

India and international terrorism

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Introduction

The al-Qa'ida attack on the USA on 11 September 2001 heralded a decade in which Indian concerns with terrorism were highlighted at the international level. Analysts argued that al-Qa'ida and its linkages with the Taliban meant that 'the headquarters of international terrorism has moved from West Asia to the Subcontinent'.¹ The Indian discourse on international terrorism is clearly reflective of its concerns with cross-border terrorism perpetrated by terrorist groups based in Pakistan with connections to al-Qa'ida. More recently, the appearance of support groups based in Nepal, Bangladesh, Bhutan and Sri Lanka has resulted in the spread of terrorism from specific geographic locales to urban centres in India.²

Indian security analysts expressed their alarm at the first reference to Kashmir by Osama bin Laden, in an audio message on *Al Jazeera* on 23 April 2006, when he spoke of a 'Crusader-Zionist-Hindu' conspiracy.³ Such analysts asserted that *jihadi* organizations affiliated to the International Islamic Front (IIF) had been active in Jammu and Kashmir since 1993. Since 1998 al-Qa'ida's imprint was felt in India in the form of *jihadi* suicide terrorism in Jammu and Kashmir. Al-Qa'ida's modus operandi in terms of use of improvised explosive devices (IEDs), *fidayeen* suicide attacks, self-fabricated explosives, use of the internet (for communication, propaganda and other operational purposes), and use of mobile phones as trigger devices, all became visible in India. Also the selection of soft targets, civilians, economic and strategic infrastructure, was seen as being akin to the al-Qa'ida mode of operation.

As a region that has experienced terrorism for several decades, various scholars and security analysts have analysed the nature of terrorism in India and South Asia. According to S.D. Muni, there are four distinct characteristics of terrorism in South Asia. First is the terrorism-conflict link. Conflicts rooted in political marginalization, socio-economic deprivation, discrimination, caste, religious, regional and cultural suppression, and neglect cause terrorism.⁴ Second is the politics-terror nexus, witnessed in Pakistani (especially Inter-Services Intelligence—ISI) support to terrorist groups that work against India, or Sri Lankan President Ranasinghe Premadasa's covert support of the Liberation Tigers of Tamil Eelam (LTTE) against the Indian Peace-keeping Force in Sri Lanka. Third is the use of force by groups and the state use of force to counter terrorism. Finally, there is the external dimension of terrorism, characterized by exploitation of local insurgencies by neighbouring countries, spill-overs into neighbouring areas,

bilateral and multilateral co-operation, and third-party mediation by donor countries between governments and the terrorist organization.⁵ According to Ayesha Siddiq, there are two types of terrorism in South Asia: first, terrorism induced and conducted in partnership with global terrorist networks; and second, acts of violence in pursuance of the rights of people.⁶ Among the first category are included terrorist groups in Pakistan and Bangladesh with links to al-Qa'ida. These groups also support the ISI-sponsored religious war in Jammu and Kashmir.⁷ The second category contains certain groups in India, Nepal and Sri Lanka. In such analyses, the international connection is conspicuous.

Within India, the external connections of terrorist groups active in Jammu and Kashmir have been highlighted often. Scholars have argued that Pakistan and Afghanistan have had a tremendous influence on the Islamist transformation of the insurgency in Kashmir.⁸ Quoting the 1993 report of the US House of Representatives Research Committee entitled *The New Islamist International*, K. Warikoo argues that in addition to providing logistical support, Pakistan's ISI runs organizations like *Hizb-e-Islami*, *Harkat-ul-Jihad* and *Jamaat-i-Islami* (in Pakistan), *Hizb-e-Islami* and *Jamiat-i-Islami* (Afghanistan), and *Hizbul Mujahideen* (Kashmir). All these had become part of the Popular International Organization (PIO) led by Hassan al-Turabi. At the peak of militancy in Kashmir, several organizations had a clearly Islamist agenda, including the Islamization of the province's socio-political and economic set-up, a merger with Pakistan, and unification of the 'ummah [Muslim world] community'. Two organizations, *Tehrik-i-Ahyay-e-Khilafat* and *Tehrik-e-Khilafat-e-Islamia* that were in existence in 1992 even advocated the establishment of an Islamic Caliphate. In the north-eastern states of India, where terrorism is characterized by tribal groups acting against the state, one tribal group acting against another tribal group, and tribal groups acting against non-tribal groups, the external linkages impact through criminal networks, illegal migration of Bangladeshis, and Islamist militancy.⁹ Using data from the University of Maryland's *Global Terrorism Database II* for the period 1998–2004, it has been argued that the fatalities caused by terrorist attacks are linked to the attack type and attack group. In this period India suffered the highest number of terrorist incidents (784 out of 7,184 world-wide), and fatalities (3,008). Bombings, followed by armed assaults, have resulted in the most casualties. Among the known perpetrators, Islamist groups have caused the most fatalities, most of them in Jammu and Kashmir, followed by fatalities in the north-east.¹⁰

The external connection is also emphasized by police officials who have been involved in controlling the drugs menace in the region. In their study on the working of the Golden Triangle and the Golden Crescent in India, they dwell at length on the negative forces unleashed by globalization, which have had a tremendous impact.¹¹ The long sea borders of India and the porous border with several countries, including Myanmar, also add to the external dimension of the terrorist threat in India.¹²

The transnational nature of terrorism in the region has had an impact on inter-state relations in South Asia. State sponsorship of terrorism and the victim state's response has increased bilateral tensions between India and her neighbours, namely Pakistan, Bangladesh, Sri Lanka, Nepal and Bhutan. It has also been instrumental in increasing the role of the USA as a regional player.¹³ S.D. Muni firmly concludes that narco-terrorism, money-laundering, illegal small arms, state support to non-state groups and migrants are all instances of 'subaltern globalization' that are a menace to the state, inter-state relations and the subalterns in South Asia.¹⁴

India and international terrorism

An analysis of the debate in India in the aftermath of the 2001 terrorist attacks on the USA reveals an attempt to place the Indian experience in an international context, accompanied by

the lament that India's tragedy was never acknowledged by the Western world. Thus, Manoj Joshi argued that until the catastrophic events of 11 September 2001, the Mumbai blasts of 1993, which left 250 dead, were the worst acts of urban terrorism.¹⁵ This tragedy and the role played by Pakistan did not even find mention in the *Patterns of Global Terrorism* report of the USA.

In an interview given to the *Pioneer*, in the wake of the attacks on the USA, Lal Krishna Advani (the Minister for Home Affairs), argued that the Western nations were for once realizing that a democratic and law abiding country like India was also a victim of international terrorism: 'even the Western countries are realising how, in the name of jihad, militants are killing innocent children, men and women in Kashmir', and as a country that respects human values, 'India is now a front-runner in the war against terrorism'.¹⁶ Given its long-term collaboration with Uzbekistan, Tajikistan and Iran, strategic thinkers also saw an opportunity for India to play a crucial role in Afghanistan in safeguarding the interests of the Uzbek, Tajik and Hazara (Shi'a) minorities.¹⁷

Pragmatists, however, cautioned against an over-zealous response to the international campaign on the basis of an acceptance of Indian concerns. They argued that the necessities of geopolitics made Pakistan critically important for the USA. India, therefore, would never be able to ensure that the USA named Pakistan as a 'state sponsor of terrorism'. In these circumstances, it would be best for India to put together an alternative alliance of countries that shares its priorities, such as Russia, Sri Lanka and Israel.¹⁸ By 2002, the mismatch between Indian and US perspectives on terrorism was being debated openly in India.¹⁹

Some argued that given the distinct Indian ethos, India should not compete with Pakistan to be the front-line state in the war against terrorism. Instead, India could lead the way by defining the nature of the international campaign against terrorism. Such a campaign could evolve around some 'important elements' like terrorism as a crime against humanity, terrorism as being indivisible, a comprehensive and integrated approach to dealing with terrorism, vulnerability of democratic governments and their way of life and freedom to international terrorism, no justification of terrorism on the ground of *jihad* or struggle for freedom, a campaign against terrorism is not a campaign against any religion.²⁰

India had actively worked towards building a consensus on international terrorism in the UN. India's initiative resulted in the UN General Assembly's adoption of the Declaration on Measures to Eliminate International Terrorism in 1994, which for the first time recognized the need for states to refrain from supporting terrorism and state obligation to persecute or extradite perpetrators of acts of terrorism. In 1999 the General Assembly adopted a resolution on Measures to Eliminate International Terrorism, mainly to discuss India's draft convention on terrorism. The resolution 'calls upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities'.

The Indian Draft Comprehensive Convention for Combating International Terrorism (CCIT) was presented to the 51st (1996/97) session of the UN General Assembly.²¹ Indian efforts were rewarded when, after initially ignoring the Convention, the UN General Assembly decided to take it up for discussion in September 2000. By then it had also been revised to include provisions from the International Convention for the Suppression of Terrorist Bombings (1997) and the International Convention for the Suppression of the Financing of Terrorism. India actively pursued countries during bilateral meetings and multilateral organizations for the adoption of the CCIT. This initiative was supported by the Non-Aligned Movement (NAM), G-8, G-15, Commonwealth Heads of Government Meeting (CHOGM) and the European Union (EU). Similarly, during the visit of the Indian President to the People's Republic of China, China's support was also solicited.

At the UN, the draft CCIT was taken up for consideration in various rounds of negotiations: one in 2000, two in 2001, and another in 2002. The need for a CCIT was explained by H.E. Kamlesh Sharma, Permanent Representative of India to the UN, in October 2001 thus: 'Planes were hijacked, but the cluster of Conventions on hijacking provides for action only against the hijackers; on September 11 they killed themselves with their victims. Passengers were taken hostage, but the cluster of Conventions against hostage taking also provides for action only against the hostage-takers; on September 11, they killed themselves with their victims'. Similarly, planes were used as bombs, whereas the Conventions have a precise definition of an explosive. No action is envisaged 'against those who supported, instigated or harboured the terrorists'.²²

As of 2003, the Working Group had accepted Articles 6–9 of the Indian Draft pertaining to extra-territorial jurisdiction of the victim state, blocking seeking of safe havens/asylum by perpetrators of violence, and state responsibility for suppression of terrorism. Article 2 of the Draft on definition of acts of terrorism and principle responsibility of the commander under whose control the subordinates commit a crime was revised and redrafted and was pending adoption. The debate on Article 18 on the role of military force when there is a disagreement whether the perpetrator of violence is a terrorist or a freedom fighter was ongoing. By March 2010 a Draft had been ironed out and was on the table, although India's envoy Hardeep Puri was still noting that 'there remain two outstanding issues that still needed to be resolved dealing with what kind of armed struggle, for instance a liberation movement, would not be called a terrorist act, and secondly would military forces be within the scope of the convention'.²³

Eleven existing legislations identified unlawful or criminal activities as acts of terrorism.²⁴ In compliance with UN Security Council Resolution 1373 (Threats to International Peace and Security Caused by Terrorist Acts), passed in the wake of the attacks in September 2001, India has undertaken several measures to combat terrorism. These are reported to the UN Counter Terrorism Committee (CTC) periodically.²⁵ India adopted the Prevention of Terrorism Ordinance (POTO) in October 2001.²⁶ In March 2002 India adopted the Prevention of Terrorism Act, a comprehensive piece of counter-terrorism legislation that replaced the POTO. It criminalizes fund-raising for terrorist activities. Terrorist crimes not committed in India nor affecting India's interests, but perpetrated from Indian soil were already punishable under the UN Security Council Act (1947), with assets of terrorist organizations listed by the UN Sanctions Committee under Resolutions 1267, 1333 and 1390 also able to be frozen using provisions of the same Act. To prevent and punish incitement of terrorism, the Unlawful Activities Prevention Act (1967) was amended in 2004. The Government also promulgated the Prevention and Suppression of Terrorism (Implementation of Security Council) Order (2004), to strengthen action against non-profit organizations.

Illicit financial transactions are sought to be controlled through the Directorate of Enforcement (which monitors the Foreign Exchange Management Act), the Central Board of Direct Taxes (which monitors the evasion of income tax), and the Directorate of Revenue Intelligence (which monitors violations of customs laws and proceeds deriving from smuggling activities). The latter works in liaison with enforcement agencies in India such as the Central Economic Intelligence Bureau, Income Tax Department, Enforcement Directorate, Narcotics Control Bureau, Directorate-General of Foreign Trade, Border Security Force, Central Bureau of Investigation, Coast Guard, state police authorities and Customs and Excise Commissions. It also maintains a close liaison with the World Customs Organisation, Brussels, Regional Intelligence Liaison Office, Tokyo, Interpol and foreign customs administrations. Several mechanisms are in place to prevent the use of *hawala* (remittance) money for financing terrorism. The administrative, investigative, prosecutorial and judicial authorities are provided specific training

for preventing and suppressing the financing of terrorism. Such training is imparted at the National Police Academy at Hyderabad, the Military Intelligence Training School and Depot at Pune, the Central Bureau of Investigation Academy at Ghaziabad, the Intelligence Bureau Central Training School at New Delhi, and the National Judicial Academy at Bhopal. The Prevention of Money Laundering Act (2003) criminalizes money laundering. The Central Economic Intelligence Bureau (CEIB), set up in 1985, receives and analyses reports from various agencies related to suspicious economic transactions. In the banking system this task is performed by the regional and national headquarters of banks under the aegis of the Reserve Bank of India. The Foreign Exchange Management Act (1999) makes *hawala* transactions illegal. Only registered wire transfer services are allowed to operate foreign money transfer service schemes and Indian agencies with which tie-ups are permitted are also listed. The Financial Intelligence Unit (FIU-IND) in the Department of Revenue of the Ministry of Finance was set up in 2004.

Most states in India have set up anti-terrorist cells, special operations groups, or special task forces to deal with terrorism. A Multi-Agency Centre (MAC) in the Ministry of Home Affairs co-ordinates all counter-terrorism efforts. A Joint Task Force has been set up within the Intelligence Bureau to co-ordinate the intelligence of central and state police forces. Also it gathers information from the subsidiary MACs in the different Indian states. Security on the borders has been stepped-up by the establishment of the Border Guard Forces.

It is, though, interesting to note that India refused to take assistance from the UN's Counter-Terrorism Committee Executive Directorate (CTED) and several other multilateral forums, as India considered that it had considerable expertise suited to its own peculiar requirements. Moreover, there is clearly stated Indian preference for bilateral arrangements and agency-to-agency co-operation. Here, India has offered to provide technical assistance to other countries in the training of immigration officials, computerization of immigration systems, setting up of financial intelligence units, analysis of intelligence related to money-laundering and terrorist financing, technology for analysis of financial information, and the like.

India's concerns regarding misuse of nuclear material are reflected in its domestic laws. Illegal possession of arms and acquisition of radioactive material is punishable under the Indian Arms Act (1959) and Indian Atomic Energy Act (1962). On the international level, at India's initiative the UN General Assembly also adopted a resolution in 2000 on Reducing Nuclear Danger. In several of its presentations to the UN's Sixth Committee on International Terrorism, India favoured early adoption of the Convention against Nuclear Terrorism. India signed the Convention on Physical Protection of Nuclear Weapons and it also co-sponsored the Resolution on the Code of Conduct for Safety and Security of Radioactive Sources adopted by the General Assembly of the International Atomic Energy Agency (IAEA). To prevent export of dual-use technologies that could be used for manufacturing weapons of mass destruction, there is a list of special chemicals, organisms, materials, equipment and technologies (SCOMET). The Indian Register of Shipping is responsible for the implementation of the International Ship and Port Facility Security (ISPS) code. On 24 July 2006 India signed the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism. Supporting its decision, it was argued that 'India shares the objective of the International Convention for the Suppression of Acts of Nuclear Terrorism, which demonstrates the resolve of the international community to deny terrorists access to nuclear materials and enhances international cooperation between states in devising and adopting practical measures for prevention of acts of nuclear terrorism and for the prosecution and punishment of their perpetrators'.²⁷

The 2010 Nuclear Security Summit vindicated India's position on international terrorism by making the connection between international terrorism and clandestine proliferation. The

communiqué issued by the Summit ‘commits the participating countries’, which included Pakistan, to co-operate effectively to ‘prevent and respond to incidents of illicit nuclear trafficking’, and agree to ‘share, subject to respective national laws and procedures, information and expertise through bilateral and multilateral mechanisms in relevant areas such as nuclear detection, forensics, law enforcement and the development of new technologies’.²⁸

International co-operation in combating terrorism

Indian efforts to get greater international appreciation of its terrorism challenge were sought to be achieved by a clear articulation of the al-Qa’ida connection to Pakistan-based groups. Thus, condemning the car-bomb attack on the Jammu and Kashmir assembly by *Jaish-e-Mohammad*, India pointed to its leader Masood Azhar’s links to al-Qa’ida and asserted that, ‘at a time when the democratic world has formed a broad and determined coalition against international terrorism, India cannot accept such manifestations of hate and terror from across its borders. There is a limit to India’s patience’.²⁹ In doing so, the Government was cautious not to compromise the Indian position on non-involvement of third parties in resolving the Kashmir issue and, therefore, no external assistance of any kind was sought.

Given the transnational linkages of terrorism, there was recognition in the Indian strategic community that counter-terrorism strategies should be multi-pronged and include foreign policy initiatives, an overall national posture and the use of military force. At the national level a need was felt for better intelligence gathering, media management and military initiatives, including pre-emptive strikes and creation of security zones. At the regional level a need was felt for co-operation, capacity building, addressing the audience and creating an understanding of the larger purpose. At the international level, a need was felt for measures to deal with tools/weapons of terrorism, mercenaries and stateless terrorists, and to arrive at an acceptable definition and international norms for dealing with terrorism.³⁰ After the 2001 attacks on the USA this understanding was further reinforced given the nature of international terrorism. It was argued, for instance, that there was an urgent need for national, regional and international organizations that could pre-empt and prevent terrorism by way of collecting, sharing and collating information.³¹

Given the complex nature of the challenge, the Government set up an Inter-Agency Group on Counter-Terrorism comprising representatives of the Ministries of External Affairs, Home Affairs, Defence, Finance, the National Security Council Secretariat and concerned government agencies. Its aims were:

- a) to articulate a clear and specific Indian stance on global terrorism;
- b) to communicate accurate, substantial and credible information/ intelligence to friendly governments;
- c) to advise Government on information/ queries/ responses arising out of inputs from foreign governments;
- d) to advise Government on both domestic and foreign media responses to terrorist activities; and
- e) to advise Government on requirements for both direct and indirect interaction with foreign interest groups on terrorism-related issues.³²

In order to strengthen international co-operation against terrorism, India set up Joint Working Groups with several countries. In addition, three types of bilateral treaties have been entered

into: agreements to combat terrorism and organized crime, narcotic drugs offences, etc., extradition treaties and treaties on mutual legal assistance in criminal matters.

India is also party to multilateral arrangements and agreements. It co-operates with INTERPOL by supporting and using its Red Corner Alerts. They facilitate exchange of operational information and development of joint programmes to combat organized crime and terrorism. There are more than 25 countries with which such co-operation is underway, including Australia, Belgium, Bhutan, Bulgaria, Canada, China, Egypt, Fiji, France, Germany, Hong Kong, Israel, Italy, Kazakhstan, Kyrgyzstan, Myanmar, Nepal, the Netherlands, Oman, Papua New Guinea, Romania, Russia, Singapore, Sri Lanka, Sweden, Switzerland, Tanzania, Thailand, Tunisia, Turkey, the United Arab Emirates, United Kingdom, USA and Uzbekistan. India's multilateral initiatives have been channelled through the UN (discussed above), EU, the South Asian Association for Regional Cooperation (SAARC), the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC, formerly the Bangladesh, India, Sri Lanka, Thailand Economic Cooperation) and the Asia-Europe Meeting (ASEM) forums.³³ In addition, India joined the Financial Action Task Force (FATF) as an observer in 2006 and as a full member in June 2010. India is also a member of the Asia-Pacific Group on Money Laundering.

Two important countries with which co-operation on terrorism has been put in place are the USA and Pakistan. US-Indian convergence on the issue had already been seen with the series of dialogues held since September 1999, in the aftermath of the Indian Airline Flight IC-814 hijacking.³⁴ In the first meeting of the Indo-US Joint Working Group on Terrorism in February 2000, the two countries agreed to share experiences, exchange information and co-ordinate approaches and action, including co-operation and implementation of the US Anti-terrorism Assistance programmes. During the same year, the two countries also established the Indo-US Joint Working Group of legal experts on terrorism. Also, as part of its assistance to India, the USA offered to give anti-terrorism training for inter-departmental co-ordination, crisis response and consequence management. The terrorist attacks of September 2001, and the USA's 'Long War' on terrorism, heightened this convergence.³⁵ Prime Minister Atal Bihari Vajpayee's visit to the USA in November 2001 pushed this convergence further, in which US-Indian co-operation was widened to include investigations into the terrorist attacks and intelligence sharing on terrorist groups and networks. In January 2002 the Director of the US Federal Bureau of Investigation (FBI), Robert S. Mueller, visited India. The two sides discussed sharing information and technical collaboration through the bilateral Mutual Legal Assistance Treaty. In the regular meetings of the Joint Working Group held since then, this bilateral US-Indian co-operation has been strengthened.³⁶

After substantial international (i.e. US) pressure in the aftermath of the 2001 terrorist attacks, and the attempted attack on the Indian parliament on 13 December 2001, Pakistani President Pervez Musharraf gave a commitment in January 2002 that Pakistan would not allow its territory to be used for any terrorist activity anywhere in the world and that no organization would be allowed to indulge in terrorism in the name of Kashmir. He reiterated his resolve in his addresses to the nation in May 2002 and June 2002. However, after initial reduction, infiltrations were soon back to pre-commitment levels.³⁷

Following renewed assurances from Musharraf to prevent use of Pakistani territory for anti-India groups, on 6 January 2004, the Composite Dialogue between the two countries was put in place. The first round of the Composite Dialogue in June–August 2004 concentrated on eight issues: Siachen, Sir Creek, Tulbal navigation project, terrorism and drugs-trafficking, economic and commercial co-operation, promotion of friendly exchanges, peace and security (including confidence-building measures), and Jammu and Kashmir. At the end of August 2005

the two countries decided to co-operate on intelligence sharing, and at the end of March 2006 they exchanged a list of unwanted people.

Bilateral meetings on the issues of terrorism and drugs-trafficking have been held regularly. In the second round of the meeting both sides underlined the need for co-operation between India's Central Bureau of Investigation (CBI) and Pakistan's Federal Investigation Agency (FIA). They also noted with satisfaction the continuing co-operation and exchange of information between narcotics-control agencies of both countries and agreed to put in place an understanding between them. Their Memorandum of Understanding aimed to have a regular institutional mechanism in place to intensify mutual co-operation and liaison on drugs-control matters. In addition to these areas, in the third round of meetings they agreed on the need to take measures to check human-trafficking, illegal immigration and counterfeit currency.

At the meeting between the Indian and Pakistani leaders on 16 September 2006 in Havana, Cuba, both leaders decided to put in place a Joint Anti-Terrorism Mechanism, to identify and implement counter-terrorism initiatives and investigations, and to exchange information investigations on either side related to terrorist acts and prevention of violence and terrorist acts in the two countries. The foreign minister-level talks held in November 2006 concluded with an agreement to set up a three-member anti-terrorism mechanism headed by the Additional Secretary (International Organizations) of the Ministry of External Affairs of India and the Additional Secretary (UN and European Commission) of the Ministry of Foreign Affairs of Pakistan. Its mandate was to consider counter-terrorism measures, including the regular and timely sharing of information.

It is interesting to note that the breakthrough in bilateral co-operation with Pakistan came at the end of the near failure of the regional initiatives of SAARC, through which India tried to get the co-operation of its neighbouring countries in preventing cross-border terrorism. India is party to the SAARC Convention on Suppression of Terrorism, which came into force in August 1988. The SAARC Convention defined acts of terrorism that would *not* qualify as political offences. It also gave extra-territorial jurisdiction to nations to punish perpetrators of terrorist acts and made it obligatory for member countries to adopt domestic legislation that criminalizes terrorism. Such laws were enacted by India, Sri Lanka, Nepal and Bhutan, but not by Pakistan. In 1993 India also enacted the SAARC Convention (Suppression of Terrorism) Act, to give effect to the Convention and as part of India's fight against 'the menace of global terrorism'.³⁸ The Government took up the issue of misuse of territories of neighbouring countries by terrorists with Bhutan, Bangladesh, Nepal, Myanmar and Thailand.³⁹ Subsequently, in 2004, SAARC adopted the Additional Protocol to the SAARC Regional Convention on Suppression of Terrorism. However, the ineffectiveness of the SAARC Convention was apparent, reflecting lack of action and intent, while SAARC was designed to leave contentious issues of a bilateral nature, and the SAARC Convention was meant to be operationalized on a bilateral basis. Also, SAARC did not have a focused and intense agenda and was rendered ineffective due to political interference.⁴⁰

International recognition of India's concerns regarding terrorism

As early as October 1999, a delegation of ambassadors from France, Portugal, Finland, Germany and the European Commission visited Jammu and Kashmir. The delegation met government officials, political leaders and a cross-section of people in the state to assess the prevailing situation there. The delegation assessed the impact of cross-border terrorism in the state, with the finger pointed to Pakistan's 'sponsorship' of cross-border terrorism there and elsewhere in India.

In the aftermath of the hijacking of the Indian Airlines Flight IC-814 in December 1999, India's Minister of External Affairs contacted his counterparts in several countries, including neighbouring countries, member countries of the UN Security Council, and governments of nations that had passengers on the hijacked flight. The Minister also spoke to his counterparts in many countries. As a result, pledges of co-operation, support and statements of condemnation of this act were received from all quarters. Countries like China also strongly condemned all acts of terrorism, and in the declaration of the Shanghai-5 Defence Ministers' Meeting in March 2000, the countries resolved not to tolerate ethnic separatism, religious fundamentalism and terrorism. The hijacking also led to a bilateral agreement between Italy and India.

At a hearing of the International Relations Committee of the US House of Representatives on 12 July 2000, the US State Department Coordinator for Counter-terrorism said that Pakistan was allowing its territory to be used by terrorist groups, but stopped short of making a legal determination of Pakistan as a 'state sponsor of terrorism'. During US President William (Bill) Clinton's visit to India in March 2000, he condemned the killing of 35 Sikhs in Jammu and Kashmir, and tried to get Pakistan to commit to cracking down on terrorist groups on its soil. During his subsequent visit to Pakistan in March 2000 President Clinton raised 'the need for Pakistan to intensify efforts to defeat those who inflict terror'.⁴¹

The 2000 Patterns of Global Terrorism Report, compiled by the US State Department, recorded Pakistan's continued support to the insurgency in Kashmir. On 20 December 2001, following the attack on the Indian parliament, the USA placed *Jaish-e-Mohammed* (JeM) and *Lashkar-e-Taiba* (LeT) on all three US terrorist lists—the Foreign Terrorist Organizations (FTO) list, the Specially Designated Global Terrorists (SDGT) list and the Terrorist Exclusion List (TEL). In addition, it called upon Pakistan to take steps to crack down on terrorism emanating from Pakistan and to take decisive action against the LeT and JeM and other terrorist organizations, their leaders, finances and activities. The White House notice issued on the same day described the LeT as the armed wing of the Pakistan-based religious organization, *Markaz-ud-Dawa-ul-Irshad*.

Alan Kronstadt's Congressional Research Study of 2003 clearly stated that terrorism in Kashmir was supported by groups like LeT and others that are based in Pakistan, and which have been officially designated by the US as 'foreign terrorist organizations'. In addition, this Congressional Research Study also declared the Al-Akhtar Trust in Pakistan to be a terrorist support organization funding al-Qa'ida and Taliban activities. Dawood Ibrahim was designated a global terrorist.⁴² The 2003 Patterns of Global Terrorism Report recognized that the extremist violence in Jammu and Kashmir was fuelled by infiltration across the Line of Control. Besides retaining the designation of Pakistan-based groups such as LeT, *Harkat-ul Mujahideen* and JeM as terrorist organizations, the USA has, in the 2003 Report, added others, such as *al-Badr Mujahideen*, *Hizb-ul Mujahideen* and *Jamiat ul-Mujahideen*, to its lists of terrorist organizations. However, the initial US response to the Nadimarg massacre in Jammu and Kashmir in March 2003 came as a surprise to India. Rather than outright condemnation of the massacre, the US State Department merely urged India to resume 'dialogue' with Pakistan. However, the subsequent US-British statement on 27 March was more pointed, condemning the Nadimarg massacre, calling on Pakistan to end infiltration across the Line of Control in Kashmir, and urging Pakistan to do its utmost to discourage acts of violence by militants in Jammu and Kashmir.⁴³

At the international level, in 2002 the G-8 Summit urged Pakistan to prevent terrorists from operating from its soil. In response to the terrorist attacks on Mumbai on 11 July 2006, the G-8 Summit, the Chairman of the Council of the Heads of State of the Commonwealth of Independent States, the Chairman of the African Union and other international organizations

formally expressed their willingness to take all necessary measures against such terrorists, their organizers and sponsors. As a result of the growing international recognition of the seriousness of international terrorism and India's diplomatic efforts, several countries became more sympathetic to the problem of cross-border terrorism. International reaction, sympathy and support to India in the wake of the terrorist attacks in Mumbai on 26 November 2008 are testimony to this.

Conclusions

Although India had been facing the threat of international terrorism for several decades, her concerns were taken seriously only in the aftermath of the 11 September 2001 attacks on the USA. This was reflected in increasing international support for the Indian draft Comprehensive Convention on International Terrorism at the UN. In the years that followed, India took the lead in formulating and sponsoring several important conventions and declarations on various aspects of international terrorism. In compliance with the resolutions of the Counter Terrorism Committee, India's internal mechanisms for dealing with the terrorism (legal, institutional and operational) challenge were strengthened. Despite India's diplomatic initiatives, however, the consequences of state sponsorship of terrorism are yet to be appreciated fully by the international community.

Notes

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