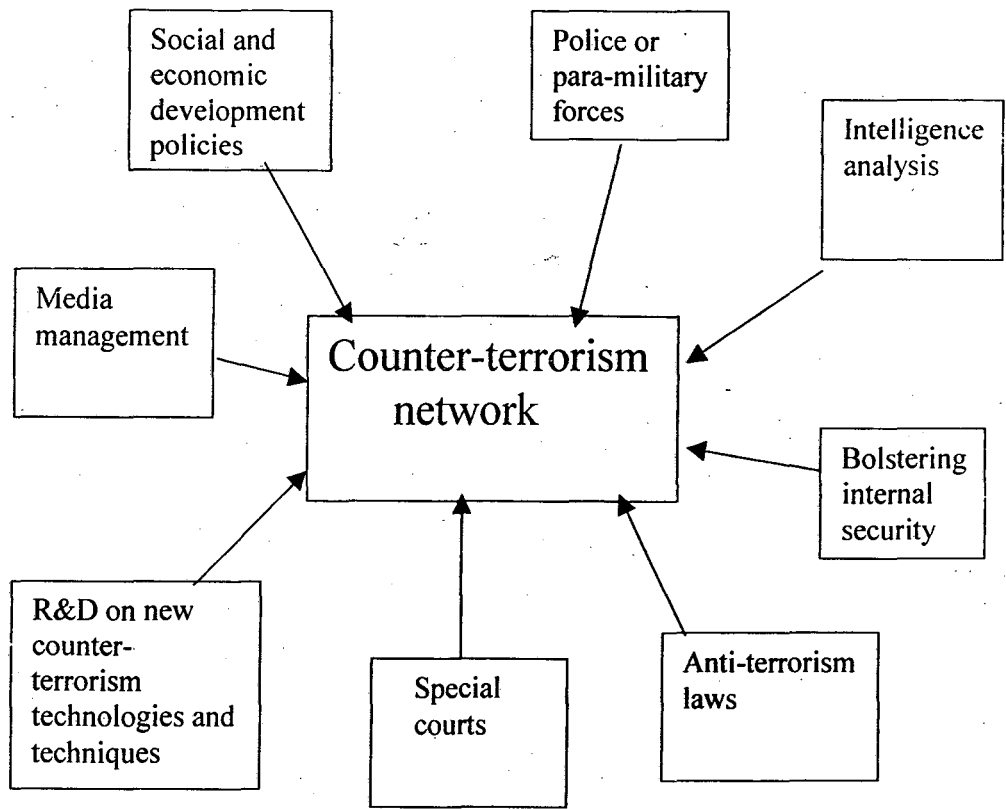
Strategies to counter terrorism are carried out at two levels – domestic and international.



COUNTER-TERRORISM AT THE DOMESTIC LEVEL

States facing terrorist threats adopt various counter measures on ground against terrorists and their supporting structures. Responses to terrorism can be either backward or forward looking³⁴. The former are of offensive nature. They seek to punish the perpetrators of terrorist attack, bring them to justice and deter such attacks in the future. The latter are defensive measures to reduce the ability of terrorist groups to conduct attacks and simultaneously to protect individuals and property against such attacks.

³⁴ Heymann, Philip B, “ Dealing with terrorism: An overview”, *International Security* (Massachusetts), Vol 26, no 3 ,Winter 2001-02, p 26.



Counter-terrorism and policing

Conventionally, counter-terrorism is a police or para-military activity. Special forces are raised and trained to conduct patrolling, cordoning, combing and raiding operations. Counter-terrorist forces may also be trained to prevent the use of chemical, biological or other toxic substances. Contingency plans to deal with likely terrorist threat include action by bomb squad, fire and ambulance services, forensic experts military, intelligence and diplomatic teams.

Other policing aspects of counter-terrorism are keeping pressure on wanted terrorists and their supporters, disrupting their operations through active investigations and

adoption of legislation that allows protracted interviewing of persons believed to be involved in terrorism.³⁵

Role of Intelligence

Intelligence lies at the heart of an effective counter-terrorist strategy.³⁶ Intelligence agencies are responsible for

- identifying and tracking terrorists
- exposing terrorist plots
- identifying vulnerable targets, both people and property
- deciphering signals of terrorist communication
- developing counter-propaganda
- assisting in management of crisis situations
- creating objective profiles of individual terrorist groups and examine their goals, motivations, leadership, organizational set-up decision-making process, sources of funding and operational strategies.

Human intelligence is supplemented by electronic devices like satellites, radars, unmanned aircraft etc. Intelligence inputs are vital since they seek to prevent the incident through timely warnings. Co-operation of local people can provide important leads. It is necessary to protect the identities of intelligence sources providing information. There is the need for a single body to be able to gather for itself all the intelligence reports available and then be able to assess and analyse it in the light of sustained political and economic analysis³⁷.

³⁵ Williams, n.6, p124.

³⁶ K G Robertson , “ International Terrorism and Civil Liberties”, in Paul Wilkinson & A M Stewart eds. *Contemporary Research on Terrorism* (Aberdeen University Press: 1987), p 555.

³⁷ Tara Kartha, “Countering transnational terrorism” *Strategic Analysis* (New Delhi)_ vol 23,no 11, February 2000, p 1839-40.

Bolstering internal security

Counter-terrorism involves increasing internal security by hindering the entry or movement of terrorists. There is a need to devise a strategy to intercept terrorists, find terrorist travel facilitators and constrain terrorist mobility. This also requires enhancing physical and procedural security at the airports. Matching passengers with their baggage and screening of baggage are vital for aviation security. Police and customs officers may be given the power to arrest, detain, search, seize assets of suspected passengers and cordon off areas in relation to suspicions of terrorist activities. This also includes training armed sky marshals on aircrafts to carry out hostage rescue operations.

States may invest in R&D of newer counter terrorist strategies such as enhancing communication, surveillance, detection of explosives and weapons, defensive measures, identification of chemical, biological and toxic substances and developing alternatives to hostage negotiations .

Legal measures

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Terrorism cannot be dealt with by normal legal process. States equip themselves with special anti terrorism laws, which provide for preventive detention, arrest and interrogation of suspicious individuals, banning of certain groups suspected to be involved in terrorist activities, penalties for failure to disclose information that could have prevented a terrorist act .

Special courts are set up to try expeditiously all terrorism related cases. They do not have caseloads as heavy as regular criminal courts. Hence they are able to hear cases speedily. Courts may award multiple sentences, life sentence or even death penalty to



convicted terrorists. Terrorism can be deterred not only by the severity of punishment but also its certainty. Authorities must show that they have the capacity and the determination to punish terrorist actions.

Media-management

Since most terrorists hunger for publicity for their cause, media management becomes a crucial component of counter-terrorism. With the advent of cable television and 24-hours news channels in the 1990s, terrorist strikes have received more media attention than before. To some extent, terrorist groups and the media complement each other. The media is looking out for dramatic and sensational news to keep its audience hooked on to it. Terrorist acts provide them news that shocks and the media tends to do over-coverage. Similarly, terrorists want their attacks to make the biggest impact on collective psychology and arouse emotions of fear, panic, anger and vulnerability. The media popularizes their grievances, their goals, their future plans and the threats issued by terrorist leaders. Unintentionally, it raises the terrorists to the status of cult figures. More recently, terrorist groups have resorted to producing their own videos for selective release to news channels in the understanding that such material will be telecast to a larger audience³⁸. Osama Bin Laden has used the Al- Jazeera, a news channel operating in Qatar, to reach out to the Arab audience as well as to America and its allies and the rest of the world.

The media focuses on human rights violations by security forces while ignoring ethnic cleansing or community killings carried out by militants. It does not sufficiently cover the various counter-terrorist operations. This gives the impression that the state is unable to contain the terrorist threat and thus magnifies the threat. Media management

³⁸ Joseph S Tuman, *Communicating Terror: The Rhetorical Dimensions of Terrorism*. (Thousand Oaks, California, 2003), p 137.

involves the need to portray the successes met by the state in curbing terrorism. Propaganda campaigns must be carried out to highlight the strength of the state on one hand and to win the hearts of the disaffected people on the other.

Socio-economic development

Much of the terrorist activity stems from actual or perceived problems of social justice. Counter-terrorist strategy is incomplete without addressing the problems of underdevelopment, lack of social or economic opportunities, lack of political participation, discrimination and exploitation that often contribute to terrorism. Social and economic development policies can weaken local support for terrorist activities. They can also reduce the pools of potential terrorist recruits. Moreover, they can take the steam out of terrorist propaganda that the state is unable or unwilling to resolve people's problems.

Integrative policies

Finally, there is an educative solution, in which the combination of educational effort by democratic political parties, mass media, trade unions, churches, schools, colleges and other major social institutions, succeed in persuading the terrorists and their supporters give up terrorism.³⁹ The state drafts an appropriate surrender policy for a long-term rehabilitation of those terrorists who want to renounce violence. The state gives new identities to the surrendered terrorists and assures them security from the backlash of their former comrades. This policy requires many years of patient work before it yields results. Two major hindrances are the intensive indoctrination given to the terrorist recruits which blocks their mind to any rational reasoning and the threat

³⁹ Paul Wilkinson, "Pathways out of Terrorism for Democratic Societies", in Paul Wilkinson & A M Stewart eds. *Contemporary Research on Terrorism* (Aberdeen University Press: 1987), p 461-462.

of reprisal from their terrorist group for betraying the cause.

The success of any counter-terrorist strategy must be evaluated in the following terms⁴⁰ :

- Decrease in the number of terrorist incidents
- Decrease in the number of casualties in terrorist incidents
- Reduction in the monetary cost inflicted by terrorist incidents
- Reduction in the size of terrorist groups operating in a country
- Number of terrorists killed, captured and/or convicted
- Protection of national infrastructure (transportation, communication, political and economic infrastructure and security installations).
- Preservation of the basic national structures and policies (example, rule of law , democracy, civil rights and liberties).

COUNTER-TERRORISM AT THE INTERNATIONAL LEVEL

Terrorism is not just a national security issue; it is also a foreign policy issue⁴¹. It blurs the boundaries between internal and external security. Domestic measures, however strong and effective, are not sufficient to end terrorism. Hence, counter-terrorism necessarily involves the support of external forces.

The very nature of terrorist groups - their small membership, underground activities, decentralized leadership - impinges on their ability to generate resources and thrive

⁴⁰ Yonah Alexander, "Introduction", in Yonah Alexander ed. *Combating terrorism : Strategies of ten countries*, (Michigan, 2002), pp 14-15.

⁴¹ Paul Pillar, *Terrorism and US Foreign Policy* (Washington DC, 2001) , p 9.

entirely on their own. A terrorist network requires state patronage to survive, without which it would eventually collapse. Thus, though terrorists are known as non-state actors, they are not entirely autonomous entities. They are not so “out of control” as is made out by the leadership of the patron-states⁴². The significance of diplomacy as an instrument of counter-terror lies in stopping such assistance to terrorist groups and, at the same time, assisting the state facing terrorist violence.

Patron-states offer assistance to their protégé at various levels. At the first level are intimidated governments. They may not necessarily sympathise with terrorist actions, but may be too weak to take action against terrorists operating from their soil⁴³. They may permit terrorists to stay put in return for no local attacks.

At the second level are indifferent governments. They may allow the terrorist groups to operate as long as their activities do not directly affect the host state’s core interests. Many Western countries turned a blind eye to the activities of Sikh militants on their soil during the 1980s. Their benign neglect extends to refusal to extradite on legal technicalities and unreasonable demands for “evidence”⁴⁴. They take advantage of the prevailing moral ambiguity over what constitutes terrorism. Some other states do not take the problem of terrorism seriously because they have traditionally been free of this menace. Some others are reluctant to impose economic sanctions on a state sponsoring of terrorism since this means foregoing opportunities for trade and investment.

⁴² Kartha, n.37, p 1843.

⁴³ Edward F Mickolus, “How do we know we’re winning the war against terrorists? Issues in measurement” , *Studies in Conflict and Terrorism* (Philadelphia), Vol 25, no 3, May-June, 2002, p 156.

⁴⁴ K P S Gill, “ Introduction” , in K P S Gill and Ajai Sahani, eds. *The Global Threat of Terror: Ideological, Material and Political Linkages* (New Delhi ,2002), p 2.

At the third level lie governments who use terrorism as an instrument of their state policy. They resort to terrorist methods to achieve strategic ends where the use of conventional armed forces is not practical or effective⁴⁵. There is also the danger of defeat in a conventional war. Moreover, a proxy war is not only cheap, but also successful in terms of destabilising the enemy state. It keeps the armed forces of the enemy state entangled in continuous, morale-sapping warfare and drains the state's resources. It helps the sponsor state to escape culpability or reprisals. The sponsor can claim to provide only moral, ideological, diplomatic or political support. The state's actions may include⁴⁶ offering safe haven to the terrorist groups, running training camps for the terrorists, making monetary contributions, providing arms, false documents, maps, communications and other logistics, granting of landing rights to hijackers, failing to prosecute or extradite known terrorists and providing propaganda support to the terrorists in media and international organisations. The extent of involvement may also be actual participation of intelligence and security personnel in planning and carrying out joint attacks.

Thus, diplomacy as an instrument of counter-terrorism aims to put pressure on states that support, facilitate or practise terrorism to change their behaviour. The world community makes a list of such states according to features and level of their sponsorship of terrorism and continually updates the list. Such states are treated as pariah states until they agree to abandon their terrorist policies. This can be done by building a coalition of like-minded states against terrorism. Allies are essential for the success in any war on terrorism.

Building a coalition of like-minded states

A catastrophic incident (such as the September 11 attacks on the US) exposes the

⁴⁵ Martin, n.13, p 86.

⁴⁶ Mickolus, n.43, p 157.

vulnerability of the world's most powerful state to terrorist attacks. Such a lightening shock jolts the state out of its complacency and forces it to give a befitting reply to the perpetrators of the act. The state gathers its military, technological, economic and political might to launch an aggressive campaign against the terrorists. It calls upon all the other civilised states of the world to join the campaign. It offers incentives to attract allies. It threatens fence-sitters with the caveat 'with us or against us'. The other states join the coalition as per the calculations of their respective national interest. Some states who have been at the receiving end of terrorist attacks (for instance India) join ranks wholeheartedly to use the changed global scenario to their advantage. Other states, which hitherto conceived themselves to be secure, now feel susceptible to terrorist attacks (Australia after the Bali bombings of October 2002) and hence join the anti-terror campaign. Those states who have tacitly supported terrorism now perceive it in their interest to denounce it as an instrument of state policy (Pakistan, Libya, Syria) and join the coalition.

Forging consensus against terrorism and its state-sponsors

The coalition against terrorism can succeed only if the leader of the coalition makes a persuasive case against terrorism wherever it takes place and whomever it targets. All double standards are abandoned and strong international norms are evolved against the use of terror. There is no legitimacy given for covert forms of warfare. The world community agrees that there is no difference between 'good' or 'bad' terrorism and that all forms of terrorism offend universal human values, inflict suffering on the innocent people and hence deserve to be condemned. Terrorism cannot be justified on any ground, be it religious, social, economic, ethnic or political. All talk on the right to self-determination gives way to the acceptance of the right of multi-religious, multi-ethnic and multi-linguistic states to exist as respectable members of the

community of nations.⁴⁷ The global coalition against terrorism can survive only if it acts with consistency to fight terrorism anywhere and everywhere.

Strong policy response and joint action

In such a charged atmosphere, counter-terrorism is placed high on international agenda and diplomatic activities to combat terror are accelerated. States try to reach an international agreement on an exhaustive definition of terrorism.

➤ States begin to strengthen the legal trap against terrorist crimes and negotiate treaties on extradition and mutual legal assistance. They uphold the universally recognized principle of extradite or prosecution. The basic motive behind extradition is that terrorists should not be able to escape punishment for their crimes only because they have crossed national boundaries. States agree to deny political asylum to any person suspected of having facilitated or participated in committing of terrorist acts. However, extradition is a highly complex and unpredictable process. Many states do not have extradition agreements with each other or even if they do, the clause of 'political crimes' is often used as an excuse to deny extradition. Differences in criminal codes, procedures and judicial traditions also have to be taken into account. There are difficulties in obtaining evidence and witnesses from abroad. Thus, extradition proceedings have succeeded in only a small number of cases.⁴⁸

➤ States set up Joint Working Groups to co-ordinate the intelligence inputs received from respective state agencies to help detect or eliminate individuals suspected to be involved in terrorist activities. Terrorist groups are declared illegal, their assets are frozen and their leadership is arrested. States impose effective border

⁴⁷ P M Kamath, "India's war against international terrorism in 21st century: issues, challenges and evolving strategy", *India Quarterly* (New Delhi), vol 58, no 2, April-June, 2002, p 144.

⁴⁸ Paul Wilkinson, *Terrorism vs Democracy : The liberal state response* (London, 2001) , p 194-195.

control, control on forgery or issuance of fraudulent travel papers to curb the movement of terrorist groups. States give each other assistance to strengthen their law enforcement and intelligence institutions. JWG's have helped states share their respective experiences in combating terror with other states facing the terrorist threat. But, to a large extent they have remained talking shops and have fallen short of taking any concrete measures.

➤ There is a possibility that terrorists could develop WMD capability with the help of a state or state-affiliated scientists – whether by direct supply, technical assistance or the provision of a permissive operating environment. States take urgent steps to deny WMD to terrorists. The coalition asks the nuclear-weapons states to enhance the security of their nuclear arsenal and to keep a check on the activities of their scientists. It puts pressure on the nuclear-capable states to open their nuclear sites for inspection and to roll back their nuclear program. The coalition leader calls upon the member-states to co-operate in the air, ground and maritime interdiction of vessels suspected of illicitly transporting WMD or related materials.

➤ To starve the terrorist of the funds states criminalise the financing of terrorism and associated money-laundering. They prohibit their nationals or any persons and entities within their territories from making any financial or other related services to terrorist groups. They freeze and confiscate terrorist assets. They formalize greater international co-operation through treaties and other agreements. They also review the adequacy of laws regulating non-profit organizations.

➤ All terrorist groups require time and space to make plans, take the necessary decisions, assemble the needed people, money and materials and indoctrinate recruits into the terrorist cause. States undertake measures to deny safe havens to terrorist groups. They make

a list of states which are potential sanctuaries for terrorists. Such states are marked by weak governance, rugged terrain and low population density which provides the terrorists ample space to hide, build their logistics and receive supplies.⁴⁹

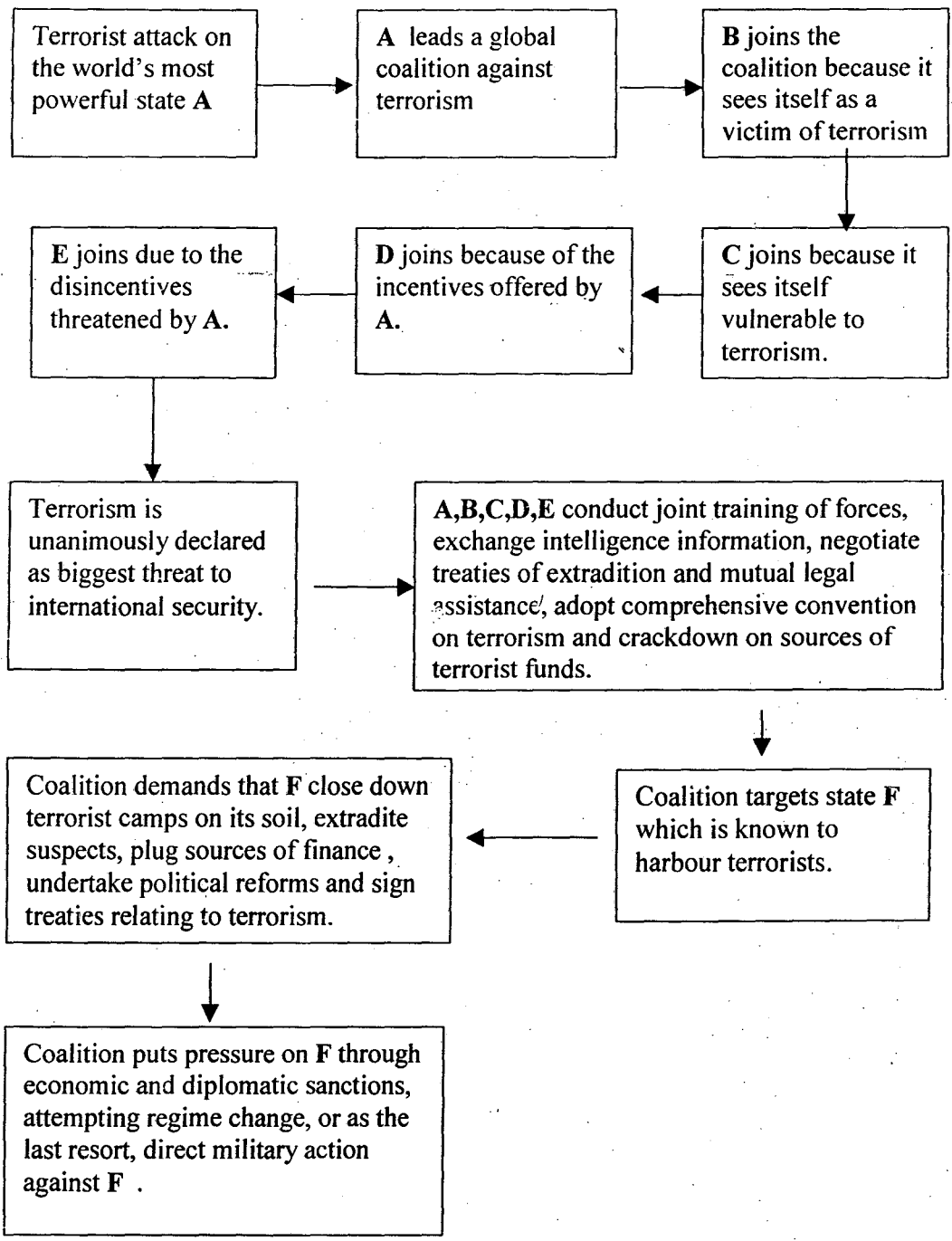
Policy options before co-operating states

- Economic sanctions
- Diplomatic pressure
- Direct military action.

Initially, states impose sanctions on state-sponsors of terrorism, that prohibit trade, military sales and other economic transactions such as loans from international financial institutions. They impose secondary boycott on countries which continue to maintain economic and other ties with states who have been identified as state-sponsors of terrorism. The sanctions continue till the state-sponsor agrees to stop giving sanctuary to terrorist groups and takes action to eliminate them from its soil. As the last resort, the coalition against terrorism uses direct military force against the target state.

Terrorism in the post-Cold War period is marked by its linkages to religious fundamentalism, criminal mafia, smuggling in narcotics, money laundering and possible possession of WMDs. This has necessitated states to put behind the problems of defining the phenomena of terrorism and focus on strategies to combat terrorism. The world community, led by the US, has formed an anti-terrorist coalition in the post 9/11 period. They have used legal, economic, political, diplomatic and military measures to reduce the terrorists' capabilities. They have targeted those states which are known to sponsor terrorism. Yet, the terrorist infrastructure remains intact and terrorist groups continue to operate and carry out attacks in different parts of the world.

⁴⁹ *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States* (New York, 2003), p 365-366.



CHAPTER - 2

TERRORISM IN INDIA: AN OVERVIEW

The Indian state has been facing the terrorist threat to its sovereignty and territorial integrity for the last four decades. The world may have woken up to the dangers of terrorism after the 9/11 attacks on the US, but India has waged a lonely war against terrorism for a long time. Movements by ethno-religious minorities asserting their right to self-determination arose in India's north-east region and in the north-western states of Punjab and Jammu & Kashmir (J&K). The discontent has been used by hostile neighbours as an opportunity to destabilize India, prevent it from emerging as a dominant power in the sub-continent and blemish its multi-ethnic and multi-religious character. The super power rivalry of the Cold war period further complicated India's security environment. Pakistan has been the driving force behind every terrorist action on the Indian soil. It actively supported the Naga and Mizo insurgencies in the 1950s and 1960s, the Khalistan movement in the 1980s and the ULFA militancy in the early 1990s. However Pakistan's sponsorship of terrorism in Kashmir is unparalleled in modern history. Since 1990, India has recorded a total of 59,864 terrorist incidents in J&K, with the loss of about 33000 lives including 3882 Security Forces personnel.¹ Terrorist groups have spread their tentacles to other parts of the country and have even targeted national symbols like the Indian Parliament, the Bombay stock exchange, the Akshardham temple in Gandhinagar etc.

¹ Government of India, Ministry of Home Affairs, Annual Report 2003-2004, p 11 at <http://www.mha.nic.in/AR0304-Eng.pdf>

CONFLICT ZONES IN INDIA

The North-East

India's north-eastern region has witnessed a series of insurgencies that have challenged the legitimacy of the Indian state. The Nagas, a freedom-loving generic group of hill warriors, were the first to demand independence from India in the 1950s². Movements in Meghalaya, Mizoram, Arunachal Pradesh and Cachar have variously sought separation from Assam, but within the Indian Union. Among the other plains and hills tribals who have sought autonomy within Assam, the Bodos alone have resorted to armed struggle. Movements in Manipur have questioned the merger of the Princely State of Manipur with the Indian Union and have sought to restore the lost Meiti glory. Tribals in Tripura have taken to arms to protest against the demographic transformation of their state and the subsequent land alienation due to the influx of Bengalis and non-tribals. The ULFA is the only high-caste, non-tribal movement in the north-east seeking separation from India.

Geographical isolation and proximity to the international border has played a major role in fuelling militancy in India's north-east. The partition of India in 1947 further aggravated the isolation and led to great economic hardships for the region. It put back the economy of much of the region by a quarter century as it lost its markets, transit routes and arteries of communication and entrepot Chittagong, to become an all but land-

² Subir Bhaumik, *Insurgent Crossfire: North-Eastern India* (New Delhi, London, 1996), p 41.

locked cul-de-sac³. Thus, the Mizo insurgency erupted mainly because of the loss of traditional markets and skyrocketing prices of essential goods due to inadequate supply. The insurgents carried out Operation Jericho in 1966 whereby it overran Aizwal, captured the state treasury, radio station and police station.⁴

Another bane for the north-east has been the continuing influx of migrants from across the border that has posed a threat to the Tibeto-Mongoloid character of the region. Thousands of Hindu refugees from East Pakistan, fleeing persecution, crossed into the north-east during 1951-71. According to some estimates, 9,67,000 migrants entered Assam during 1961-71⁵. In Tripura, the Bengalis and non-tribals have encroached upon the tribal blocks and belts and pushed the indigenous tribals into less hospitable lands in the hilly interior⁶. Moreover, the region, especially Assam and Tripura, has also received economic migrants from Bangladesh who have competed with the local populace for unskilled unemployment and pushed down the wage-rates.

The people of the north-east also have a long list of political grievances against the Indian state. The Manipuris claim that their Maharaja was pressurized to accede to the Indian Union and there was no subsequent ratification of the merger by the state assembly. Nor was there any plebiscite held. Manipur was denied autonomy under a Kashmir-like Article 370. It was made into a Union Territory in 1956 and denied statehood until 1971. The Manipuri language was not included in the 8th Schedule of the Indian Constitution

³ B.G.Verghese, *India's North-East Resurgent : Ethnicity, Insurgency, Governance, Development* (Delhi, 1996), p xi

⁴ Ajay Darshan Behera, "Analysis of separatist insurgencies in India", *Strategic Analysis* (New Delhi), vol 18, no 10, January 96, p 1371.

⁵ Verghese, n.3, p 41.

⁶ *Ibid*, p 166.

until 1992. Similarly, the people of Tripura protest that the Princely State of Tripura was merged with the Indian Union without any popular consultation.

Migrant pressures, geo-political isolation and economic and political neglect have led to the emergence of ethno-cultural consciousness among the people of the north-east, thus creating micro-identities and sub-national feeling. For example, the Manipuris have yearned to go back to their Mongoloid, pre-Hindu, Sanamahi past and have rejected what has been described as the “cultural hegemony “ implicit in Sanskritisation and the “Aryan disinformation” of history⁷. They have taken to old names, old festivals, the old calendar and the old script and demanded the evacuation by Assam Rifles of the Kangla Palace in Imphal.

The popular disillusionment of the north-eastern people from the Indian state has been aptly used by India’s neighbours to their strategic advantage. The militancy in the north-east has been strengthened by the involvement of the external powers. From 1958 to 1962, Pakistan’s ISI was training 11 batches of the Naga Federal Army in Chitagong Hill Tracts of East Pakistan.⁸ The Naga leader Phizo also received British sympathy and encouragement from American Baptist evangelists.⁹ The Mizo National Front leader Laldenga operated from East Pakistan from 1967 to 1971. The Nagas were supported by the Chinese since the mid-1960s. China provided them training in Yunan province and Lhasa in Tibet in guerilla warfare and subversion¹⁰. The ULFA claimed in March 1987 to

⁷ Ibid, p 117.

⁸ Gurudas Das , “India’s North-Eastern soft underbelly:Strategic vulnerability and security”, *Strategic Analysis* (New Delhi), vol 26, no 4, October-December 2002, p 539.

⁹ Ibid, p 540.

¹⁰ Behera, n.4.

have received training in China in December 1986 and January 1987.¹¹ China changed its attitude towards insurgent groups in the north-east since late 1980s when Sino-Indian rapprochement began. However, by then, the insurgents had found a new sanctuary in Bangladesh. Today, cadres belonging to the ULFA, KLA and NLFB are known to be trained and sheltered in camps located on Bangladeshi soil.

Punjab

Punjab is the only non-Hindu majority state in India, besides J&K. It was struck by a decade-long militant movement demanding an independent state of Khalistan for the Sikhs. The causes of the militancy are many-fold: declining benefits from the Green Revolution, lack of employment due to slow industrialization, perception among the youth of being relatively worse-off than friends who migrated to the West, communalization of the atmosphere by Hindu and Sikh fundamentalist groups, political grievances against the Indian state etc. These perceived grievances were exploited in the name of religion by extremist leaders like Bhindranwale¹². However, the major cause for the terrorist upsurge in the late 1980s and early 1990s was *Operation Bluestar* – the Indian Army's action to flush out militants from the Golden Temple in June 1984, the accompanying *Operation Woodrose* to clear the rural areas surrounding the Golden Temple of alleged militants and the anti-Sikh pogrom in Delhi and other areas following the assassination of Mrs Indira Gandhi¹³.

¹¹ Ibid, taken from Aravind Vidyadharan, "The enemy within", *Illustrated Weekly of India*, January 31 – February 6, 1988, p 17.

¹² Ved Marwah, *Uncivil wars: Pathology of terrorism in India* (HarperCollins, India : 1995), p 207.

¹³ Manoj Joshi, "Combating terrorism in Punjab : Indian democracy in crisis", *Conflict Studies* (London). Vol 261, May 1993, p 1.

The extremist leaders exploited this feeling of hostility against the Indian state and the Army in particular that prevailed among many people in Punjab. They urged the youth to flee to Pakistan where they were converted into hardcore militants. About 50% of the militants hailed from families of rich peasants, landlords and urban middle class. They took to militancy out of a spirit of adventure, the love for weapons and fondness for good living¹⁴.

The terrorists spread a reign of terror not only in Punjab but also in other areas such as Delhi, Haryana, Terai region of UP, Rajasthan and even as far as Bombay. They massacred Hindus and Sikhs alike, killed important government functionaries, doctors, teachers, journalists and those who refused to heed their diktat. Police personnel and their family members bore the brunt of the militants' terror. Some 451 policemen had been killed during 1981-89, in 1990 alone 493 were killed and in 1991 another 480 were gunned down and 133 members of families of police personnel were shot dead¹⁵. The militants extorted money from prosperous Sikh communities in Bombay, Indore, Raipur, Jabalpur and Bhopal or shelter from the farmer communities of Rajasthan, Madhya Pradesh and UP in the name of the Panth. Between 1986 and 1989, the religious fervour of the militants was replaced by increasing criminalisation. The terrorists did not hesitate to assault women, extort money and kill not only Hindus but Sikhs as well¹⁶.

Sikh secessionism was encouraged by Pakistan in order to create a friendly Khalistan as a buffer. The Sikh extremist leader Bhindranwale established a rapport with the ISI agents and Sikh diaspora. A number of training camps were set up in Lahore and Karachi where

¹⁴ Marwah, n. 12, p 206.

¹⁵ Joshi, n.13, p 4.

¹⁶ Ibid, p 19.

recruits were trained under the command of Pakistani generals and then sent over to Punjab for subversion, well-equipped with arms and ammunition.¹⁷ The Sikh diaspora provided the funding and moral support. After the Indian Army operation in the Golden Temple in 1984, the ISI launched vicious propaganda that Sikhism and its holy places were unsafe under the repressive rule of Hindu India. Jagjit Singh Chouhan, leader of the National Council of Khalistan, claimed that Z A Bhutto, whom he met in 1972 in New York, had offered to help start a movement for independent Khalistan from Pakistani territory.¹⁸ Chouhan and General Zia became good friends. When Chouhan visited Pakistan as a pilgrim, he was accorded special treatment. He was encouraged to organize a massive rally of Sikhs which was attended by several aspirants of Khalistan from USA and Canada. Khalistan cells were set up in Pakistani High Commission in London and in its Embassy in Washington to co-ordinate activities among sympathetic expatriates.¹⁹ The Pakistani involvement got intensified from April 1985 onwards. It provided to the Sikh militants a sanctuary and base from which a low-intensity conflict could be carried out against India. It also provided them with sophisticated weaponry such as AK-47s, RPG-7 rockets, explosives and accessories such as night-vision equipments, Dragunov sniper rifles, Kenpro transceiver sets etc.²⁰

Kashmir

The biggest terrorist threat has emanated from the state of J&K. It escalated throughout the 1990s and has shown little sign of abatement in the new millennium.

¹⁷ Marwah, n. 12, p 93.

¹⁸ Behera, n. 4, p 1372.

¹⁹ Ibid, taken from IDR Research Team, "Terrorism", *Indian Research Review*, Vol 3, 1992, p 29.

²⁰ Joshi, n.13, p 3.

The origin of the dispute

The root causes of the Kashmir problem are to be found in events leading to the partition of British India and the opposing ideological perspectives of the All-India Muslim League (AIML) and the Indian National Congress (INC)²¹. The AIML demanded the formation of an independent homeland for Muslims on the ground that Hindus and Muslims constituted two separate nations. Jinnah believed that after the departure of the British, the minority Muslims would be dominated by the majority Hindus under a 'Hindu Raj' in Hindustan. The INC, on the other hand, completely rejected the idea of creation of states based on religion. It believed that although Hindus and Muslims belonged to different religions, they still shared commonalities of language, race and culture. For Nehru, Gandhi and Azad, the acceptance of Pakistan was merely an expression of pragmatism, an acceptance of their failure to resist the demands for Pakistan by the AIML and an effort to avoid a civil war in India.²²

Thus, since the Partition in 1947, these two fundamentally divergent world-views remain at the core of the Kashmir dispute. The acquisition of J&K is not just the objective but the very basis of Pakistan's foreign policy. Kashmir is central to the Pakistani identity. It is the affirmation of the 'two-nation theory' on which the state of Pakistan was founded.²³

According to the theory, a Muslim-majority state rightfully belongs to 'Islamic' Pakistan and not to 'Hindu' India. Thus, Kashmir remains the unfinished agenda of the Partition.

On the other hand, India has stood for 'one-nation theory' in which, all Indians

²¹ Raju G C Thomas, "Reflections on the Kashmir problem", in Raju G C Thomas ed., *Perspectives on Kashmir: The Roots of Conflict in South Asia* (San Francisco, 1992), p 11.

²² Ibid, p 18.

²³ Rajpal Budania, *India's national security dilemma: The Pakistan Factor and India's policy response* (New Delhi, 2001), p 86.

irrespective of their religion, language, ethnicity or region, take pride in belonging to the one nation-state of India. Thus, Kashmir, to India, is an affirmation of its secular ethos and plural character.

The British had recommended that the Indian Princely States accede either to India or Pakistan based on two essential criteria²⁴. (a) the rulers of the states with Muslim majority populations should accede to Pakistan and those with Hindu majorities to India; (b) accession to Pakistan by the rulers of Muslim majority states should occur only if these states were geographically contiguous to one of the two wings of Pakistan created out of British India in the northwest and northeast. Both the INC and the AIML accepted these principles of partition. Pakistan based its claim to Kashmir on these two criteria. Its argument was reinforced by the fact that Hindu-majority Hyderabad and Junagadh had been absorbed by India.²⁵

However, in late 1947, when Pakistani tribesmen, extensively aided by the Army, invaded Kashmir, the Maharaja of Kashmir Hari Singh appealed to India for help. India agreed to send forces into Kashmir only if the ruler formally acceded to India. Thus, the Maharaja formally acceded to India. Indian forces stopped the Pakistani advance but by that time the Pakistani forces had already occupied the northwestern portion of Kashmir. India then referred the issue to the United Nations on January 1, 1948. India wanted the UN to get Pakistani tribal forces to vacate Kashmiri territory. However, the UN Security Council established its Commission for India & Pakistan (UNCIP) in April 1948 and called for a plebiscite. The pre-condition for the plebiscite was that Pakistani forces

²⁴ Thomas, n. 21, p 19.

²⁵ Ibid, p 22.

withdraw from the occupied portion of Kashmir, to be followed by a reduction of Indian forces to a level sufficient to maintain law and order. Thus, India has refused to hold the plebiscite on the ground that Pakistan has not yet fulfilled the pre-condition.

Meanwhile, both the states have fought two wars in 1965 and 1971. Pakistan once again made use of irregular forces in 1965 in *Operation Gibraltar*. This involved the infiltration of 5000 troops into the Valley, who were to arrange for a “popular uprising”, which was to be followed up by the invasion of the Pakistani Army.²⁶ This well planned operation was foiled by the refusal of the Kashmiri people to rise in revolt against Delhi. The war ended with the treaty of Tashkent of 1966 in which both India and Pakistan made important concessions and agreed to return to the *status quo ante*. The 1971 war erupted on the issue of the influx of millions of refugees into India on account of the military crackdown in East Pakistan. The war resulted in the break-up of Pakistan and the emergence of Bangladesh, but Kashmir saw only limited military conflict. In both the wars, the local population of the Kashmir valley co-operated with the Indian forces.

The strategic location of J&K has enhanced its importance to India, Pakistan and the Great Powers.²⁷ It has the Sinkiang province of China and Tibet in the north and east respectively, Afghanistan in the northwest and erstwhile USSR (now the Central Asian states) in close proximity. Thus, both India and Pakistan view Kashmir as integral to their security. During the Cold War period, the Kashmir issue was drawn into the super power conflict with the US-Pak-China military alliance on one side and Indo-Russian axis on the other.

²⁶ Tara Kartha, *Tools of terror: Light weapons and India's security* (New Delhi , 1999) , p 203.

²⁷ Budania, n.23, p 92.

Outbreak of terrorist violence in Kashmir

Pakistan has had a long-standing irredentist claim on Kashmir. Many Pakistani leaders from Mohammed Ali Jinnah to Benazir Bhutto, have spoken of the “incompleteness of Pakistan without Kashmir”²⁸. Apart from this historic irredentist claim to Kashmir, following reasons have led to Pakistan’s sponsorship of terrorism in Kashmir.

Firstly, repeated defeat in conventional war with India had convinced Pakistan of the futility of overt warfare. For Pakistan, keeping India destabilised and its military preoccupied with internal security duties was one way of neutralizing the conventional military superiority of India.²⁹ Pakistan had also realized that its international allies like USA, China and Saudi Arabia were not interested in helping Pakistan seize Kashmir by force. Jihad is a cheap way of bleeding India continually. The proxy war has given Pakistan the advantage of denying its role in terrorist attacks on India. It continues to call the militancy in Kashmir as an indigenous movement to which it offers moral, diplomatic, political and ideological support.

Secondly, both countries had come close to acquiring a minimum nuclear deterrent by the late 1980s.³⁰ Pakistani policy-makers were aware that an escalated military conflict between the two countries was ruled out. It would immediately attract external attention. Thus, India would be unable to respond to Pakistan’s proxy war through conventional war.

²⁸ Sumit Ganguly, “The Prospects of War and Peace in Kashmir”, in Raju G C Thomas ed., *Perspectives on Kashmir: The Roots of Conflict in South Asia* (San Francisco, 1992), p 359.

²⁹ B Raman, *A Terrorist state as a frontline ally* (New Delhi, 2002), p 5.

³⁰ Kartha, n.26 ,p 206.

Thirdly, Pakistan is seeking revenge for its defeat in the 1971 war in which Pakistan was completely crushed and India emerged as the dominant power on the subcontinent. In turn, Pakistan wants India to undergo the humiliation of dismemberment. The war significantly undermined Pakistan's irredentist claim over Kashmir³¹. It dealt a severe symbolic, psychological and material blow to the Pakistani psyche. The Shimla Agreement endorsed India's stand of resolving differences through bilateral means.

Fourthly, the success of jihad fought in Afghanistan against the Soviets gave the Pakistani establishment the confidence to pursue a similar strategy against India. When the Soviets left Afghanistan in 1988, Pakistan was free to turn eastwards and implement the winning formula of the Afghan war to Kashmir³². The Afghan war veterans – the *mujahideens*- and the remnant weapons were now channeled to wage jihad against India. This also prevented the restive *mujahideens* from meddling in the domestic politics of Pakistan.

Fifthly, by 1989, entire echelons of the Pakistani Army and the ISI officer corps had developed a radicalized mind-set. Despite a civilian administration under Benazir Bhutto in place, the army was in full charge of the Kashmir policy. The emergence of Kashmir insurgency enabled her to address the entire gamut of challenges to her domestic position³³. Moreover, Bhutto too ended up playing the Kashmir card to strengthen her position against the clergy and her political rival Nawaz Sharif.³⁴ She also needed to placate the Islamic fundamentalist groups within the Pakistani society which had grown in strength under Zia's regime. It is also said that Kashmir was used as a diversionary

³¹ Sumit Ganguly, *The Crisis in Kashmir: Portents of War, Hopes of Peace* (Cambridge, 1997), p 60.

³² Ibid, p 41.

³³ Ganguly, n.28, p 360.

³⁴ Kartha, n.26, p 205.

tactic to take attention away from the internal chaos that had plagued the Sindh province in late 1980s.³⁵

Finally, Kashmir in the late 1980s was a fertile ground for popular unrest. Corruption pervaded J&K administration. There was the abject failure of the Farooq Abdullah government to promote economic development in the state³⁶. Unemployment was high. Kashmiri alienation from India was the result of erosion of the special status accorded to Kashmir when it joined the Union and a dilution of its political identity. Sheikh Abdullah's death in 1982 had created a huge political vacuum in the politics of Kashmir, which his successors were unable to fill. The political space was increasingly occupied by other political parties who questioned Kashmir's incorporation within India. There was the decline in the popularity and authority of the National Conference when it was accused of rigging the 1987 Assembly elections along with the Congress. The corruption of the electoral process choked the only viable political outlet for the forces that had been gathering steam³⁷. The dissidents felt that they were left with no choice but to resort to violent means. By early 1980s, a younger, educated and politically conscious and articulate generation had emerged in Kashmir.³⁸ Besides the dramatic expansion of literacy in the Valley, there was a significant growth in mass-media such as newspapers, television, radio, video and audio tape recorders. This facilitated the political mobilization of the Kashmiris along ethno-religious lines³⁹.

³⁵ Ibid

³⁶ Ganguly, n.28, p 357.

³⁷ Ibid.

³⁸ Rajat Ganguly, "From *Jang* to *Jihad*: Continuity & change in Pakistan's Kashmir policy, 1947-2002", in Omprakash Mishra, and Sucheta Ghosh, eds., *Terrorism and Low Intensity Conflict in South Asian Region* (New Delhi, 2003), p 243.

³⁹ Ganguly, n.31, p 35-36.

The early years of the militancy

On March 31, 1988, a bomb went off inside the Telegraph Office in downtown Srinagar⁴⁰. This, according to the Jammu and Kashmir Liberation Front (JKLF) who carried out the attack, marked the formal beginning of the insurgency in Kashmir. In the second half of 1988, for the first time in recent years, six attacks were specifically reported on security forces. Instances of explosions and arson went up to a total of 142. By early 1989, the Kashmir pot was boiling for all to see⁴¹. On December 8 1989, the militants executed a spectacular act of kidnapping the daughter of the then Union Home Minister, Mufti Mohammed Sayeed. The submission of the government to the kidnappers' demands boosted the morale of the militants. The disaffected Kashmiris jubilantly welcomed the released prisoners.

Pakistan had been preparing the ideological ground for the militancy right since 1986. The initial phases of the militancy had two main features- indigenous backing and the Islamisation of the Kashmiri society. Pakistan invoked religious ties to acquire support of the Kashmiri people. The Jamaat-I- Islami and several Muslim fundamentalist groups in Kashmir such as the Students Islamic Federation, Islami Jamiat Tulka, Muslim United Front etc sought to tutor the Kashmiri youth on the doctrinal purity of Islam.⁴² Preaching in mosques, madrasas, Friday congregations and social and political assemblies was carried out to indoctrinate the youth about the necessity of waging a jihad. Several Imams from the fundamentalist Allahwale group were inducted into various mosques in Kashmir for *tabligh* (religious indoctrination), displacing the local Kashmiri Muslim Imams who

⁴⁰ Manoj Joshi , *The Lost Rebellion : Kashmir in the Nineties* (New Delhi, 1991), p 23.

⁴¹ Ibid.

⁴² K Warikoo, " Religious Extremism and Terrorism in Kashmir" in Mahavir Singh ed., *International Terrorism and Religious extremism: Challenge to Central and South Asia* (New Delhi, 2004), p 252.

still believed in the indigenous culture and the tolerant view of Islam. Gradually, all cinema houses, beauty parlours, wine shops, bars, video centers, use of cosmetics, cigarettes etc were banned by the militant groups.⁴³ Kashmiri girls were asked not to take part in any cultural programs outside the Valley. Women who did not wear veils were threatened. There was a ban on un-Islamic practices like visiting shrines of Sufi saints and Rishis and the celebration of the annual Urs. The local press was forced to highlight the Islamist agenda. Those journalists and editors who refused to toe the militant line were gunned down. A ban was imposed on the circulation of national and Jammu newspapers in the Kashmir Valley.

Thus, the first phase of militancy strived to bring structural changes at cultural levels of the Kashmiri society and deepen the communal divide. The real aim was not *Azadi* but jihad. The ultimate goal was to Islamicise the socio-political framework in the Valley and to set up a contiguous state with an Islamicised Pakistan.⁴⁴ The militants wanted to completely wipe out the indigenous secular culture of Kashmir to which peaceful co-existence and harmony were intrinsic.

In keeping with the Islamist agenda, the early years of the terrorism saw the systematic ethnic cleansing of the Kashmiri Pandits from the Kashmir Valley. The terrorist intent was clearly to drive all infidel non-Muslims out of the state and establish Nizam-e-Mustafa (the Order of the Prophet)⁴⁵. Posters, announcements, articles and declarations in local newspapers threatened the Pandits to leave the Valley. Pandits' properties were either destroyed or taken over by the terrorists or by the local Muslims. Between

⁴³ Ibid

⁴⁴ Ibid, p 258.

⁴⁵ K P S Gill, "The Kashmiri Pandits: An ethnic cleansing the world forgot", <http://www.satp.org/satporgtp/kpsgill/2003/chapter9.htm>

February and March 1990, 140,000 to 160,000 Pandits had fled the Kashmir Valley to Jammu, Delhi or other parts of the country. Simultaneously, a number of senior Hindu officials, intellectuals and prominent personalities were assassinated. Eventually, an estimated 400,000 Pandits, over 95% of their original population in the Valley – were rendered internal refugees as a result of this campaign of terror.⁴⁶ Their cultural and religious institutions were destroyed with the object of decimating all traces of 5,000 years old history and culture of this non-Muslim minority in Kashmir.

The other activities of the terrorists included⁴⁷ a targeting/ co-opting of the police and the lower levels of bureaucracy, anti-India venom issued from mosques, building up of weapons in mosques, universities and other places with full public knowledge and open movement of militants to PoK for training and weapons.

Militant groups

There are a number of major and minor groups operating in Kashmir. They do not form a cohesive group and there are wide differences among them in terms of their objectives, their area of operations, the people and groups who support them and finally the level of support they receive from the Pak government and the ISI⁴⁸. Over 60% of militias currently active in J&K are believed to be of foreign origin, a proportion that has increased from a mere 6 % in 1989⁴⁹. Upto 90% of foreign militants are from Pakistan and the rest are from Sudan, Egypt, Palestine, Yemen, Chechnya and Algeria.

⁴⁶ Ibid.

⁴⁷ Kartia, n.26, p 209.

⁴⁸ Suba Chandran, "Militant groups in Kashmir: An analysis", Article no 258, Sept 6, 1999, http://www.ipcs.org/Terrorism_articles2.jsp?action=showView&kValue=548&status=article&mod=a

⁴⁹ Jyoti Trehan, "Violence in J&K: Complexities & Pathways," *Faultlines*, <http://www.satp.org/satporgtp/publication/faultines/volume7/fault7-JtrehanF.htm>

The various terrorist groups can be broadly divided on the basis of their ideological leanings and the levels of support from Pakistan⁵⁰:

(I) Kashmiri nationalists/ secularists, Kashmir-based, Kashmiri leadership.

The JKLF was formed in February 1988 with the main objective of winning independence for the state. Its vision was a democratic and secular state to be achieved by the secession of Indian Kashmir from India and PoK from Pakistan followed by the eventual merger of these areas. Such a state would include all Kashmiris irrespective of their religious affiliation and would have good relations with both India and Pakistan. The JKLF floated the call of “Quit Kashmir” in May 1989 and was responsible for all major terrorist acts in 1989 and 1990⁵¹. It faced the brunt of state reaction and its leaders were jailed or killed. Later, it suffered a split into two factions, one led by the local leaders like Yasin Malik and another by PoK based leaders Amanullah Khan. The JKLF was also targeted by the better armed Hizbul Mujahideen (HM). In 1993, it chose to give up arms and seek a “political” solution to the grievances of Kashmiris. Now, it stands marginalized and overshadowed by the jihadi outfits.

(II) Moderate Islamists, Pakistan-based, but mainly ethnic Kashmiri cadre and leadership

The Hizb –ul-Mujahiddin (HM) was founded in 1989 and its clear objective has been merger of Kashmir with a more Islamicised Pakistan⁵². It is the armed wing of the Jamaat-I- Islami of Pakistan, which has been funding this outfit. The HM was held

⁵⁰ Praveen Swami, “Terrorism in Jammu and Kashmir in Theory and Practice” in Sumit Ganguly ed., *The Kashmir Question: Retrospect and Prospect* (London, 2003), p 58-59.

⁵¹ Kartha, n.26, p 220.

⁵² Ibid, p 221.

responsible for various attacks in Pakistan against Americans, including the murder of two employees of the US Consulate in Karachi. Though the HM claims to have its members from Kashmir, there is a sizeable population of Afghans and Pakistanis.

(III) Far-right jihadi groups , Pakistan-based and Pakistani cadre and leadership

The objective of these groups is not merely Kashmir , but to establish the “rule of Allah throughout the world” . They aim at the break up of the Indian state, the liberation of Indian Muslims and the unity of the entire Muslim community in the sub-continent and elsewhere. They not only seek to liberate Kashmir , but to revive the tradition of jihad among Muslims and restore the past glory of Islamic rule over the world⁵³.

The Harkat ul Mujahideen (HuM) was earlier known as Harkat ul Ansar , but changed its name after the US declared it as a terrorist group in 1997. The HuM belongs to the Deobandi-Wahabi faith and is closely linked to the Jamaat-e-Ulema-e-Islam (JUI). Its members are mostly Afghans who were trained to fight the Soviets in Afghanistan. When the Najibullah government collapsed, they were sent to other parts of the world, from Algeria to Bosnia to Kashmir. Its funding is said to have come from the wealthy Kashmiris settled in the UK.

The Lashkar-e-Toiba (L&T) - Army of the Pure- is the militant wing of Markaz Dawa – ul- Arshad and is the most fundamentalist and motivated of all militant groups. It has trained hit squads that undergo specialized training for over three months. Most of its cadre is educated and comes from the middle class. Though initially helped by the ISI, it is not totally under the control of either the ISI or the Pakistani government. It owns iron

⁵³ Ibid.,

and garment factories and thus has succeeded in mobilizing independent sources of income.

The Jaish-e-Mohammed (JeM) was formed by Maulana Masood Azhar immediately after his release from Indian custody after the hijacking of Indian Airlines plane. It has been held responsible for the December 13, 2001 terrorist attack on the Indian Parliament. Most of the jihadi organisations were banned by the US in 2001 as Foreign Terrorist Organisations (FTO), yet they continue to carry out zealously attacks on the Indian soil. Some of the other militant groups include Lashkar-e- Omar, Harkut-ul-Jihad-I-Islami, Jamaat-ul-Mujahiddin, Tehrik-ul- Mujahideen, Al Badr, Al Barq, Al Jihad etc. A woman's group, the Dukhtarani Millat, formed in 1990, pushes women to strictly conform to Shariat norms. It has been accused of throwing acid in the faces of unveiled women. It is in the forefront of alleging human rights abuses by Indian security forces against the Kashmiri people⁵⁴.

Funding

All terrorists operating in Kashmir get a certain down payment on recruitment, apart from a monthly remuneration and other incentives for terrorist acts of larger intensity and a certain amount as end of tenure – usually two years – payment. According to various computations by intelligence agencies, on an average, Rs 300,000 per annum is spent on funding a Kashmiri terrorist and upto Rs 500,00 on a foreign terrorist. With a terrorist force of over 4,000 and average expenditure of Rs 400,000 per terrorist, the annual bill spent on personnel is Rs 16 billion. Other expenditure includes administrative machinery,

⁵⁴ Ibid, p 224.

weapons and explosives, training, relief expenditure, a one time ex-gratia payment to the kith & kin of the terrorists killed, media relations and expenses to earn the goodwill of the local populace.⁵⁵

The most significant source of funding is the ISI. These are dexterously sent into India via Nepal by air or through the porous Indo-Nepal border. Initially, funding was spontaneously given by locals, some of them even reportedly to have contributed their gold ornaments. Now the other channels of resources are⁵⁶

- Through Hawala channels in Delhi or Punjab
- Funding from member-countries of the OIC
- Smuggling of narcotics and high quality opium harvested from Afghanistan and Pak-Afghan border and refined into heroin in highly sophisticated labs located in Afghanistan and NWFP of Pakistan.
- Funds from crime/extortion from the local populace
- Funds from felling of trees, illegal trade in wildlife and other forest resources
- Funds from religious and charitable institutions
- Legal remittances to educational and religious institutions
- Donations from sympathizers
- Transactions in counterfeit money

⁵⁵ Trehan, n.49.

⁵⁶ Kartha, n.26, p 228.

The Army sources disclose that the proportions of various sources are as follows: ⁵⁷

Straight funding from Pakistan	20%
Funding from narcotics	25%
Funding from illegal sale of arms	20%
Funding through counterfeit currency	10%
Funding through <i>Zohat</i> (an Islamic tax)	5%
Funding from international Islamic organizations	5%
Funding from OIC countries	5%
Funding through extortion	5%
Funding through donations	5%

Arms, training and operational strategy

Weapons are smuggled into Kashmir from across the border , with Pakistani army giving cover at times to aid those slipping in.⁵⁸ Weapons are carried by militants themselves or by mountain guides or the gujjars. Weapon seizures indicate a relatively rapid rise in

⁵⁷ Trehan, n.49.

⁵⁸ Kartha, n.26,p.224.

technology. Explosives have also been used extensively and the volume of seized explosives is an index of the destructive potential the terrorists possess.⁵⁹

There are a number of training camps in the PoK, on the Pak-Afghan border areas as well as in the interior of Afghanistan. Their locations are frequently changed. They are run by the Pakistani Army and the ISI. Most of them, however, function with various degrees of autonomy under the charge of quasi-independent extremist Islamist institutions. From a basic training lasting 10-15 days, the pattern has now shifted to extended training for more than a year, with complete knowledge of communications as well as specialization in sabotage.

The *madrassas* (religious seminaries) have established themselves as the source of indoctrination of jihad. In 1947, there were 137 *madrassas* in Pakistan. By 1971, this number had grown to 900. But, with General Zia's vigorous policy of Islamization of Pakistan, by the end of Zia rule in 1988, there were 8000 *madrassas* and 25000 unregistered ones, educating over half a million students. By mid-2000, the number had risen to 9500 *madrassas* (excluding 40,000 to 50,000 unregistered ones).⁶⁰

The operational strategy of these terrorist groups is to create terror through massacre of minority Hindus and Sikhs, killing as a revenge for refusal to co-operate with the terrorists or join militancy, killing of informers or killing for the non-payment of extortion money, targeting VIPs and important functionaries of the government, attacks on security forces etc. The methods of killing include using sophisticated weapons like

⁵⁹ Trehan, n.49.

⁶⁰ Ajay Sahni, "South Asia: Extremist Islamist terror and subversion", in K P S Gill and Ajai Sahani eds., *The Global Threat of Terror: Ideological, Material and Political Linkages* (New Delhi, 2002), p 207.

AK-47, slitting the throats, hanging, strangulating, burning the houses and their inmates, lynching, torture, dismemberment of the body, blowing up of vehicles using IEDs etc⁶¹. The terrorists also indulge in destruction of property such as government building, educational institutions, private houses, bridges, shops, hospitals etc.

Suicide terrorism has been carried out in Kashmir mainly in the post-Kargil period. Attacks on both civilian targets as well as security establishments have been executed by suicide squads or *fidayeen* belonging to Jaish and Lashkar. The first ever suicide attack took place on the campus of the BSF at Bandipur on the night of July 13, 1999. The gravity of suicide terrorism came to light when a student, Afaq Ahmad Shah, rammed his car at the gate of the Badamibagh cantonment in April 2000. He was a local Kashmiri youth of class 12, coming from a middle class and well-respected family.⁶²

Participation in a suicide attack, it is believed, helps the jihadis obtain a place in Heaven. Besides, suicide attacks generate a lot of publicity for the militant group that perpetrates that attack. Publicity is necessary to attract more funds especially from abroad, boost up the recruitment drive, gain support from their mentors and keep the hopes of Kashmiris alive that Pakistan will liberate Kashmir.⁶³

⁶¹ N S Jamwal, " Terrorists' modus operandi in Jammu and Kashmir", *Strategic Analysis* (New Delhi), Vol 27, no 3, July-September, 2003, p 395.

⁶² Suba Chandran , " Fighting the Fidayeens: Combating suicide terrorism in Kashmir", Article no 650, Nov 28, 2001, http://www.ipsc.org/Terrorism_KashmirLevel2jsp?action=showView&kValue=128&subcatID=1022&mod=g

⁶³ Ibid

Decline in the popular support for militancy: the urge for peace

Terrorist groups enjoyed enormous mass support in the Kashmir valley as long as the movement for secession remained indigenous. The formation of sovereign states in Eastern Europe in the aftermath of the breakup of the Soviet Union, gave the Kashmiris the hope that their right to self-determination will be recognized by the world at large. However, by 1995, disillusionment had begun to set in. The popular base of militancy shrunk in the state and terrorism is now completely sustained on inputs – personnel, weapons, ideologies- from across the border. Subsequently, infiltration of mercenaries across the LoC has increased. Until 1995, processions and demonstrations were frequently carried out in the Valley by the local populace. In the post-1995 period, hartals and strikes are held only on the dictates of the terrorists⁶⁴. The foreign mercenaries have resorted to extortion, crime and bank heists. They have forced villagers to give them food, shelter and women. This has caused a lot of hostility among the locals. The result being that recruitment is falling and in fact the locals are turning informers to security forces⁶⁵. Even the local press has become more assertive against the terrorists and has stooped caving in. The enthusiastic voter participation in the Assembly elections of 1996 and 2002 is an indication of Kashmiri people's faith in the democratic process.

A recent poll by Market & Opinion Research International (MORI)⁶⁶, the respected market research agency, has revealed that 65% of the Kashmiri population believed that the presence of foreign militants in J&K is damaging to the Kashmiri cause. About 2/3rds of the respondents view that Pakistan's involvement in the region for the last ten years

⁶⁴ Trehan, n .49.

⁶⁵ Kartha, n.26, p 217.

⁶⁶ Amitabh Matoo , “ India's potential endgame in Kashmir” in in Sumit Ganguly ed., *The Kashmir Question : Retrospect and Prospect* (, London, 2003) , p 25.

had been bad. About 61% felt that they would be better off politically and economically as Indian citizens and only 6% said that they would be better-off as Pakistani citizens.

INDIA'S COUNTER-TERRORISM POLICY

Despite being a victim of terrorist violence for more than fifty years, India lacks a coherent, consistent and effective policy to counter terror. The Indian response mechanisms have been ad hoc and on a case-to-case basis. India has used the following strategies to contain terrorism:

- **Military force** – to neutralize the force-projection capabilities of the militant groups and compel them to come to the negotiating table
- **Political dialogue**- to integrate the dissidents into the national mainstream
- **Welfare measures** – to win over the hearts and minds of the local population and reduce the popular support for militant tactics.
- **Diplomatic parleys** – to pressurize states to give up their policy of aiding, abetting or facilitating militant groups carrying out attacks on the Indian soil.

The North-East

Counter-terrorism operations in the north-east have varied in accordance with the nature of the problem, the terrain, the orders of magnitude involved and the basic motivation⁶⁷. Mostly, operations have been executed by the local police and para-military forces. There have also been sustained army operations in Nagaland, Manipur and Mizoram. The Army

⁶⁷ Verghese, n.3, p 303.

has also conducted special military drives such as, Operations *Rhino* and *Bajrang* against the hardcore ULFA elements in Assam in the early 1990s. The brute force used by state authorities have often invited accusations of excesses such as torture, custodial death, rape and molestation etc.

The Army has also undertaken various welfare and civic programs as a public relations measure. Medical, engineering, construction and repair work and distribution of essential goods are carried out by Army units ⁶⁸.

The Indian government has also stressed on finding a political formula for accommodating the dissenters. The Mizo National Front was weaned back to parliamentary process with its leader Laldenga became Chief Minister of Mizoram in 1987. In the Laldenga –Rajiv Accord of 1988 the insurgents agreed to lay down arms and abjure violence and secession in return for substantial socio-economic and political concessions. Some of these were preservation of the rights and privileges of all minorities, setting up of a separate university and a high court, right to adopt its own official language and insertion of Article 371G in the Indian Constitution which gives autonomy to the Mizos with respect to their religious and social practices, customary law and ownership of land⁶⁹. The Memorandum of Understanding with Tripura National Volunteers was signed in May 1988 to end insurgency in Tripura⁷⁰. The Indian government resolved to take measures to prevent cross-border infiltration through better patrolling and vigil and also promised to take vigorous action against the infiltrators. The document also addressed the issues of economic development and land alienation.

⁶⁸ Ibid, p 305.

⁶⁹ Ibid, p 149.

⁷⁰ Bhaumik, n.2, p 329.

Similarly, peace talks with the various Naga outfits were commenced in mid-1990s as the Nagas seemed willing to water down their demand for a sovereign Nagaland.

India also exercised its diplomatic option to dissuade other states from supporting militant groups hostile to India. The Government, in a protest note to China, given through the Chinese Charge d'Affairs on June 9, 1968, objected to the hidden external intervention (by China) in India's internal affairs. India strongly opposed the use of Chinese propaganda media to undermine the unity and territorial integrity of India.⁷¹ The protest note also informed China that India was also aware of "growing evidence of Chinese government's active hand in promoting subversion". India has also taken up the issue from time to time with Bangladesh, Bhutan and Myanmar.

Punjab

The number of security forces involved in anti-terrorist operations were 45,000 strong Punjab police and 350 companies of para-military forces. The Army mainly played a supportive role. The initiative to conduct anti-terrorist operations was left to the police only.⁷² With the aid of the Army, a major retraining programme was undertaken for the Punjab police. Security plans were drawn up for large cities infected with terrorism. The police that was severely criticized by human rights activists for its 'shoot-to-kill' policy whereby militants were shot dead in 'encounters'⁷³. The police eliminated many of the top militant leadership such as Gurjant Singh Budhsingwala, Sukhdev Singh, Talwinder Singh Parmar and Gurbachan Singh Manochahal. This gave a severe blow to terrorism in Punjab.

⁷¹ Das, n.8, p 540.

⁷² Marwah, n. 12, p 216.

⁷³ Joshi, n.13, p 14.

The Army participated in two significant operations – *Operation Rakshak I* in December 1990 and *Operation Rakshak II* in December 1991. The Army's tasks included to seal the border, to aid the civil authorities in their anti-terrorist operations, to enhance a sense of security among the local populace and to restore the authority of the state⁷⁴. The Army also undertook welfare measures such as restarting of schools, providing medical relief, clearing drainage systems and canals etc. The stress was to restore the image of the Army which was sullied after *Operation Blue Star*⁷⁵.

Based on the information extracted from extremists captured in the Operation Black Thunder in 1988, the Indian government began to get a clear picture of the nature of Pakistani involvement in the Punjab militancy. Indian officials gave their Pakistani counterparts a 21-page dossier outlining their case. They also pressed for the return of some of the terrorist leaders who were alleged to be residing in Pakistan. Pakistani officials denied all the charges including that the wanted persons were in Pakistan⁷⁶.

India also raised the issue of terrorism in Punjab with a number of western countries like Canada, Britain and USA where the Sikh diaspora was concentrated. However, Indian efforts were met with indifference because the Sikh militants did not directly threaten the strategic interests of the western countries and also because Pakistan was then the frontline state in the Afghan War. It was not until the blowing up of the Indian aircraft *Kanishka*, which was mostly carrying Canadian passengers, by the Sikh militants in 1985, that Canada realized the hazards of turning a blind eye to terrorism.

⁷⁴ Ibid, p 12.

⁷⁵ Ibid, p 13.

⁷⁶ Ibid, p 24.

Kashmir

The Indian government is pursuing a four-pronged strategy along with the state government in J&K⁷⁷:

- Proactively tackling of cross-border terrorism with the help of security forces
- Accelerated socio-economic development, improved provision of services and employment opportunities.
- Deepening the political process through regular elections at all levels and encouraging political debate
- Willingness to talk with all people and groups in J&K who eschew violence.

The Army, the BSF, the CRPF and the state police have been conducting concerted anti-terrorist operations according to the intelligence information received, mostly from the local people. The setting up of the unified command in December 1996 with the Chief Minister of the state as the chairman and the General Officers Commanding 15 & 16 corps as security advisers has led to much greater co-ordination between the state government, the Army and the central police organizations.⁷⁸ The J&K police has been modernised. Additional Rashtriya Rifles battalions have been raised and inducted in J&K. The Army keeps its vigil at the Line of Control (LoC) to reduce infiltration. Newer technologies have been introduced to enhance the surveillance at the border, particularly at night and during conditions of bad weather. The Army is also engaged in fencing along

⁷⁷ Annual Report 2003-2004, n.1, p 11.

⁷⁸ Gurmeet Kanwal, *Pakistan's Proxy War* (New Delhi, 2002), p 23.

the International Border (IB) and the LoC. Village Defence Committees (VDCs) have been established to make villagers capable of self-defence. The members are provided elementary training in light weapons and given limited communication equipment⁷⁹.

The Indian government has shown readiness to initiate political dialogue with the Kashmiri people, including the separatist groups. Shri N.N. Vohra, former Union Home Secretary and former Principal Secretary to Prime Minister was appointed in April 2002 for this purpose. Parliamentary elections in 1996, 1998 and 2004, elections to the state assembly in 1996 and 2002 and Panchayat elections in 2000 were held in the state despite the terrorists' threats and calls for boycott of elections. The return of the Kashmiri Pandit minority community is recognized as being vital for the revitalization of the traditions of pluralism and communal harmony. Pandits are being encouraged to return to Kashmir for festivals, pilgrimages and other special occasions. A dialogue between civil society leaders of the Kashmiri Pandits and the Kashmiri Muslims is now being promoted and facilitated⁸⁰.

The state government under Chief Minister Mufti Mohammed Sayeed, has launched the 'healing touch' policy to address alienation and other long-pending problems of the people. Some of the landmark steps taken include⁸¹: disbanding of the Special Operations Group (SOG), not implementing POTA in the state, stopping the roadside humiliating frisking, removing unnecessary bunkers on many roads, checking human rights violations by probing complaints and taking action against the guilty, releasing innocents languishing in jails and compensating victims of the militancy.

⁷⁹ Ibid, p 24.

⁸⁰ Mattoo, n. 66, p 20.

⁸¹ <http://www.jammukashmir.nic.in/govt/welcome.html>

The Indian Army has launched *Operation Sadbhavana*⁸², based on the allocation of Rs 30 million by the central government, in the border areas of the Valley and certain selected areas elsewhere. The Army has undertaken various civic and developmental works such as setting up Community Development Centres, schemes for water supply, electrification, health centers, rural sanitation and education and special projects like Project-Artificial Limbs etc. The objectives are to alleviate hardships and improve the life of the people in the Valley, to generate goodwill amongst the local people and to enhance the image of the Army.

India's counter-terrorism diplomacy in the 1990s incorporated the following features: India wanted to isolate Pakistan at the international level and challenge its Kashmir policy⁸³. India dismissed Pakistan claims of state terrorism in J&K, of raising the bogey of 'nuclear flashpoint' in South Asia and of demanding plebiscite as a solution to the Kashmir problem. India forcefully asserted that the accession of Kashmir to the Indian Union was legal and complete and that Kashmir is an integral part of India. Thus, Pakistan's sponsorship of terrorism in Kashmir was a violation of India's sovereignty and territorial integrity in total disregard of the UN Charter and the Shimla Agreement of 1972.

India also wanted the world to acknowledge the fact that what was happening in J&K is not a indigenous movement, but a calculated attempt by Pakistan to force India to concede Kashmir to Pakistan. India wished to prove that the terrorism in India has emanated from across the borders where mercenaries were recruited and trained to carry out terrorist attacks. India also emphasized Pakistan's role in actively supporting earlier

⁸² http://www.armyinkashmir.org/v2/articles/art_develop.shtml#top

⁸³ Aparna Pande, "South Asia: Counter Terrorism policies & postures after 9/11, *Faultlines*, volume 15, <http://www.satp.org/satporgtp/publication/faultlines/volume15/article4.htm>

conflicts in Punjab and the North-East. In short, India's goal was to brand Pakistan as a state-sponsor of terrorism⁸⁴.

Even the end of the Cold War did not bring about an international environment sensitive to India's concerns. The elevated importance of human rights, particularly the right to self-determination, turned to India's disadvantage. Pakistan raised the bogey of human rights violations of the Kashmiri people by the Indian security forces and called for enforcement of UN Resolution on plebiscite in Kashmir. However Pakistan did not succeed in its moves to garner support on this issue. A Pak-sponsored resolution on Kashmir at the Human Rights Commission Conference in Geneva in 1994 had to be withdrawn under pressure from the European Community, Iran and notably China. This was one of the successful stories of Indian diplomacy in its fight against terror. Although the OIC voiced its concern over the plight of Kashmiri Muslims and excesses committed by the Indian forces, it stopped short of endorsing Kashmir's independence or accession to Pakistan. India also received unequivocal support from Muslim Central Asian states and from Iran for its position on Kashmir. Even China, Pakistan's principal ally, opposed Pakistan's demand of right to self-determination for Kashmiris. China's Achilles heel were obviously the provinces of Tibet and Sinkiang where similar demands were being voiced. Thus, despite initial successes, Pakistan has not been able to win world support for a plebiscite in Kashmir.⁸⁵

Finally, it must be noted that Indian policy-makers have never exercised the military option of crossing over the LoC, despite the rhetoric of "pro-active policy" and "hot pursuit". Many countries such as the US, Russia and Israel have resorted to pre-emptive

⁸⁴ Ibid

⁸⁵ Ganguly, n.38, p 250.

or reprisal strikes on terrorist camps or targeted assassinations of terrorist leaders. They have rationalized the strikes on grounds of “just war” and “right to self defense” which has the sanction of international law. They have justified the loss of civilian lives as collateral damage. India cannot carry out air strikes on training camps located right across the border with Pakistan not only because these camps are around or beside civilian population centres, but also due to the fear of escalation of nuclear war. Nor does the Indian leadership have the political will to face the consequence of such military action. Lack of firm resolve has forced India to strike deals with the terrorists. For example, the freeing of militants in January 1990 in return for the kidnapped daughter of the then Home Minister and more recently bartering jailed terrorists for the release of the hijacked aircraft in December 1999. Failure to respond militarily to the terrorist threat has convinced the terrorists and their patron-state that India is a soft target and that the proxy war is indeed paying dividends.

The rise of terrorism in India can be traced to domestic discontent. This has then been taken advantage of by the external powers to destabilize India. India’s counter-terrorist policy rightly combines many-fold strategies of military means, political negotiations, welfare measures and diplomatic options. Indian diplomacy, in the post 9/11 period, has successfully exposed the involvement of Pakistan in promoting cross-border terrorism. However, on the whole, India’s counter-terrorist policy is marked by ad hocism, inconsistency and the reluctance to use force.

CHAPTER – 3

BUILDING BILATERAL CO-OPERATION: EXTRADITION TREATIES AND JOINT WORKING GROUPS

This chapter deals with the bilateral diplomatic initiatives undertaken by India in its fight against terrorism. These include treaties on extradition and mutual legal assistance and Joint Working Groups. The Indo-US co-operation in these two areas will be covered in detail in the next chapter.

EXTRADITION

Extradition treaties provide a legal framework to deny criminals and offenders sanctuary abroad and to ensure that they are brought to justice. By signing extradition treaties, the contracting states agree to cooperate on the extradition of fugitive offenders sought by one contracting state from the other. The treaty specifies circumstances and conditions under which the process of extradition is carried out. The objective behind signing extradition treaties is to combat all kinds of crime including organized crime, terrorism, drug trafficking, arms smuggling and revenue and tax offences by making absconding criminals available for trial.

Why do states co-operate?

Under customary international law, no state has any obligation to extradite a person to another state. Every state has a discretion to grant asylum to a foreign national or to a

stateless person. This has led to some states providing safe havens for persons accused of terrorist crimes in other states.

However, the growing threat from transnational terrorism and its expanding linkages with criminal mafia, drug barons and arms traffickers has necessitated states to expand the legal trap for the terrorists. It has also become important to choke the finances of terrorist groups and apprehend economic offenders. Especially after 9/11, more and more states feel vulnerable to terrorist violence and are willing to sign extradition treaties, which enable them to face the menace.

States have signed treaties at three levels – multilateral, regional and bilateral – to facilitate the process of extradition. At the multilateral level, the international community has concluded treaties covering specific acts of terrorism particularly those acts against civil aviation, maritime transport and offshore installations¹. The Convention for the Suppression of Unlawful Seizure of Aircraft signed at the Hague (1970), the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal (1971) and its supplementary Protocol signed at Montreal (1988) contain clauses providing for extradition in order to make these treaties fully effective. At the regional level, there exist the European Convention for the Suppression of Terrorism, Strasbourg, 21 January 1977; SAARC Regional Convention on Suppression of Terrorism, Katmandu, 4 November 1987; The Arab Convention for the Suppression of Terrorism, Cairo, 22 April 1998; Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism, Minsk, 4 June 1999;

¹ V S Mani, “Bilateral co-operation in containing terrorism: Extradition arrangements”, *International Studies* (New Delhi), vol 32, no 2, April-June 1995, p 141.

Convention of the Organization of the Islamic Conference on Combating International Terrorism, Ouagadougou, 1 July 1999; and OAU Convention on the Prevention and Combating of Terrorism, Algiers, 14 July 1999. States have also signed bilateral extradition treaties since 1970.

To turn extradition treaties into potent weapons against terrorism, states have sought to undertake the following obligations:

- Extradite or prosecute an alleged offender. In case of concrete evidence against the person sought, particularly if he is suspected to be involved in a terrorist act, the requested state must either extradite the offender or begin prosecution proceedings to bring the guilty to book.
- Obligation on the part of a state to share any evidence it may have in its possession with another state seeking it.²
- Deny asylum to any person against whom there are extraditable offences.
- Drastic limitation of the 'political offences' clause in the extradition treaties to reduce the scope for using it as an excuse to escape punishment³. For example, the Indo-US Extradition Treaty signed on June 25, 1997 has certain conditions related to political offences. Article 4(1) of the treaty states generally that extradition shall not be granted if the offense for which extradition is requested is a political offense. Article 4(2) specifies eight categories of offenses that shall not be considered to be political offenses: (a) a murder or other willful crime against the person who is a Head of State or Head of

² Ibid, p 142.

³ Ibid.

Government of one of the Contracting States, or of a member of the Head of State's family; (b) aircraft hijacking offenses; (c) acts of aviation sabotage; (d) crimes against internationally protected persons, including diplomats; (e) hostage taking; (f) offenses related to illegal drugs; (g) any other offense for which both Parties are obliged pursuant to a multilateral international agreement to extradite the person sought or submit the case to their competent authorities for decision as to prosecution; and (h) a conspiracy or attempt to commit any of the offenses described above, or aiding or abetting a person who commits or attempts to commit such offenses.⁴

Procedure for extradition

The extradition treaty existing between the two states contains a list of offences which are deemed as extraditable offences. The extraditable offences shall be treated for the purpose of extradition as if they had been committed not only in place in which they occurred but also in the territory of the other contracting state. The two states may designate an authority, which shall have the responsibility and power to execute requests for extradition. A state may also communicate the request for extradition through diplomatic channels and in urgent circumstances, where the contracting parties agree, through channels of International Criminal Police Organization (Interpol) if possible.⁵ Requests shall be made in writing in a language acceptable to the requested state. Requests may also be made orally, in urgent circumstances, but shall be confirmed in writing forthwith. A request for extradition shall contain: the identity of the authority making the request, an accurate description of the person sought along with any other

⁴ http://www.internationalextradition.com/india_bi.htm

⁵ Text of the Working document submitted by India on the draft comprehensive convention on international terrorism, taken from <http://www.meaindia.nic.in>

information which would help establish the identity, location and nationality of the person concerned, a summary of the facts of the offence for which extradition is requested and the text, if any, of the law defining that offence and prescribing the maximum punishment for that offence.⁶ If the request relates to a person already convicted and sentenced, it shall also be accompanied by a certificate of the conviction and sentence.

After the submission of the extradition request by the concerned state, it is examined by the administrative and legal authorities of the requested state in terms of their domestic and international laws and the provisions of the bilateral extradition treaty. The requested state may consider the evidence produced or information supplied as insufficient and demand for additional evidence or information from the requesting state. The person, whose extradition has been sought, may take recourse to legal avenues available under the domestic laws of the requested state. Thus, extradition is a prolonged and time-consuming process.

It is for the requested state to grant or refuse the extradition. Reasons should be given for any refusal of extradition. In case the person sought is extradited, then he / she shall not be tried in the requesting state for any offence other than the offence in request of which he was returned.

States have also concluded mutual legal assistance treaties to provide one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to criminal and terrorist offences. Mutual legal assistance, may be

⁶ Ibid.

offered in the following manner: taking evidence or statements from persons, effecting service of judicial documents, executing searches and seizures, examining objects and sites, providing information and evidentiary items, providing bank, financial, corporate or business records, identifying or tracing proceeds, property, instrumentalities or other things for evidentiary purposes, freeing and confiscating the proceeds of the crime etc.⁷

For example, the Treaty on Mutual Legal Assistance in Criminal Matters signed between India and the US

on October 17 2001 provides for a broad range of cooperation in criminal matters and related proceedings. Mutual assistance available under the Treaty includes: (1) Taking the testimony or statements of persons; (2) providing documents, records, and items of evidence; (3) locating or identifying persons or items; (4) serving documents; (5) transferring persons in custody for testimony or other purposes; (6) executing requests for searches and seizures; (7) assisting in proceedings relating to seizure and forfeiture of assets, restitution, and collection of fines; and (8) rendering any other form of assistance not prohibited by the laws of the Requested State.⁸ This Treaty is intended solely for mutual legal assistance between the Contracting Parties. The provisions of this Treaty do not give any private person the right to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

India's Extradition Treaties

In the words of the then Deputy Prime Minister of India L.K. Advani, "... we have been

⁷ Ibid.

⁸ http://www.internationalextradition.com/india_mlal.htm

trying to sign with as many countries as possible such [extradition] treaties...”⁹ As part of its global campaign against terrorism, India is proposing negotiations for finalization of extradition treaties with a large number of countries.

India has signed Mutual Legal Assistance Treaties in Criminal Matters with 19 countries out of which Treaties with 12 countries are in force. They include Turkey, Switzerland, United Kingdom, Canada, Kazakhstan, Russia, Uzbekistan, United Arab Emirates, Tajikistan, Ukraine, Mongolia and Thailand. Treaties with France, Kyrgyzstan, United States of America, South Africa, Bahrain, Kuwait and South Korea are yet to come into force.¹⁰

India has signed extradition treaties with 29 countries since independence, out of which 17 are in force. These are listed below:

COUNTRY	DATE OF SIGNING
Nepal (old treaty)	October 1953
Canada	6 February, 1987
UK	October 1992
Bhutan	21 May, 1997
USA	25 June, 1997
Hong Kong	28 June, 1997

⁹Quoted in “Extradition treaties to check terror: Advani”, at http://www.dailytimes.com.pk/default.asp?page=story_21-1-2003_pg4_15.

¹⁰ Lok Sabha Starred Question *656 , May 11th , 2005, at <http://www.meaindia.nic.in/>

Russia	21 December, 1998
UAE	25 October, 1999
Uzbekistan	3 May, 2000
Germany	27 June, 2001
Turkey	29 June, 2001
Spain	20 June, 2002
Mongolia	15 January, 2004
Belgium	N A
Netherlands	N A
Switzerland	N A

N A: Not available

Treaties with the following countries have been signed or ratified, but they have not come into force:

Country	Date of signing
South Africa	16 January, 2003
France	24 January, 2003
Poland	17 February, 2003

Ukraine	4 October, 2003
Mauritius	November, 2003
Tajikistan	13 November, 2003
Bahrain	13 January, 2004
Philippines	12 March, 2004
Kuwait	25 August, 2004
Korea (ROK)	5 October, 2004
Bulgaria	23 October, 2004
Oman	26 December, 2004

India has finalized an extradition treaty with Nepal on 19-20 January 2005 and has initiated the process with several other countries such as Iran, Malaysia, Portugal, Singapore and Thailand.

The draft Comprehensive Convention on International Terrorism submitted to the UN by India includes a detailed framework for extradition and mutual legal assistance. The enforcement of this multilateral convention obliterates the need to negotiate separate bilateral extradition treaties. The Indian initiative on the draft convention is meant to plug gaps in the existing sectoral conventions. It specifically targets countries which provide material support to terrorist groups. It also describes as terrorism all acts of violence by

any means or any device including loss of life or limb and damage to property, installations and communication facilities.¹¹

The terrorist mafia nexus has emerged as a major threat to Indian security and India hopes to counter this threat by expanding the legal net for catching fugitive offenders. However, India does not have an extradition treaty with Pakistan, where most of India's wanted terrorists like Maulana Masood Azhar and criminals like Dawood Ibrahim are sheltered.

JOINT WORKING GROUPS ON COUNTER TERRORISM

India has set up Joint Working Groups (JWG) on Counter Terrorism with a few, selected countries, such as USA, UK, Canada, Australia, France, Germany, Italy, Israel, Turkey, Tajikistan, Russia, China and Japan. All these countries are major players on the international scene and they have high stakes in shaping the world order. They face the terrorist threat in varying degrees. They have developed their respective strategies to counter terrorism. The idea behind JWGs is to build a network of co-operation between like-minded states who have been victims of terrorism. The purpose is to share experiences with other states fighting terrorism. What has worked successfully in one state could possibly work in another. The JWGs exchange intelligence information and regularly share assessment of emerging trends and concerns relating to terrorism.¹² They have also build institutions capacities in areas such as investigation and law enforcement, forensic science, transportation security, immigration controls and cyber security. The co-

¹¹ Working Document on the draft comprehensive convention on international terrorism, n.5.

¹² Joint Statement on Sixth Meeting of the Indian-US Joint Working Group on Counter-Terrorism, New Delhi, August 31-September1, 2004 at <http://www.meaindia.nic.in>

operation has facilitated interaction between the security and law enforcement agencies of the various states and dialogue between experts.

India has formed JWG's with the following countries:

Country	When JWG was formed
Canada	1997
USA	January, 2000
Israel	June, 2000
Australia	August, 2000
Russia	October, 2000
China	January, 2002
UK	January, 2002
France	August, 2002
Turkey	September 2003.
Tajikistan	November, 2003

Why countries have chosen to co-operate?

Victims of terrorism

The inter-state cooperation on counter terrorism rests upon the their common threat perception from international terrorism, inspired by religious extremism. For example,

India and Russia believe that the same terrorist and extremist organizations are involved in terrorist violence in Kashmir and Chechnya.¹³ Islamic terrorism exported from Afghanistan is seen as a threat to the unity, territorial integrity and sovereignty of India and Russia. Both have been targets of terrorism for many years but the world paid no heed to their warnings until 9/11. Similarly, both India and Turkey have been victims of terrorism well before 9/11.

The post 9/11 period has seen the emergence of Indo-Central Asian relations based on the common threats of Islamic resurgence. The Central Asian regimes are engaged in a major power struggle with the Islamic radical groups like the Islamic Movement of Uzbekistan (IMU) and Hizb-ul-Tahrir. At least four countries – Tajikistan, Uzbekistan, Kyrgyzstan and Kazakhstan - consider Islamic extremism as the gravest threat to their security and stability. They are convinced that Pakistan is the source of Islamic terrorism.¹⁴ They hold Pakistan responsible for training and launching the Taliban which had been the biggest source of worry to Central Asian Republics (CARs). The shared threat perception has led to a close interaction between India and the CARs to contain cross-border terrorism.

Although India has faced terrorist violence for many years, Australia recently came face-to-face with terror on October 12, 2002 when eighty-eight Australian citizens were killed in terrorist bombing in Bali, Indonesia. Until then, terrorism was not a real threat to Australia. Now, anti-terrorism is high on Australia's national security agenda. The Bali bombings were suspected to be the handiwork of Jemaah Islamia (JI) which has ideological, financial and other linkages with the Al Qaeda.

¹³ "Putin shares India's concerns on terrorism", *The Observer*, October 5 2000.

¹⁴ Azy-ud-din Ahmed, "India's long march in Central Asia", *Indian Express* (New Delhi), 21 November 2003.

Special expertise in combating terrorism

Inter-state cooperation on counter terrorism is also based on the need to share valuable experiences and learn newer techniques, technologies and strategies in combating terror. India can learn a lot from Israel in areas of border management, counter insurgency, night warfare, air surveillance, sensor technology, bomb detection and the latest array of listening devices. India is interested in Israeli military software and hardware and its intelligence operations. Israeli specialists have repeatedly traveled to India to advise officials on combating insurgency in Kashmir. In February 2003, the Indian government unveiled a plan to send military personnel to Israel for anti-terrorist training India has emphasized the need to learn from the Israeli experience in coping with terrorism from South Lebanon and in the "security zone", since India's major problem is also cross border terrorism.¹⁵

India is planning to train its counter-terrorism units under French Interior Ministry forces who are known to be experts in counter-terrorism operations. India is also reportedly keen on acquiring some advanced anti-terrorism equipment from France, which has a lot to offer in the field of high-tech gadgetry for countering terrorist activities.¹⁶

India's experience in dealing with terrorism and its proximity to centres of terrorist activity are seen as an asset of Australia. Canberra is also keen on getting a sense of the Indian assessment of the growing links between terrorist groups in the subcontinent and Southeast Asia.

¹⁵ Reuven Paz, "Israeli-Indian Cooperation for Counter-Terrorism", June 30, 2000, at <http://www.ict.org.il/articles/articledet.ifm?articleid=114>.

¹⁶ Krzytof de Breza, "France okays joint working groups on terrorism", August 17, 2002, at <http://www.rediff.com/news/2000/aug/17paris.htm>.

Similarity of positions on global issues

India and Russia have always accorded primary to the UN in the fight against terrorism. They have been wary of the US pushing its hegemonic objectives under the guise of countering terror. They affirm that the future international order based on multi-polarity, should be determined by collective and multilateral processes rather than unilateral ones. Both are concerned about the rise of religious extremism in Central Asia. Both regretted that the US-led War on Terror was limited to Afghanistan and was not taking cognizance of terrorism in Kashmir and Chechnya. They have called upon the west to give of “double standards. Their JWG on Afghanistan has pushed for a friendly disposition of post-Taliban regime. It steadfastly opposed the accommodation of moderate Taliban elements in the new regime.¹⁷ India and Russia have called for an early agreement on and entry into force of, the Comprehensive Convention on International Terrorism and the Convention for the Suppression of Acts of Nuclear Terrorism.

India and China identify terrorism as a scourge and the principal destabiliser of the world order. They see the draft Comprehensive Convention against International Terrorism as a vital instrument to eliminate terrorism. Both states continue to oppose hegemonism and power politics and stress on multi-polarization to promote international peace, stability and development. They condemn terrorism in any form and hold that the ultimate objective of the global war on terror must be the eradication of terrorism in all regions. They have called for the implementation of the UN Security Council Resolution 1373 in

¹⁷ Deepak Arora, “No future role for Taliban; India, Russia”, *National Herald*, (New Delhi), 20 October, 2001.

its full spirit.¹⁸

Both India and Turkey agree that there can be no double standards in identifying or fighting terrorism. Neither accepts the dangerous logic of “root causes” as excuses for inaction against terrorism.¹⁹ Both have called for strong international cooperation to tackle this problem.

Sensitivity to each other’s security concerns

Russia fully accepts the Indian position on cross-border terrorism and asserts that foreign interference in J&K should be immediately stopped. It supports the unconditional respect for the LoC. India on its part has upheld the territorial integrity of the Russian Federation.

India and Israel hold that although the types of terrorism faced by the two countries are different, there is enough similarity to merit joint counter-action.²⁰ Israel supports India’s position on the Kashmir issue and has called upon the Kashmir issue and has called upon Pakistan to end “all forms of terrorism”. Israel is committed to be on the Indian side” in the fight against terrorists in every possible way.²¹ India views Israel as a victim of Islamic terrorism and has condemned the terrorist attacks on civilians. At the same time, India continues to uphold the Palestinians cause for an independent statehood.

Britain linked the October 1 and December 13 terrorist attacks on India to the September 11, terrorist attack on the US. It has condemned the attack on the Indian parliament as an attack on

¹⁸ B. Raman, “Counter-Terrorism: India-China-Russia Cooperation”, Paper 830, 04.11.2003, at <http://www.saag.org/papers9/paper>

¹⁹ Prime Minister A.B Vajpayee’s Keynote address to the Centre for Strategic Research, Ankara, 18 September 2003, at <http://www.meaindia.nic.in>

²⁰ Ibid

²¹ Sonia Trikha, “Peres backs India on Jammu & Kashmir, but for a reason”, *Indian Express* (New Delhi), 8 January, 2002.

democracy worldwide. Both India and Britain agree that it is not just terrorist organizations, but also the states who finance, train or provide support to terrorism, should be held culpable.

Pursuit of other geo-political objectives

Co-operation on counter-terrorism is one part of the emerging broader bilateral ties between states. Politically, co-operation with CARs, primarily Islamic democracies, allows the Indian government to show that there is nothing anti-Islamic in its campaign against terrorism.²² The CARs along with Russia and China have created the Shanghai Cooperation Organization (SCO) forum to develop common approaches to security and anti-terrorism. With Kyrgystan's active support, India is lobbying for inclusion in the SCO.²³ Similarly, the Indo-Australian JWG is the first act of concrete political cooperation in decades between the two countries.²⁴ The Indo-Canadian JWG's initial focus was on investigation of the tragic Kanishka aircraft bombing and action on the prosecution for the Kanishka trial.²⁵ This has now been extended to strengthen intelligence cooperation to combat terrorism.

Areas of co-operation

JWGs have consolidated their identical views on terrorism and attempted to devise a consistent and co-ordinated approach to fighting terror. They have focused on the following areas:

➤ Stopping the flow of funds for terrorist activities

²² Nilova Roy Chaudhury, "Sinha's visit part of rediscovery of Central Asia", *Statesman*, (Kolkatta), 3 February 2003.

²³ Alauddin Masood, "The great game", at <http://www.onlinenews.com.pk/articledetails.php?id=39711>

²⁴ C. Raja Mohan, "Terror and Trade on Sinha's agenda", *The Hindu* (Madras), 29 July 2003.

²⁵ Joint Statement India-Canada Joint Working Group on Counter-terrorism, December 11, 2002, at <http://www.dfait-maeci.gc.ca/new-delhi/joint-statement-en.asp>

- Breaking the nexus between international terrorism, separatism, organized crime and illegal trafficking in narcotics, weapons, ammunitions and explosives.
- Preventing terrorist groups from acquiring weapons of mass destruction.
- Exchanging ideas on cyber-terrorism and cyber security.
- Strengthen legal norms in tackling terrorism in the United Nations and other specialized institutions.

EFFICACY OF BILATERAL COUNTER TERRORISM INSTRUMENTS

The Indian diplomatic strategy to negotiate a series of extradition treaties with as many countries as possible and set up JVGs with a few, selected countries has put India at the forefront of the global campaign against terrorism. It has helped generate international opinion against terrorist violence. It has strengthened the various anti-terrorist forces and thus, it has shrunk the space for terrorist elements to operate. The Indian efforts have been widely noticed and appreciated. Even the Bush administration has acknowledged the Indian measures as supplementing the American war on terror.

On the flip side, this strategy is yet to show the results on the ground. The actual extradition of criminals and terrorists is far from successful. Till date, there have been only eight deportations all made from UAE.²⁶ Recently, the Portuguese government agreed to extradite Abu Salem, wanted in the Mumbai bomb blasts of 1993. As mentioned earlier, most of the fugitives wanted by India have been given refuge by

²⁶ Nihar Nayak, "Organised crime and India's Extradition Treaty", Article no 1018, 16 April 2003, at http://www.ipes.org/india_articles2.jsp?action=showView&Kvalue=971&country=1016&status=article&mod=a

Pakistan with whom India has no extradition treaty. Despite his public renunciation of terrorist policy in his January 12, 2002 speech, President Musharraf has taken no action on India's list of "twenty most wanted" offenders. He says that he has no knowledge about the presence on his territory of the Indian nationals wanted for terrorist crimes. He promised to act against the Pakistanis in the list, under domestic laws, if India gives convincing proof of their involvement in the crimes.

On the whole, extradition treaties are rendered toothless because of the following four reasons. Firstly, the political offences clause in the extradition treaties has rendered most of them generally ineffective in facilitating extradition of those accused of terrorism, particularly in cases where the state from which extradition is sought is sympathetic to the cause espoused by the terrorists concerned, or considers that cause to be of political nature²⁷. Since there is no definition of terrorism in international law, many terrorists, who commit serious crimes, are able to escape punishment on the ground that they are political offenders.

Secondly, the requested state may deny the request for extradition if it believes that the extradition has been sought for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons. In many cases, the person whose extradition is sought has used this argument to seek legal remedies under the domestic laws of the requested state. This has often delayed or stalled the extradition process.

Thirdly, the European Union nations refuse extradition until the requesting state assures

²⁷ Mani, n. 1, p 141.

them that the extradited person will not be given capital punishment²⁸. This has emerged as an area of discord between India and the EU since the Indian judiciary has upheld the death penalty, but only in 'the rarest of rare cases'.

Fourthly, there are scores of multilateral, regional and bilateral treaties on extradition, Memoranda of Understanding and model laws. These lead to duplication of efforts and confusion at the implementation level. There is a need to harmonise, rationalize and make uniform the law on extradition.²⁹

Despite many hurdles, extradition treaties are important tools to make the fight against terrorism based on the rule of law and due process of law and not on sheer force. They maintain the balance between the rights of the individual (to liberty and due process) and of the community (to be protected from terrorist attack).

The JWGs have provided a platform for states to put forth their views on terrorism, sensitise them to each other's security, evolve a consensus and coordinate their strategies to combat terrorism. They have prepared the ground for a wider strategic partnership between the two states. India has also benefited from the transfer of anti-terrorist technology and counter insurgency training for its special forces.

Thus, treaties on extradition and mutual legal assistance and JWGs on Counter-Terrorism are likely to become potent bilateral instruments in the long run in India's fight against terrorism.

²⁸ Nayak, n. 26.

²⁹ Sushma Malik, "Changing dimensions of extradition law", *Indian Journal of international Law* (New Delhi), vol 40, no 4, October-December 2000, p 789-97.

CHAPTER - 4

STOPPING TERRORISM THROUGH EXTERNAL PRESSURE: ROLE OF THE US

India and the United States have come a long way from being estranged democracies to engaged democracies. Today both regard each other as natural allies and have left behind the frigidity that marked their relationship during and immediately after the cold war. Besides the question of nuclear proliferation, the shape of the international system and strategic ties between the two states, terrorism has emerged as an issue of mutual concern. In fact, a growing convergence between Indian and American perceptions of terrorism has been a much celebrated event in recent times.¹ Both states have stepped up co-operation in a number of areas such as surveillance over drug- trafficking, sharing of intelligence data on terrorist activities, enforcement of law and order, mutual legal assistance and extradition. However, divergence continues to persist.

India perceives that terrorism in Jammu & Kashmir is sponsored by Pakistan. On the other hand, the US has a much larger view covering terrorist events from West Asia to some parts of North Africa and from Afghanistan to Central Asian region. Much to the chagrin of the US, India sees terrorism in West Asia as an outgrowth of long suppressed Arab nationalist movements.² Much to India's displeasure, the US sees the problem in Kashmir as the deep-seated legacy of a historical dispute that cannot be understood solely in terms of cross-border terrorism.

¹ Jatin Desai, *India and the United States on Terrorism*, (New Delhi , 2000), p 123.

² Ibid, p 126.

INDIA-US CO-OPERATION ON TERRORISM IN THE PRE-2001 PERIOD

It was in 1991 that the Government of India decided to share with the US Government on a regular basis all information relating to Pakistan's sponsorship of terrorism against India and to request the US Administration to declare Pakistan as a state sponsoring international terrorism.³ Earlier, in May 1990, India did express its concern to the United States at the presence and activities of the Jammu and Kashmir Liberation Front Leader, Amanullah Khan, in America. The US Government had even commenced extradition proceedings against him, but he managed to flee from the country.⁴ Till 1991, US Government was treating only the Khalistani terrorist groups of Punjab as terrorist organisations. It refused to brand Kashmiri organisations as terrorist. However, after an attack on a group of Israeli tourists in Srinagar by some Kashmiri outfit, the US government came under pressure from Jewish lobbies to treat the Kashmir organisation also as terrorist. Moreover, the US State Department's *Annual Report on Terrorism, 1992*, made public in April 1993, also found credible reports of 'official Pakistani' backing to Khalistani and Kashmiri terrorists.⁵ In 1993, the Clinton Administration placed Pakistan in a so-called watch list of suspected state-sponsors of international terrorism. But, this move was unrelated to Pakistani terrorism activities in Kashmir. US was unhappy over the non-cooperation of Lt. Gen. Javed Nasir, the then Director-General

³ B. Raman, "US, India and Terrorism", Paper No. 237, 04.05.2001, <http://www.saag.org/paper3/paper237.html>.

⁴ Daniel Joseph Kuba and GV Vaidyanatha, "Appendix I: A Chronology of Indo-US Relations, 1941-2000", in Kanti Bajpai, Amitabh Mattoo eds., *Engaged Democracies: India-US Relations in the 21st Century* (New Delhi, 2000), p. 182.

⁵ *Ibid*, p. 184.

of the ISI and his officers in the implementation of a CIA project to pay back the unused Stinger missiles from the Afghan Mujahideen. Pakistan was removed from the list in July 1993 after Mr. Nawaz Sharif, the then Prime Minister of Pakistan, removed from the ISI Lt. General Nasir and the other officers named by the US.⁶ In 1996, US designated the Harkat-ul-Ansar (HUA) as a Foreign Terrorist Organisation. In this case too, American national interests were involved. The HUA was held responsible for the kidnapping and killing of five Western tourists including two Americans, and also for the assassination of some US nationals in Karachi. Again, the move was unrelated to the HUA's terrorist violence against the Indian State. The HUA later changed its name to Harkat -ul-Mujahideen (HUM), joined Osama Bin Laden's International Islamic Front for Jihad against the US and Israel in February 1998 and continued to carry out terrorist attacks against India from Pakistani soil.

After the hijacking of the Indian Airlines plane IC814 in December 1999, the US strongly condemned the act and demanded the immediate safe release of hostage. However, it refused to accept that Pakistan was behind the hijacking and rejected the Indian demand that Pakistan be declared as a terrorist state. The *Patterns of Global Terrorism Report, 2000* focused on Pakistan's nexus with the Taliban which threatened American lives and interests.⁷ However, Pakistani links to terrorist organisations operating in Kashmir were largely neglected. (Neither Pakistan nor the Taliban were declared as state-sponsors of international terrorism). In short, to America, terrorism that threatened Indian lives and interests was not terrorism at all. Just another instance of American double standards towards terrorism.

⁶ Raman, n. 3.

⁷ Ibid.

Despite the divergence of views on Pakistan's role in sponsoring terrorism, India and the US have taken legal, financial, law enforcement and other measures in their counter terrorism cooperation. The two signed a bilateral extradition treaty on 25 June 1997 committing their governments to 'eradicate the scourge of terrorism in all its manifestations'. They also signed a treaty on "mutual legal assistance in criminal matters" on October 17, 2001.

The Indo-US Joint Working Group (JWG) on Counter -Terrorism was established in January 2000. It has held six meetings till date, the last held on September 9, 2004. In its first meeting (8-9 February 2000), the JWG agreed to intensify joint cooperation to ensure that the perpetrators of the hijacking of the Indian Airlines flight are brought to justice. The objective of the JWG is to make Indo-US consultations on terrorism "more frequent and more systematic".⁸

The JWG has focused on the following four areas:⁹

1. Intelligence sharing and joint investigation. It has broadened the exchange of information and assessments on the international and regional terrorist situation. The US has agreed to help strengthen India's forensic capabilities. It has qualitatively upgraded and expanded anti-terrorism training programmes for Indian law enforcement officials.¹⁰
2. 'Border management' which will help to curb cross-border infiltration in J&K.

⁸ Desai, n.1, p 1.

⁹ Atul Aneja, "India, US to Work out ways to fight terrorism", *The Hindu*(Madras), 21 January, 2002.

¹⁰ Joint Statement of the India-US Joint Working Group on Counter terrorism, Washington, DC, July 12 2002, http://www.indianembassy.org/press_release/2002/jul/12.htm

Discussions on counter terrorism equipment for enhancing border security are also being held under the aegis of the Defence Policy Group.

3. Countering cyber-terrorism: both sides have launched a bilateral Cyber Security Forum, with a wide-ranging program of action to address cyber attack and information security. Military establishments of the countries are to be drawn in this exercise. This area of cooperation is unique. The US does not have such a relationship with any other state.¹¹
4. The JWG has recognised the nexus between trafficking in narcotics and financing of terrorism in the region and initiated dialogue on money laundering operations and counter terrorism finance.

The JWG has also discussed the linkages between WMD, proliferation and terrorism. It has initiated steps to enhance homeland / internal security and transportation and aviation security.

INDIA AND THE US-LED WAR ON TERRORISM

India has been a victim of terrorism sponsored from outside its borders for the last two decades. Besides neutralizing the terrorists on the ground, India has emphasized the urgent need for the world community to join hands in countering terrorism. India has made serious, sustained and substantial efforts to generate international consensus on issues relating to terrorism. It is a party to all twelve UN counter terrorism instruments. In 1996, India introduced in the UN General Assembly a draft of "Comprehensive

¹¹ C. Christine Fair, *The Counter-terror Coalitions: Cooperation with Pakistan and India* (California, 2004), p 79.

Convention on International Terrorism' with the aim of filling the gaps and loopholes in the existing sectoral conventions on terrorism and strengthening the international legal framework. Thus, when the Bush Administration declared the launch of its Operation Enduring Freedom to combat global terrorism, India immediately seized the opportunity and joined the alliance. In fact, India had already warned the world and the US in particular, about the lethality and the global reach of terrorism. Prime Minister Atal Bihari Vajpayee, addressing the US Congress in October 2000, had said that "distance and geography" provide no nation any immunity against international terrorism.¹² The September 11, 2001 attacks on the US proved that Vajpayee's words were indeed prophetic.

After the 9/11 attacks, India immediately offered the US every possible help to fight terrorism. In the words of Indian External Affairs Minister Jaswant Singh, India was prepared to give "assistance with no preconditions."¹³ India offered to open its military bases, airfields and intelligence to American forces in that campaign. Having denied Soviet forces access to Indian military bases during the Cold War years, despite a close friendship with Moscow, the offer marked a seismic shift in New Delhi's strategic posture¹⁴.

Another change in the Indian position was that the earlier reluctance to internationalise the Kashmir issue was now replaced by an active courting of the international

¹² Prime Minister Atal Bihari Vajpayee's address to the joint session of the United States Congress, September 14, 2000, Washington DC, http://www.indianembassy.org/special/cabinet/primeminister/PM_September_14_2000.htm

¹³ Rohit Bansal, "Time Indian Diplomacy helped Powell rage Al-Qaeda to the ground", *Financial Express* (New Delhi), 14 September 2001.

¹⁴ Brahma Chellaney, "Fighting terrorism in Southern Asia" The lessons of history", *International Security* (Massachusetts), vol 26 ,no 3 , Winter 2001/02, p 99.

community. India increasingly worked towards inviting global attention to the problem of terrorism in Kashmir and trying to create a favourable world public opinion against Pakistan as a state-sponsor of terrorism.¹⁵ India realized that the menace of terrorism cannot be tackled without the co-operation of major powers, particularly the US.

The Indian government did not want to miss any chance of capitalising on the American fury against terrorism. India understood by now that only US pressure can make Pakistan abandon its policy of sponsoring terrorism in Kashmir. India wished to expose the organic linkages between terrorism in Kashmir and terrorism in Afghanistan via Pakistan. India also wanted to seize the high ground over Pakistan and show to the US its credentials as a trustworthy anti-terrorism partner. Most importantly, India was wary of the revival of the old US-Pak alliance with Pakistan as a frontline state to fight terrorism in Afghanistan as it fought Soviet expansionism in the 1980s. India played pro-active role to ensure that its security concerns and interests were taken into account. As a victim of terrorism, India had to be central, and not peripheral, to the global war on terrorism India.

INDIA'S DEMANDS

India expressed in clear terms what it expected from the world community and the US in particular. In the words of Vajpayee, "... we must hold governments wholly accountable for terrorism that emanates from their countries.... To get at the terrorists, the world community must get at their organisations, at those who condition, finance, train, equip and protect them.... The world community must isolate and thus compel the states that

¹⁵ Rajpal Budania, *India's national security dilemma: The Pakistan Factor and India's policy response* (New Delhi, 2001), p 106.

nurture and support them to desist from doing so.”¹⁶ In short, India wanted the world to acknowledge that India is a victim of terrorism sponsored from across the borders. It wished to focus attention on Pakistan as the epicenter of terrorism. The goal was to isolate Pakistan, brand it as a terrorist state and force it to change its behaviour. India wanted the world community to pressurize Pakistan to denounce the use of terrorism as an instrument of policy against India. India has pursued a four-point agenda¹⁷:

- Pakistan must hand over the 20 most wanted terrorists who took refuge in Pakistan
- Pakistan must issue a categorical and unambiguous statement renouncing terrorism.
- Pakistan must close down terrorist training camps from its soil and choke their finances and weapons supplies.
- Pakistan must stop cross-border infiltration into J&K

However, the Indian hopes were dashed when the US arm-twisted Pakistan into joining Operation Enduring Freedom. Pakistan had its own reasons for co-operating with the US.¹⁸ It sought an excuse to throw off its ties to the Taliban and tackle its own immense internal security quagmire. Islamabad wanted to protect its strategic assets and find some

¹⁶ Quoted in Harish Khare, “Strike at the Roots of Terror: PM”, *The Hindu* (Madras), 15 September, 2001.

¹⁷ Aparna Pande, “South Asia: Counter Terrorism policies & postures after 9/11”, *Faultlines*, volume 15, <http://www.satp.org/satporgtp/publication/faultlines/volume15/article4.htm>

¹⁸ Fair, n.11, p. 5.

means to resolve the Kashmir issues with reference to Pakistan's equities in the dispute. It sought to preempt a US drift toward India as the preferred partner in South Asia. It wanted to avoid becoming a target within the war on terrorism.

With Pakistan joining the coalition against terrorism under pressure from the US, India feared that it would be sidelined. The situation had become problematic for India. That country which India wanted to isolate and condemn as a terrorist state was now elevated to the status of an ally in the American-led war on terror. There was ambivalence in the US attitude on whether it would include in its war on terror those terrorist bases in Pakistan, POK and Afghanistan which target India. Thus India doubted that while dismantling the terrorist infrastructure in Afghanistan, Pakistan will continue to mount terrorist attacks on the Indian soil. The Indian fears came true when the J&K legislative assembly was attacked by terrorists belonging to a Pakistan-based organisation on October 1, 2001. Indian and particularly Kashmir public opinion was inflamed. The J&K Chief Minister Farooq Abudullah was demanding war against Pakistan, before Pakistan converted Kashmir into another Afghanistan.¹⁹ India was forced to take a firm stand and sort out the problem with the US.

Prime Minister Vajpayee minced no words in directly blaming Pakistan for the attack on J&K legislature. "Its time to restrain Pakistan", he told President Bush.²⁰ He urged the Bush administration to moderate Pakistan because there was a limit to India's patience. India could no longer ignore the threat emanating from Pakistan. He reiterated that Kashmir be included in the global campaign against terrorism. Thus India was warning

¹⁹ ML Kak, "Farooq for war against Pakistan", *Tribune* (Chandigarh), 4 October, 2001.

²⁰ Atul Aneja, "Its time to restrain Pakistan : PM tells Bush", *The Hindu* (Madras), October 3, 2001.

Pakistan through the US.

Advani's visit to Washington in the second week of January 2002 was undertaken in the backdrop of the outrageous terrorist attack on the Indian Parliament on December 13, 2001. Advani secured assurances from the Bush administration that Pakistan would be pressed to renounce its policy of terrorism. The January 12, 2002 televised speech by Musharaff in which he renounced the use of terrorism as a means to address the Kashmir issue, was considered as path-breaking by the West. However, the Indian government cautiously remarked that Pakistan would be judged not by its words, but by its actions. Advani issued a blunt warning to Pakistan. "we shall not take another betrayal. Pakistan must act sincerely, decisively, demonstrably and speedily".²¹

The Indian Defence Minister, George Fernandes, visited the US in the last week of January 2002. He made it clear that Indian forces would be pulled back only after the government was convinced that Pakistan was serious about curbing infiltration and ending logistical and other kinds support to the terrorist organisations operating in Kashmir.

OPERATION PARAKRAM- INDIA'S COERCIVE DIPLOMACY

The December 13, 2001 terrorist attacks on the Indian parliament in New Delhi by Jaish-e-Mohammed was considered as a direct assault on Indian democracy. It provoked a severe response from Indian authorities. The threshold of tolerance had been surpassed. India decided to give reply to Pakistan by launching a diplomatic offensive. It recalled

²¹ Quoted in Sridhar Krishnaswami, "A balancing act", *Frontline* (Chennai), February 1, 2001, p. 132.

the Indian high commissioner to Pakistan and reduced the staff strength of its mission in Islamabad by half. It unilaterally announced suspension of services of the cross-border train Samjhauta Express and the Lahore-Delhi bus. Pakistan International Airlines was asked to stop flying through Indian air space. Indian armed forces were moved to forward positions on the Western border with Pakistan. New Delhi froze the hotline between the Director-Generals of Military Operations. (DGMOs) of the two countries. It cancelled the annual Army Day Parade on January 15, as a signal to Pakistan that every soldier is being mobilised for possible action²².

Operation Parakram was an exercise in coercive diplomacy i.e. diplomacy backed by the mobilization of military strength. It was a two-edge sword, one aimed at Pakistan to militarily threaten it into halting cross-border terrorism and the other at the international community, especially the US, to pressurize Pakistan to abandon its terrorist policy in Kashmir. It was a calibrated move on the part of India to use American diplomacy to its advantage. India was well aware of America's strategic objectives in South Asia - 1) nuclear non-use 2) the war on terrorism and 3) enhanced ties with India. Operation Parakram was meant to hinder these objectives. India calculated that by putting obstacles in the pursuit of American strategic objectives, India would force America to address its concerns.

Operation Parakram quickly evoked a panicky response from the West. Firstly, there was the suspicion that both India and Pakistan had armed at least some of their missiles with nuclear warheads. This alarmed the world about an imminent nuclear confrontation

²² Sridhar Krishnaswami, "Concern in the US", *Frontline* (Chennai), January 18, 2002, p. 16.

between the two hostile neighbours and forced greater American involvement in the issue. Secondly, the massive buildup of troops also had the ability to substantially disrupt US operations in Afghanistan which were in the last stages of realisation of their objectives. There were thousands of US soldiers in Pakistan whose mission would be impeded if an armed conflict between India and Pakistan breaks out. Pakistan would be compelled to switch its troops now guarding the border with Afghanistan to the eastern front. Such distraction would seriously undermine the coalition efforts against terrorism. It would also jeopardise the security of US civilians and military personnel and installations inside Pakistan, now guarded by Pakistan troops.²³ Thirdly, New Delhi let it known that should the US fail to take into consideration India's desire that Pakistan eliminate permanently all infrastructure to train, support and launch militants, serious problems could arise in the Indo-US relations.²⁴

US DILEMMA

The US role in managing Indo-Pak rivalries since it launched its war on terrorism can be best described as "running with the hares and hunting with the hounds".²⁵ The Bush administration has been doing the perfect balancing act to hold together India and Pakistan in its anti-terrorist coalition. It could not afford to alienate either of the two states because each was important in the coalition, albeit for varying reasons and in different capacities.²⁶

²³ Ibid.

²⁴ Fair, n. 11, p. 90.

²⁵ Quoted in Inder Malhotra, "Where US is wrong", *News Time* (Hyderabad), 4 January 2002.

²⁶ Fair, n. 11, p. 1.

Pakistani's contribution was crucial, indispensable and substantive for executing ground operations against the terrorist. Pakistan provided to the US blanket flyover and landing rights, access to naval and air bases, and critical petroleum, oil and lubricants (POL) support. It also supplied logistical support and access to its ports to deliver supplies to troops operating in landlocked Afghanistan. No state has had greater HUMINT (Human intelligence) access to Afghanistan than has Pakistan and the ISI provided extensive and targeted HUMINT to the US from time to time.²⁷ The Pakistan army dedicated over 35,000 troops to protect coalition bases. The Pakistani navy provided over 2,500 troops for search operations along the Pakistan littoral to capture Al Qaeda fugitives seeking refuge in Gulf countries. Pakistan also permitted the US to use special forces and agents of the Federal Bureau of Investigation to track down Al Qaeda and Taliban fugitives both within Pakistan's tribal border area and elsewhere within Pakistani territory. In fact, no other state has contributed as much as Pakistan has for the success of Operation Enduring Freedom.

The Indian contribution is of a different kind. India is not formally part of the global war on terrorism but has been a key indirect supporter of the effort. Its role has been valuable on the diplomatic front on account of its coalition-building and consensus-generating ability. Indian support of US regional and global objectives diminishes criticisms of US hegemony owing to India's status among Asian and African states.²⁸ India's close ties with Russia and Iran helped secure their cooperation in the global coalition. The Northern Alliance backed by these three states became the dominant force to fight the Taliban.

²⁷ Ibid, p

²⁸ Ibid., p. 6.

Finally, India's role in the Indian Ocean was significant for protecting sea-lanes of communication and escorting American vessels through the Strait of Malacca.

The challenge before American diplomacy was to keep both India and Pakistan in good humour, without being seen as unduly favouring one country at the cost of another. However, this objective of balancing displeased the Indian authorities because it meant equating the sponsor and the victim of terrorist violence.

Since the inception of the war on terrorism, the US had clearly chalked out its priorities – destroy the terrorist infrastructure built by the Al-Qaeda with support of the Taliban, eliminate Osama Bin Laden and set up a friendly regime in Afghanistan. Pakistani's cooperation was essential for achieving these objectives. Pakistan was not forthcoming initially due to rampant anti-American sentiments within the country. But, India's offer of military bases and intelligence-sharing put pressure on Pakistan. It provided the US with a new degree of strategic flexibility and additional leverage to elicit a similar commitment from Pakistan.²⁹ In fact, Musharraf cited the India factor for his government's decision to join the US-led coalition. In his address to the nation he said, "They (the Indians) want to enter into an alliance with the US and get Pakistan declared a terrorist state. They want to harm our strategic assets and the Kashmir cause."³⁰ Thus, while India's unconditional support to the US precipitated the US-Pakistan alliance against terrorism India got no assurances from the US that its specific concerns of Pakistan-sponsored terrorism in Kashmir would be addressed.

²⁹ Rajiv Chandrasekaran, "India's Support gives US greater flexibility", *International Herald Tribune* (New York), 18 September 2001.

³⁰ Quoted in B. Muralidhar Reddy, "In a deft stick", *Frontline* (Chennai), October 12, 2001, p.11.

US RESPONSE TO INDIA'S MANOEUVRES

The American response to India's demands can be divided into two phases - the response before the December 13 terrorist attack on the Indian Parliament and the response after that. The first phase is marked by America's reluctance to address India's security concerns. The second phase witnessed a sea change in the US attitude. The US showed greater willingness to understand the Indian position and take a tough stand on Pakistan's involvement in terrorist activities directed against India.

Pre- December 13, 2001

After the 9/11 attacks on the US, India was quick to make unilateral offers of support to the US. However, the US leadership waited a full five days to open its formal political engagement with India. Despite one letter from the Indian Prime Minister and several unilateral expressions of intent from the Foreign Minister, it was only on September 16 that the President Bush spoke for the first time to Prime Minister Vajpayee.³¹ He accepted India as an important member of the global coalition against terrorism.

Even after the October 1 2001 attack on J & K legislature assembly, the US did not openly acknowledge or condemn Pakistan's role in supporting and sponsoring terrorism in India. The US Spokesman Richard Boucher, while condemning the terrorist attack, avoided addressing Pakistan's complicity in the attack.³² Even Jaswant Singh, during his visit to Washington in the first week of October 2001 could not get anything beyond lip

³¹ Sukumar Muralidharan, "India and the War", *Frontline* (Chennai), October 26, 2001, p. 120.

³² Chidanand Rajghatta, "Stop Pakistan now, Vajpayee tells Bush", *The Times of India* (New Delhi), 3 October 2001.

sympathy. The US did not publicly link Pakistan-backed terrorist groups in Kashmir to the Taliban, although they agreed privately that all groups are interlinked.³³ India was clearly told that Washington's priority was to eliminate the Taliban and Osama Bin Laden first. After it has achieved its principal objective, then America would address other manifestation of terrorism at the global level.³⁴

Moreover, the US failed to name the JeM, LeT and the Al Badr as terrorist organisations in the October 5, 2001 list of organisations deemed to be engaged in terrorist activities. The British Prime Minister Tony Blair brought an unambiguous message to India from the Western alliance, during his visit to New Delhi in October 2001. The message was that although the West sympathises with India as a victim of terrorism, the attention of the West was for the moment of focused on the Taliban and the task of capturing Osama Bin Laden.³⁵ In other words, Pakistan was to be let off the hook for the time being.

Post-December 13, 2001

The American response after the December 13 attack on Indian Parliament was starkly different. India's diplomatic offensive and mobilisation of military strength convinced the US that this time India was in no mood for restraint. It had vowed to take the war on cross-border terrorism to a decisive stage. The US was worried about the escalation of the conflict to a nuclear war. Most importantly, the US was apprehensive of the consequences of Indo-Pakistan conflict on its war on terrorism in Afghanistan. Pakistan

³³ Chidanand Rajghatta, "Jaswant in US with delicate task on hand", *The Times of India* (New Delhi), 2 October, 2001.

³⁴ Ibid.

³⁵ Muralidharan, n. 31, p. 119.

said that if India kept upping the ante, then it would have no choice but to pull its troops out of the Afghan border. The US now began to take the Indian grievances more seriously. It exercised pressure on Musharraf to crackdown on the terrorist groups that were fomenting trouble on the Indian soil. Bush urged Musharraf “to take additional, strong, decisive measures to eliminate the extremists who seek to harm India, undermine Pakistani, provoke a war between India and Pakistan and destabilise the international coalition against terrorism.”³⁶ The US also designated the LeT and JeM as foreign terrorist organisations under the US law, something which it had refrained from doing after the October 1, 2001 attack in Srinagar. When t Tony Blair came to India in early January 2002, he brought a different message from the West – there has to be a complete rejection of terrorism and an end to support to it in any form.³⁷

Musharraf’s speech of January 12 was the result of immense international pressure on Pakistan. He said “.... no organization will be allowed to indulge terrorism in the name of Kashmir... strict action will be taken against any Pakistani individual, group or organization found involved in terrorism within or outside the country.”³⁸

There was a heightened exchange of diplomatic visits between India and the USA since mid-January. India was visited by US Secretary of state Colin Powell, Ambassador on Counter-terrorism Francis X Taylor, FBI Chief Robert S Mueller and Defence Intelligence Agency (DIA) Chief Thomas Wilson. India’s Deputy Prime Minister LK Advani paid a visit to Washington followed by Defence Minister George Fernandes.

³⁶ Quoted in Inder Malhotra, n.25

³⁷ John Cherian, “High-level visits”, *Frontline* (Chennai), February 1, 2003, p. 128.

³⁸ Musharraf’s January 12 address, at http://www.hindustantimes.com/news/181_257763.001300270002.htm.

India received commitment from the US that it will continue to exert pressure on Pakistan. But at the same time, the US insisted that India should also take some reciprocal steps such as resumption of dialogue with Pakistan, but only when India was convinced that the threat of terrorism had diminished. Bush asked India to “take note” of the various steps taken by Musharraf against LeT and JeM, such as shutting down their offices, freezing their assets, arresting some of their terrorist leaders and hundreds of their followers. Powell assured India that it was up to the Indian government to judge whether the steps constituted the basis for a resumption of bilateral dialogue.³⁹ Even after the Kaluchak massacre in May 2002 and the subsequent tensions in the region, America tacitly endorsed India’s views on cross-border terrorism and demanded that Musharraf should address India’s concerns.

Throughout the Indo-American anti-terrorist diplomacy, the US was emphatic that it looked at India as a long-term strategic partner, while its alliance with Pakistan was formed temporarily on a one-point agenda of fighting terrorism. US Ambassador to India Robert Blackwill sought to dispel the perception that since the terrorist attacks on US, Pakistan had once again become the main focus on US Policy in the subcontinent.⁴⁰ US officials continued to maintain that “nothing has changed between India and the US” and that, renewed US relations with Pakistan will not come at India’s expense.⁴¹ They also assured India that US had no desire to change the military balance in South Asia. They refuted reports that Musharraf had offered Pakistani support on the condition of US

³⁹ John Cherian, “Visitors and Messages”, *Frontline*(Chennai), February 15, 2002, p. 21.

⁴⁰ C. Rajamohan, “India, US ties now-like never before: Blackwill”, *The Hindu* (Madras), 27 September, 2001.

⁴¹ Rajghatta. n. 33.

mediation on the Kashmir issue.⁴²

US strategic objectives in the short term are to engage Pakistan and prevent it from failing, the US is aware of the anti-US feeling within Pakistan which is being exploited by the jihadi groups. The US wanted to diminish the capacity of terrorist organisation and degrade their force projection capacities. This, says the US, will also benefit India in the long run. Hence, the Bush administration preferred that India kept a low profile for the time being in its own fight against cross-border terrorism and tone down its rivalry with Pakistan. It wanted India to give more time to Musharraf to deliver on his promises. Meanwhile, it insisted that India resume dialogue with Pakistan. This will strengthen Musharraf's position vis-à-vis the extremists.⁴³

Another round of the hectic diplomatic exchanges started after the Kaluchak massacre in Jammu in May 2002, as tensions mounted in the subcontinent once again. It was now clear that Musharaff had not delivered on the promises made in his January 12 speech. His follow up measures to destroy the terrorist complex were half hearted and India continued to suffer terrorist violence from across the border. This time again Bush put the onus of defusing the crisis on Musharraf. He rejected Musharraf's insistence that "nothing" is happening on the LoC.⁴⁴

To sum up the American response to India's manoeuvres:

- Indo-American strategic relations are on a newer plane and US has de-hyphenated India from Pakistan.

⁴² S. Rajagopalan, "US walks India-Pakistan tight rope", *Hindustan Times* (New Delhi), September 21 2001.

⁴³ Krishnaswami, n.21, p 132.

⁴⁴ Sukumar Muralidharan, "The Lurking Danger", *Frontline* (Chennai), June 21 2002, p. 7.

- America understands India's concerns of cross-border terrorism and it does not distinguish between 'good' terrorist and 'bad' terrorist or 'our' terrorists and 'their terrorists'.
- America is exerting pressures on President Musharraf to rein in the terrorist groups that target India.
- On its part, India must understand America's priorities of dismantling the Al-Qaeda network and eliminating OBL.
- India must refrain from hindering the American war on terrorism.
- India can do so by reducing tensions in the region and restarting the peace process with Pakistan.

ASSESSMENT

The meeting ground for Indo-US cooperation on terrorism has often been cited as shared values and common commitment to democracy.⁴⁵ Open, pluralistic and democratic countries like India and the US are seen as prime targets of international terrorism. These countries offer choice, liberties and freedoms, including the freedom of faith to their people. On the contrary, terrorist organisations seek to coerce people and nations. They call themselves freedom fighters but deny freedoms to their own people and uphold a highly intolerant and sectarian view of their faith. Moreover, India claims that India and the US are threatened by the same source of terrorism, with its roots in Pakistan and

⁴⁵ Address by Mr L.K. Advani, Deputy Prime Minister of India, at Chicago Council on Foreign Relations, June 12, 2003, http://www.indianembassy.org/industrel/2003/dpm_cefr_june_12_0.3htm.

Afghanistan. India has left no stone unturned to convince the US authorities that many Pakistan based terrorist groups targeting India have links with America's no 1 enemy, the Al Qaeda. India has tried to project the December 13, 2001 terrorist attack on its Parliament in the same light as the September 11, 2001 terrorist attacks on the US. However, the US has never considered the Indian war against terrorism on par with its own. It has always prioritized its own war. It has only given vague assurances to India that it will extend the war on terrorism to that terrorism afflicting India, but only after its own strategic objectives have been achieved. Thus, there was no obvious or direct short-term convergence of US and Indian interests.

It is necessary to make an assessment of the tangible gains made by India in its cooperation with the US to combat the menace of terrorism. The assessment can be made in terms of the following criteria: first, decline in terrorist activities against India, particularly in Kashmir; second, change in US position on terrorist problem faced by India, and third, relative benefits to India vis-à-vis Pakistan.

Decline in terrorist activities against India

President Musharraf's January 12, 2002 televised speech was widely recognised by the international community as Pakistani's renunciation of terrorism as an instrument of state policy. He resolved to deal sternly with Pakistani and individual groups or organisations found involved in any terrorist act within or outside the country. He ruled out the use of Pakistani territory for terrorism anywhere in the world, including Jammu and Kashmir. He rejected the culture of jihad. He repeated his promise in his May 27, 2002 speech that

he will never allow the export of terrorism anywhere in the world from within Pakistan⁴⁶. Subsequently, a few cosmetic steps were taken, such as arrests of some terrorist leaders and hundreds of followers, banning of some terrorist organisations like LeT and JeM and seizure of their assets. However, the ground reality is that banned groups continue to operate using new names. For example, the banned organisations LeT has been recruiting cadre, publishing jihadi literature and calling for war against India. According to Indian military and intelligence experts, the freeze on jihadi groups bank accounts came well after the ban was announced. This allowed plenty of time for fund withdrawal. Several other large terrorist groups like Hizbul Mujahideen and Harkat ul Jihad Islami were not touched.⁴⁷

Musharraf has distinguished between domestic terrorism and terrorism in Kashmir. He has been particularly concerned about sectarian groups such as the Lashkar-e-Jhangir and the Sipah-e-Muhammad who have perpetrated large scale violence against Pakistani civilians, disrupted sectarian harmony and threatened Pakistan's internal stability. He has attempted to restrict the supply of weapons available to such groups. He has tried to regulate the functioning of the madrasas which provide recruitment ground for such groups. While Pakistan is committed to uprooting sectarian groups, it is unwilling to withdraw its support for Kashmir-oriented terrorism. Pakistan still believes that its strategy of proxy war in Kashmir has imposed heavy costs upon India, while proving to be inexpensive for Pakistan. Thus, Pakistan is not ready to abandon its successful Kashmir policy. Musharraf is walking a fine line by trying to keep the militants on

⁴⁶ Musharraf's January 12 address, n.38.

⁴⁷ Praveen Swami, "Unfavourable records", *Frontline* (Chennai), December 19 2003, p. 23-24.

“strategic reserve” for the long term, while restricting their operations and vilifying them in the short term.⁴⁸ In other words, militant groups have been asked to lie low for the time being. This has reflected on the figures of infiltration into India through the LoC. However, jihadi capabilities have not been significantly undermined. Pakistan has not seized the large stockpiles of weapons and explosives held by groups, nor has it shut down the terrorist training camps in POK. There were two major terrorist attacks on Indian soil despite Pakistan’s January 12, 2002 promises, the Kaluchak massacre in May 2002 and attack on Akshardham temple in September 2002.

Thus, the terrorist infrastructure is intact Musharraf has decided to reduce infiltration for the time being under American duress. It will take considerable pressure to make this decision permanent.⁴⁹ Thus, it is possible that Musharraf will resume terrorist activities in India at a later date, if the Indo-Pakistan peace process fails to bring results. During his visit to New Delhi in August 2004, the US Deputy Secretary of State Richard Armitage concurred with the Indian view that not all terrorist training camps in Pakistan had been shut.⁵⁰

Change in the US position on India’s terrorist problem

Indian diplomacy has also been able to bring about a change in the American perception of terrorism in Kashmir. The US no longer believes that militancy in Kashmir is indigenous or that the government of Pakistan has nothing to do with it⁵¹. Gone are the

⁴⁸ Fair, n.11, p. 46.

⁴⁹ Fair, n. 11, p. 42.

⁵⁰ John Cherian, “Armitage mission”, *Frontline* (Chennai), August 13, 2004, p. 54

⁵¹ B.K. Shrivastava, “Indo-American relations since September 11”, *World Focus* (New Delhi), vol 23 nos 7-8, July-August 2002, p. 18.

days when the US used to share Pakistan concern about human rights abuses in Kashmir. There has now been a shift in emphasis from state terrorism to cross-border terrorism. The US now supports the Indian position on Pakistan-sponsored terrorism and after December 13, 2001 attack on Parliament there has been constant American pressure on Pakistan to stop cross border terrorism. There has been a clear warning to Musharraf that Pakistan would not be allowed to return to the old ways of jihad. In Bush's own words "He (Musharraf) must stop the incursions across the LoC. He must do so. He said he would do so. We and others are making it clear to him that he must live up to his world".⁵² Prior of 9/11, India did not have the power to make Pakistan give up terrorism and adopt a fundamentally new national course. It is Indian diplomacy in the post 9/11 period that has persuaded the US to nudge Pakistan into at least promising to embark on a different path. Despite attempts by the Pakistani leadership to wriggle out of the promise, US pressure has been unrelenting until now.⁵³ However, the moot point is that if Indian diplomacy secured promises from Pakistan of ending terrorism, why did it leave the task unfinished? Why didn't it keep up the pressure until Pakistan actually delivered on the promises made? This is because India itself was under pressure from the US not to push Musharraf over the edge. The US also made it clear that India must reciprocate by acknowledging that Musharraf was doing his bit and by resuming peace process with Pakistan. Thus, Indian diplomacy was working within the limits laid down by America's strategic objectives. Indian diplomacy could achieve only as much as the US allowed it to achieve. Bush did not want to put more pressure on Musharraf beyond securing promises of ending terrorism. And that is what India got only promises.

Besides, Indian diplomacy has not been able to change America's basic position on the

⁵² Quoted in Muralidharan, n. 44, p. 7.

⁵³ C. Rajamohan, "India and the American War", *The Hindu* (Madras), 14 March 2002.

state of J & K. The US still regards it as a disputed territory which must be resolved amicably through bilateral dialogue.⁵⁴ The US did not consider the October 2002 Assembly elections in J & K as a conclusive solution and hoped that elections would be followed by a robust dialogue between India and Pakistan to resolve the Kashmir dispute.⁵⁵ The US has ruled out the holding of a plebiscite to ascertain the wishes of the Kashmir people. But by accepting Pakistan as a party to the dispute, the US has refuted the Indian claim that Kashmir is an integral part of India.

Relative gains to India vis-à-vis Pakistan

Finally, in international politics, a policy has to be evaluated not only in terms of the direct gains to the state, but also in terms of the net gain. How did the American war on terrorism benefit Pakistan and have the Pakistani gains outnumbered the Indian gains? The Bush administrative lifted the Glenn-Symington Amendment sanctions and section 508 sanction regimes on Pakistan on 22nd September 2001, after it promised to support the US in its war against the Taliban. The various layers of sanctions had constrained the ability of Pakistan to participate in Operation Enduring Freedom.⁵⁶ However, Washington was already in the process of lifting sanctions against India from the summer of 2001. Until recently, there was no sign of relief for Pakistan, which faced more sanctions after Musharraf's coup in 1999. But, Pakistan was able to import defence equipment from the US and avail of IMF and World Bank loans. Prior to 9/11, Pakistan was nearly bankrupt. Since 9/11, the US has rescheduled \$ 3 billion in Pakistan's debt, launched a five-year

⁵⁴ Shrivastava, n. 51, p.18.

⁵⁵ Ibid

⁵⁶ Fair, n. 11, p. 15.

\$100 million aid programs, evenly divided between economic and military aid, provided \$ 788 million in budget support and a sum of \$64 million in the realm of education. Another \$ 19 million was set apart “for programs aimed at making Pakistan’s democracy more participatory”.⁵⁷ Thus, all these resources have certainly enhanced Pakistan’s position vis-à-vis India in the region.

After the end of the cold war, Pakistan fell out of favour and was experiencing strained relations with the US. The abrupt withdrawal of the US from the region in 1989, invoking of the Pressler Amendment, imposing of the various layers of sanctions on Pakistan and the American position on Pakistani misadventure at Kargil had left the Pakistanis feeling betrayed. Washington’s ‘India first’ policy adopted by Clinton and also followed by Bush had further alienated Pakistan and anti-American sentiments were at their high among the general population in Pakistan. The 9/11 attacks on the US completely altered the situation. The US decided to pay attention to rehabilitate Pakistan .It took measures to fortify Pakistan’s civilian institutions, arrest its economic decline offer greater access to US markets, create more jobs for the youth and bring about educational reform and transform it into a modern, moderate Islamic state. Christina Rocca, the US Assistant Secretary of state for South Asia, stressed that Washington’s relationship with Islamabad is for the long haul and allayed Pakistani fears that once the immediate crisis had blown over, the US would lose interest in the region as had happened in the past.⁵⁸ Pakistan was elevated to the status of Major Non-NATO Ally (MNNA) in April 2004. Most importantly, the US has recognised Pakistan’s, stakes in the Kashmir dispute and coaxed

⁵⁷ Sridhar Krishnaswami, “US ties with Pakistan ‘for long haul’”, *The Hindu* (Madras), August 21, 2004.

⁵⁸ Ibid.

India to begin talks with Pakistan over Kashmir, while relaxing pressure on Musharraf to discontinue sponsorship of terrorism in Kashmir.

To conclude, let us identify what India wanted from the US and what it actually received:

India's wish-list	What the US granted
1. India be recognised as a victim of terrorism sponsored from across the borders.	The Indian position was accepted.
2. Pakistan be branded as a terrorist state.	The US considers, Pakistan as a 'frontline' state and 'ally' in war against terrorism.
3. Terrorism threatening India and terrorism that is targeting the US are organically linked.	The US still differentiates between the Al-Qaeda and the terrorist groups operating against India.
4. War on terror be extended to terrorist camps in POK and Pakistan.	War on terror will target Al-Qaeda camps in Afghanistan and fugitives on Pak-Afghan border for the time being.
5. Pressurise Pakistan to denounce the use of terrorism as an instrument of policy against India.	President Musharraf was made to publicly renounce the use of Pakistani territory for exporting terrorism to India in his January

policy against India.	12, 2002 and May 27, 2002 speeches.
6. Pressurize Pakistan to close down its terrorist training camps in POK and Pakistan and to stop cross border infiltration.	The US was contented with the cosmetic measures taken by Musharraf like banning some terrorist groups (who now operate under new names), arresting terrorist leaders (who have been subsequently released), freezing their assets (which had been withdrawn before being frozen).
7. Isolate Pakistan	The US is taking steps to rehabilitate Pakistan and keeping it engaged.

CHAPTER 5

CONCLUSIONS

“... The global coalition against terrorism has registered successes in Afghanistan, but has not been able to extend this elsewhere. Some of its members are themselves part of the problem.”¹

These words, by the Indian Prime Minister A.B. Vajpayee in his speech at the 58th UN General Assembly in September 2003, indicate India's disappointment with the international community on the issue of Pakistan-sponsored terrorism on the Indian soil. India has faced the menace of cross-border terrorism in the state of J&K for the past two decades. Evidence of Pakistani involvement was also found in the militant movements in India's north-east and Punjab. India has used a combination of military and political measures to counter the terrorist threat. In the post-9/11 period, the emphasis has been on the diplomatic strategy. On account of the emerging global consensus against the use of terrorism as an instrument of state policy, India has been able to present its case effectively against Pakistan.

India has mainly used three instruments as a part of its counter-terrorism diplomacy. It has signed treaties on extradition and mutual legal assistance with a host of countries. It has formed Joint Working Groups on Counter-terrorism with a few, selected countries which are major players in international politics. India has also been using the US to put

¹ Prime Minister A.B. Vajpayee's speech at the 58th UN General Assmby, 25/09/03, at <http://www.meaindia.nic.in>

pressure on Pakistan to renounce its terrorist policy. India has mostly relied on the third instrument. And, it has had to come to terms with some harsh truths.

Firstly, the global war on terror was and will continue to be for some more time, the US-led war on terrorism faced by the US. Secondly, Indian diplomatic strategy to counter terrorism has to work within the constraints of Pakistan's geo-strategic importance to the US. Thirdly, the Indian approach of relying on the US has not delivered the expected results. Fourthly, the world community cannot be relied upon to solve a country's problems and self-help is the best way of helping oneself. Finally, diplomacy must be supplemented by the ability and willingness to use force in order to win the fight against terrorism.

WAR ON TERROR?

Initially, India was not wrong in believing that the global war on terror will address, its own menace of cross-border terrorism. It seemed so in the immediate aftermath of the 9/11 attacks when the world community unequivocally condemned terrorism in all forms. The UNSC resolutions 1373 and 1456 rejected the prevailing moral ambivalence on terrorism and resolved to annihilate the terrorist forces. Never before had all countries around the globe agreed on something so strongly. The war on terror had the potential to transform antagonistic relations. America's rivals such as Russia, China and Iran were prepared to cooperate with the US to oust the Taliban whose export of terrorism was formenting trouble in all the above states. Even the US was turning towards multilateralism to forge a broad-based global coalition against terrorism. Thus India became an

enthusiastic supporter of the war on terror until it understood the real purpose behind the 'war'.

Since September 11, most of the ideas and actions pertaining to terrorism have actually come out of America itself, while the rest of the world has been reacting to them, albeit with different shades.² American thought and deed has hijacked all debate surrounding terrorism. The 9/11 attacks were seen by America as a challenge to the prevalent hegemonic order. In reply, America had to restore its strategic dominance in the global power structure.³ The US had to take advantage of the fluid situation to position itself advantageously in certain regions of strategic importance to its national interests Central Asia, Persian Gulf and Caucasus. That the US describes the war on terror as another cold war which may not be finished soon indicates that the US is bent on reinforcing hegemony in the name of fighting terrorism. The US has gained a foothold in the Central Asian Republics (CARs), which are traditionally within the Russian sphere of influence, thus raising heckles of Russia.⁴ US forces are now deployed at the doorsteps of China. Besides, the CARs have 20 billion barrels of proven oil reserves and 7 trillion cubic metres of natural gas. Moreover, after the withdrawal of bases in Saudi Arabia, the US bases in CARs fill the void in US ability to operate in the region. The war on terror has also given rise to the Bush doctrine of pre-emptive strikes and the right to self-defence. The US has asserted its right to act preemptively against terrorists, to prevent them from doing harm against the country. The US has used this argument to extend the war to Iraq

² Ammara Durrani, "US War on Terrorism: A Non-US Perspective", in Moonis Ahmar ed., *The World After September 11: Challenges and Opportunity* (Karachi, 2003), p.105.

³ S.D. Muni, "Terrorism, 'Tectonic Plates' and Strategic Equations in Asia", in Mahavir Singh ed., *International Terrorism and Religious Extremism: Challenges to Central and South Asia* (New Delhi, 2004), p. 28.

⁴ Vernon Loeb, "Foothold for US Forces in steppes of Central Asia", *Guardian*, February 14 2002.

and has put on notice the other two states Iran and North Korea described as the 'axis of evil'.

After the ouster of Taliban from Afghanistan by November 2001, the US could have used the war on terror to target the other terrorist hotspots such as Kashmir and Chechnya. The fact that it chose to deal with on the Saddam Hussein regime whose links with Al-Qaeda and possession of WMD remain unproven till date, exposes America's mala fide. The American campaign in Iraq, not only diverted focus from the real fight against terrorism, but also disillusioned America's partners in anti-terrorist coalition. India is one of them.

However, it is not just America which has pursued national interests under the cover of war on terror. Other states, including India, have pushed forth their own agendas in the name of fighting terrorism. India has sought to corner Pakistan and use this opportunity to enhance political and strategic links with the CARs. Pakistan has exploited the situation to emerge out of its isolation after the nuclear tests, Kargil war and military coup and also to get the Americans involved in the Kashmir issue. Russia and Israel have used the opportunity to deal with their domestic terrorists, without inviting allegations of human rights violations. Other countries like Nepal, Sri Lanka, Philippines, Indonesia, and Thailand have had free rein to cope with their homegrown militancy.

In short, the War on Terror has lacked a strong common denominator to keep all its contributing members together.⁵ Each has sought to achieve its own national interests unrelated to the announced objective of fighting international terrorism.

⁵ Hooman Peimani, *Falling Terrorism and Rising Conflicts: The Afghan "Contribution" to polarization and confrontation in West and South Asia* (Westport, Connecticut, 2003), p. 127.

EXCESSIVE RELIANCE ON THE US

The Indian diplomatic strategy has been to use the US to put pressure on Pakistan to end its support to terrorism. India realized that only the US had the leverage over Pakistan and after 9/11 it was in America's own interests to tame Pakistan's dangerous policy of sponsoring terror. India was shocked when the US declared Pakistan as the frontline state in the war against terror. The Indo-US divergence of views began from this point.

Although time and again India has tried to synthesize its own fight against terrorism with the American war, there are stark differences between the nature of terrorist threat faced by the two states and therefore, in the anti-terrorist methods. America is combating a state-less terrorist entity with branches spread across the world. The Al-Qaeda is not a unitary hierarchical institution, but it has a decentralized command-and-control and its cells operate semi-autonomously in different corners of the globe. After the expulsion of the Taliban from Afghanistan, the Al-Qaeda network has become even more elusive and hence harder to neutralize. India's can distinctly identify its neighbour as the state-sponsor of terrorism. India knows who trains, finances and promotes terrorist activities on the Indian soil.

India and the US also differ in their ability to counter the terrorist threat. The September 11 attacks were enough for the US administration to go hunting for the perpetrators of the attack all around the world. America had the means to bombard the Al-Qaeda camps in Afghanistan and pursue the fugitives on the Pakistan-Afghan border and inside Pakistan. America could justify the loss of civilian lives as collateral damage. On the other hand, India has been unable to give a tough response to the terrorists and their sponsor despite

several provocations. India cannot carry out air strikes on terrorist training camps located right across the border in POK and inside Pakistan. These camps are located around or beside civilian population centres. There is also the fear of escalation of the conflict into a nuclear confrontation, which is bound to attract external pressures. Unlike the US, India does not have an overwhelming conventional asymmetry over Pakistan which is necessary to make the latter to end its role in cross-border terrorism.

Given that India and the US have varying threat perceptions their counter-terrorist strategies also differ. One way of securing the American territory against terrorists is to impose more stringent immigration controls.⁶ The US administration has taken measures like profiling passengers traveling to the US, strict federal registration requirements for males over 15 years (mainly from Muslim countries), closer monitoring of all foreign students, readier deportation of illegal immigrants, detection of counterfeit passport and visas. However, in India, terrorists do not enter via air, but infiltrate through LoC which is difficult to monitor due to its harsh terrain of snow-capped mountains. Thus, India needs to emphasize on strict border management to deny terrorists access to Indian territory. In short, India has to curb cross-border infiltration.

The US is also focusing on the long-term issue of removing the causes of terrorism. It sees lack of democracy and unrepresentative institutions in the terrorists' own societies as the impetus for terrorism. India does not believe in the root cause theory of terrorism. It says that if the root cause of terrorism in Kashmir is the 'Indian occupation of Kashmir', then what can be done about it? India believes that terrorism is the result of the

⁶ Jonathan Stevenson, "Counter-terrorism: Containment and Beyond", *Adelphi Paper* 367 (New York, 2004), p.23.

insecurities of a smaller Pakistan vis-à-vis a larger India and Pakistan's obsession for parity with India. Thus, democratization of Pakistani polity may not necessarily lead to its abandonment of the terrorist policy against India.

India and the US also differ on their approaches towards Pakistan as has been discussed in the earlier chapter. US interest in Pakistan lies in its potential to become a moderate Islamic state. Its interests is also fuelled by Pakistan's possession of nuclear weapons and its past record of clandestine proliferation. Moreover, Pakistan's professional, disciplined and well-funded army can be used for US-led humanitarian operations worldwide. Thus, the US has taken a two-stages approach to Pakistan. The first stage calls for engaging Pakistan's assistance on the Afghanistan front and the second stage would include persuading Pakistan to dismantle the militant training infrastructure within Pakistan itself.⁷ For India, the second stage is most critical and India is disappointed that the second stage has not been implemented. This proves my second hypothesis that excessive diplomatic reliance on third countries to rein in the state that sponsors terrorism does not show the desired results if the latter is vital for the strategic interests of the former.

Finally, while depending unduly on the US and over emphasizing on the convergence of views, India has overlooked the differences in world-view held by the two states. The United States is comfortable with what it regards as a benign hegemony, whereas India has long preferred a world of multi-polarity, each state being responsible for peace and stability in its own region, each refraining from meddling in the affairs of other major

⁷ C. Chritine Fair, *The Counterterror Coalitions: Cooperation with Pakistan and India* (California, 2004), p 86.

powers, but working cooperatively in the United Nations Security Council.⁸ India is eyeing for a permanent seat in the UN Security Council and it hopes that the US will support this bid. But, the US does not want to be seen rewarding a de facto nuclear state and sending the wrong message to aspirant proliferators. India and the US also differ on threat perceptions from so-called rogue states like Iran, Syria and North Korea, on the role of UN and on the issue of humanitarian intervention.

The US is conscious of these differences and hence may refrain from extending wholehearted support to India on the issue of cross-border terrorism. India too must stop looking up to the US for such support.

However, this does not mean that the Indian diplomatic strategy of using the US to pressurize Pakistan has not served any purpose. India has been able to bring about a change in the US position on the following issues:

- ✓ The US no longer believes that the militancy in Kashmir is purely indigenous.
- ✓ The US has put aside the question of human rights violations in Kashmir.
- ✓ The US acknowledges the Pakistani involvement in sponsoring cross-border terrorism in J&K.
- ✓ The US has given a clear warning to President Musharraf that he must not only stop the infiltration across the border but also destroy the terrorist infrastructure within his own country.

⁸ Stephen P. Cohen, *India: Emerging Power* (New Delhi, 2001), p. 295.

MORE TALK, LESS ACTION

One lesson learnt by India is that promises made at the diplomatic level are often not matched by action on the ground. President Musharraf has made innumerable promises to India so far. In his January 12 and May 27 2002 televised speeches, he publicly resolved to give up terrorism as an instrument of foreign policy against India. The Islamabad Declaration of January 6, 2004 reaffirmed the Pakistani commitment to disallow the use of any territory under Pakistan's control to be used to support terrorism in any manner. India is still waiting to see these promises being transformed into reality.

The United States has also made tall promises. In the words of the then National Security Advisor, Condoleezza Rice,

The US believes that "legitimate concern of India over cross-border terrorism has to be addressed by President Musharraf, that the kinds of incidents that are carried out by organizations that associate themselves with the Kashmir cause, that those organizations need to be put out of business and that since the cause can be served by terrorism, these organizations are not serving the Kashmir cause.... and we 've been very clear with President Musharraf that we expect to see actions to follow up his January 12 speech that said Pakistan will end any support to extremists...."⁹

Strong words indeed, but when it came to persuading Pakistan to take appropriate steps the US has been cautious to avoid put too much pressure on Musharraf. Again, only promises, but no action.

9 Condoleezza Rice, in an Interview to Malini Parthasarathy, in *The Hindu* (Madras), May 3, 2002.

Finally, critics have dismissed the JWG's as mere talking shops. They have come out with forceful resolutions denouncing terrorism in all its manifestations. They have held a couple of meetings and broadly identified the areas of co-operation. But tangible results of this anti-terrorist cooperation are yet to be seen. This proves my first hypothesis that international diplomacy is an insufficient strategy to counter terrorism because promises are often not matched by action on the ground.

LACK OF A COHERENT COUNTER-TERRORISM POLICY

It is difficult to derive the basic tenants of India's counter-terrorism policy because it has largely been ad hoc, inconsistent and reactive. On the other hand, the officially expressed tenants of current US counter terrorist policy, which have remained largely unchanged through several administrations, are as follows:¹⁰

- Make no concessions to terrorists and strike no deals.
- Bring terrorists to justice for their crimes.
- Isolate or apply pressure on states that sponsor terrorism.
- Bolster the counter terrorist capabilities of those countries that work with the US and require assistance.

Time and again, the Indian authorities have succumbed to the blackmailing tactics of the terrorists. At times, India has refused to talk to Pakistan until it stops patronizing anti-India terrorist forces. Other times, India has offered the olive branch to Pakistan. India has sought

¹⁰ Paul R. Pillar, *Terrorism and U.S. Foreign Policy* (Washington DC, 2001) p. 8.

to keep external powers out of the Kashmir dispute. And now, India is unreasonably depending on the external powers to tackle the menace of cross border terrorism. Generally, India has shied away from using force despite several provocations. While in 2002, India conducted the largest peacetime military mobilization on the LoC. None of this, however, has deterred Pakistan from continuing its strategy of proxy war against India. Nor has the US exerted sufficient pressure on Pakistan. In fact, the US pressurized India to withdraw its troops from the border without fully achieving the objectives behind the mobilization. This proves my third hypothesis that an effective counter-terrorism policy must maintain a healthy balance between diplomatic efforts and military means.

India needs a meaningful and effective counter proxy war doctrine. Over-anxiety for peace with a state sponsoring terrorism does not lead to peace, but more violence. India needs a healthy combination of diplomatic and military means to combat terrorism. Importance must be given to diplomatic instruments, but they must be backed by the threat of paramilitary and military retaliatory options. India must continue to hurt Pakistan diplomatically, until it dismantles the terrorist infrastructure. India must continue to raise the issue at bilateral and multi-lateral forums and keep reminding Pakistan as well as the world community at large of the promises made by President Musharraf. Although the diplomatic strategy may not have paid off as expected, rather than abandoning it, India must intensify it and carry it forward to its logical end. India must offer discussions with Islamabad on the Kashmir issue as a quid pro quo for ending Pakistan's role in cross-border terrorism.

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