

COUNTER-TERRORISM AND INDIA'S FOREIGN POLICY

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ABSTRACT

India has faced the challenge of active terrorism, in its present form, since late 1980s. However, even after close to three decades of experience in counter-terrorism efforts, the nation is yet to evolve an effective approach to deal with the menace in a comprehensive manner. The most significant reason, perhaps, is the trans-national support and international linkages that most of the terrorist groups may have. The paper argues that the international linkages and trans-national support that various terrorist groups get makes it imperative for the nation to have a counter-terrorism foreign policy in place. This is because counter-terrorism co-operation has come to occupy a central place in the diplomacy of major powers. The Pakistan-centric diplomatic endeavors can only produce limited results in terms of meeting the larger objectives of containment of terror. The problem, further, is linked to the lack of any agreed meaning of the term "counter-terrorism", which gets different meanings in the diplomatic terminologies of various nations, and perhaps different meaning in the foreign policy approach of the same nation on two different occasions.

KEYWORDS: Terrorism, Counter Terrorism, Insurgency, Foreign Policy

INTRODUCTION

According to a data, compiled by the Institute for Conflict Management (ICM), since 1994, till the end of the year 2017 the total number of casualties (includes civilians, SF personnel and terrorists) in terrorism related incidents in India stands at 66, 378. This excludes the casualties in Naxal related violence. If the data of casualties in Naxal related violence are to be added, which the Institute's database has since the year 2005, the total number of fatalities (Includes civilians, Security Force personnel and militants/terrorists), in insurgency/terrorism related incidents would be 74, 027 for the same period. See <http://www.satp.org/satporgtp/countries/india/database/indiafatalities.htm>. Accessed on 26 Sep 2017.) Thus, close to 3,000 persons are being killed annually in insurgency/terrorism related incidents. The level of casualty is, however, is just an indicator. Any comprehensive assessment of such incidents, in addition, needs to factor in the material losses that the country suffers. This happens on two fronts. One is the visible damage that happens in the form of loss of property and material resources in the terrorism related incidents. This is accompanied by the material and other resources that the state is forced to divert from its normal development and welfare activities. The other is the loss that is incurred due to the interruption of the pace of progress that the country is making. There may be some assessment of the amount of loss that is happening in the first instance, the second instance remains, perhaps, largely unassessed. The socio-psychological cost of the burden of violence that the state and its people are forced to bear is a

further addition to the challenges related to terrorism and insurgency in the country.

The analysis of insurgency/terrorism related violence needs to understand its internal and external dimensions, both. In a similar manner, any policy or strategy that is targeted against terror also has to factor in the aspects that would disrupt the internal and external networks of terror, and which, eventually would be successful in containment of terror. Which aspect is more significant in the counter-terrorism strategy of the country depends on the context, the network of the terrorist group and the nature of violence. However, a careful study of various terrorist/insurgent groups active against India and their area of operation would indicate that the external support, in some form or the other has come to constitute an important ingredient of overall support base for them. The terrorists operating in the state of Jammu and Kashmir are the most obvious case. This is also true, in varying degrees, in the case of Maoist insurgency and the activities of insurgent groups, which are operating in the Northeast region of India. Among other things, for the movement of funds and procurement of weapons, the insurgent/terrorist groups are dependent on their external network of terror. Important is to understand that, in all likelihood, the modus operandi and sources which extend external support for the promotion and maintenance of these external terror networks could be similar or may coincide in the case of various terrorist/insurgent groups.

The counter-terrorism strategy of India requires a coordinated effort on the part of various agencies to tackle both, the internal and external dimensions. However, the paper argues

that the much needed oxygen for the life-support of terrorist groups comes in the form of external networks, and it is from that point of view that a targeted counter-terrorism foreign policy becomes a requirement for India. Let's look, for instance, Indian reply to Pakistan at the 72nd UN General Assembly, where a very directed and focused argument was offered to counter the Pakistani propaganda. (See Right to Reply that was read by the first secretary Eenam Gambhir at the 72nd UNGA on 21 Sep 2017. Available at <https://www.pminewyork.org/adminpart/uploadpdf/89670right%20of%20reply.pdf>. Accessed on 05 Oct 2017.) India reiterated its position on Pakistan's role in supporting and protecting the terror networks on Pakistan's soil. However, the facts have been brought to the notice of the world leaders and the members of the United Nations on earlier occasions as well. The Indian efforts to painfully explain to the world that Pakistan remains a safe haven for anti-India terrorist groups, in addition to being a place where Taliban and Al Qaeda terrorists could find shelter has yet to rip the desired diplomatic benefits. The reasons are possibly two. One, India's counter-terrorism external strategy, possibly, has been and continues to remain, primarily, Pakistan-centric. Two, there is a lack of consensus among the cooperating nations as what acts should constitute terrorism and hence, how a coordinated counter-terrorism strategy has to be evolved. In addition to these two issues, there also remains the issue of leadership of the international counter-terrorism operations. This perhaps has emerged as an arena where nations may be seen supporting or opposing specific counter-terrorism efforts of other nation-states depending on their national interests. Thus, the way a nation's foreign policy is an outwardly oriented instrument for the protection and promotion of national interest, so is to be seen the external dimension of the counter-terrorism strategy of the nation state.

INDIA AND COUNTER-TERRORISM

The issue of counter-terrorism in India can be understood to be composed of the strategy and tactics part and on the other hand, the agencies which are involved in carrying out the counter-terrorism operations. As regards the former, tactical planning happens depending upon the case that may present itself before the security agencies. As regards the strategy, it is difficult to be conceived of in the light of the India's counter-terrorism responses, thus far. Overall, if one has to understand India's counter-terrorism strategy then it is to be understood with the help of the activities of various security and intelligence organisations which are involved or related with the counter-terrorism responses of the state. Thus, planning and operations, both may constitute India's responses to counter terrorism. There exists, however, complexity and lack of clarity, both, as regards Indian way to counter terrorism.

B Raman, in one of his articles described that India's counter-terrorism setup consists of state police and intelligence set up, the national intelligence community, the physical security agencies and the armed forces. (See Raman, B. 2003. India's Counter Terrorism Strategy. At <http://www.rediff.com/news/2003/apr/05spec.htm>. Accessed on 28 Sep 2017.) He further added that the counter-terrorism techniques being followed in India included threat assessment and analysis and a good investigative machinery. However, he laid emphasis on intelligence sharing with other countries. In this direction, he highlighted that the counter-terrorism cooperation in South Asia had not been successful. Thus, overall, the intelligence agencies and security forces constitute the operational arms, but successful international collaboration/cooperation is a necessary condition for the counter-terrorism techniques to be successful.

Among the operational setup, the role of intelligence is the most crucial one. Any successful counter-terrorism strategy has to give its due place to the role of intelligence gathering and analysis of both kinds, tactical as well as strategic. The tactical intelligence gathering and operation largely depends on the local law enforcement agencies. However, the nature of intelligence that India requires in the case of terrorist/insurgent movements should be, first, strategic in nature. Meaning, a national level threat assessment and analysis would be required, in the first place. This is, possibly, the basic level requirement of the Indian counter-terrorism strategy. This requirement arises out of the nature of the insurgency/terrorism movements in India, which, as stated earlier, depends on the external networks for its growth and sustenance. An author has remarked that incidents like 26/11 (A symbol that has come to be identified to designate the LeT attack in Mumbai that occurred on 26 November 2008.) represented "the continuation of a long standing covert war being waged by the Pakistani Army and its spy wing, the ISI against India using terrorist proxies". (Mahadevan, Prem. 2012. *The Politics of Counter-Terrorism in India: Strategic Intelligence and National Security in South Asia*. London: I.B. Tauris. P.1) The author further remarked that it was part of strategic decision to foster terrorism in Indian urban centres. The strategy, according to the author, included, crippling India's economy, undermining India's efforts to attract foreign investment, and eventually to target India's ambition to emerge as a great power.

The current intelligence setup, the core of which India had inherited from the British is complex and confusing. In addition to the IB, which is the oldest among the intelligence organisations, the intelligence community for national security in India include the RA&W, the respective intelligence wings of the Indian military, the Defence Intelligence Agency (DIA), the National Technical Research Organisation, (NTRO), Joint

Intelligence Committee (JIC), Joint Cipher Bureau, Finance Intelligence Unit (FIU), intelligence unit of respective state police departments and Criminal Investigation Departments (CIDs), intelligence wings of various paramilitary organisations (known as G-branch), Narcotics Control Bureau (NCB) and Directorate of Revenue Intelligence (DRI). In addition, all the intelligence agencies try to extract information from the cyberspace in their own ways. A report recently indicated that India is also supposed to have an apex cyberspace intelligence agency, the National Cybersecurity Coordination Centre (NCCC). (See "India's cyberspace intelligence agency to be functional from June". At <http://economictimes.indiatimes.com/tech/internet/ravi-shankar-prasad-launches-botnet-centre-nccc-to-be-ready-by-june/articleshow/57276781.cms>. Accessed on 09 Oct 2017) All the agencies may be collecting information/data on insurgency/terrorism. Analysis and dissemination of information also must be taking its own course. However, the rich pool of intelligence gathered in the process and analysis of the data so gathered somewhere loose its way and fall short of becoming actionable. Seen from the point of view of counter-terrorism/insurgency, this may be due to the fact that, among other things, the externally visible signs of the potential threat do not get a substantial preventive policy support on the foreign policy front.

The external symptoms could be reflective of an inbound threat. This may require a specialised diagnosis and hence treatment at the level of the origin of the threat. It may further require that the growth of the network, which may be providing support to the emerging threat should be targeted in its trans-national form. This is all the more relevant from the point of view that as emerging democratic power, India may find itself engaged in active diplomacy in the times to come. The issue can further be contextualised. Studies on terrorism have indicated that democracies could be more vulnerable to terrorism from abroad than other regime types. This is because the democratic regimes are considered to have "high level of executive constraints, free press, and political participation". They "facilitate transnational terrorism by providing a context in which terrorist can operate with relative ease". (Savun, Burcu and Phillips, Brian J. Democracy, foreign policy and terrorism. In *The Journal of Conflict Resolution*. 53 (6). p. 879.) However, it is in the foreign policy behaviour of states that one may look for the reasons for transnational terrorism. The states "which are highly involved in international politics are likely to create resentment abroad and hence are more likely to be the target of transnational terrorism". (Ibid) Considered this way, India's profile is rising abroad and India is expected to be more active in international politics as a responsible power, hence it is more likely that the external dimension of terrorist threat could constitute an important element of national security threat. At

this stage, we should stop a while and can ponder, is it really so? Is it only active engagement in international politics or engagement in particular type of international politics that could be the real facilitator of 'trans-national terrorism'?

Again, the issue may be addressed differently and my endeavour would be to throw some light on this issue in the following sentences. At this stage, we may possibly stop and further add to something that has been understood as the "Indian way" to counter terrorism/insurgency. Rajesh Rajagopalan in one of his works has held the view that one could not say with certainty if India has a counterinsurgency 'strategy'. However, the consistency in the Indian approach towards counterinsurgency indicates that India does have a strategy and one might even call it a 'grand strategy'. It is primarily a "political approach in which military force plays an essential but ultimately limited role." (Rajagopalan, Rajesh. 2009. *Insurgency and Counter-insurgency*. In *Seminar*. No. 599. At <http://www.india-seminar.com/2009/599.htm>. Accessed on 11 Sep 2015.) He further writes that the essence of this strategy is the willingness to compromise with the insurgent groups excepting on the issue of secession. India's counter-terrorism efforts have been successful to the extent that India has not lost any of the domestic counterinsurgency campaigns. India's approach has also ensured use of minimum level of violence against insurgent groups and maintenance of normalcy in political and civil life. "India has not only managed to keep under control a large number of rebellions, but has managed to do so without recourse to the kind of methods that has recently been referred to as the 'strategy of barbarism'." (Ibid)

In addition to the issue that what kind of approach could be called a counter-terrorism strategy for India, important is also to note that how India should look at the issue of counter-terrorism especially as an emerging democratic great power. The emphasis is here on *democratic*. Paul Wilkinson, in one of his books (Paul, 2011) has underlined the fact that the global war against terror is yet to be won. Wilkinson is writing from a western perspective, and for him democracy and liberalism, possibly, could mean the same thing. He is of the opinion that since the 9/11 incident, some of the major potential terrorist threats, including the 2006 liquid explosives plot to blow up seven airlines *en route* from Heathrow to North America could be preempted and prevented primarily because of international (intelligence) collaboration. (Ibid) As India is a successful democracy in the region and as a democracy the focus of any Indian counter-terrorism strategy should be a policy within the rule of law and effective representative institutions, among others. Effective counter-terrorism strategy may not require undermining of democratic principles. Wilkinson's arguments have implications for India. In the case of India, as would be argued below, if the terrorist threat depends on external support network, then the

terrorist/insurgent groups as part of their larger propaganda strategy may project that their activities may have implications for regional peace and security. Since the groups depend largely on external support, the outside territory may be used as safe haven/base to carry out attacks against India. As a counter measure, it would be required that India should garner maximum international support and enter into effective international collaboration, which should be part of diplomacy and not intelligence alone. In the case of latter, things would be covert till the last stage of the unfolding of the events. As the democracies are backed by the support from the people, a carefully crafted diplomacy could generate a strong support for a well thought out counter-terrorism strategy.

EXTERNAL SUPPORT BASE OF TERRORIST/INSURGENT GROUPS OPERATING AGAINST INDIA

In order to clarify my point that an effective counter-terrorism diplomacy could be required for the unearthing of and disruption of terrorist networks operating against India, it is required that I should, first, explain the external linkages and the external support base of various terrorist groups that are operating against India. Primarily, in terms of geographical region, the operational and financial linkages run in Pakistan, Bangladesh, Bhutan, Nepal, in some of the countries of West Asia and Southeast Asia. Among the external linkage of the terrorist groups, Pakistan, however, may require a special mention as it is not only a willing partner, but actively abets and supports terrorist groups against India. While the terrorist groups are exploiting a wide geographical region for their anti-India operations, prima facie, any diplomatic endeavour concentrated in one region or on one state would be limited in terms of meeting the objectives of counter terrorism. Thus, there has to be a foreign policy on counter-terrorism, which is required to be different from and more effective than the existing counter-terrorism collaborations.

The issue can further be elaborated with the help of a brief description of external linkages of terrorist groups like Lashkar-e-Toiba (LeT). LeT's linkages run deep into Pakistan.(Kumaraswami and Copland,2009.p. 65) The outfit has linkages with Saudi Arabia-based Al-Harmaine Islamic foundation and the Taliban and Al Qaeda. LeT's network is extensive and runs into Bangladesh and South East Asia, as well. In addition, Lashkar has its linkages in West Asia and Europe. The Lashkar module is also reported to be known in Virginia.(See http://www.satp.org/satporgtp/countries/india/states/jandk/terrorist_outfits/lashkar_e_toiba.htm. Accessed on 10 Oct 2017) Another terrorist organisation, the Babbar Khalsa International, which can be seen only intermittently active in Punjab has its external linkages in Germany and Pakistan.(See <http://www.satp.org/satporgtp/countries/india/states/punjab/terr>

ist_outfits/BKI.htm. Accessed on 09 Oct 2017.) Also, the Northeast based prominent insurgent groups have faced action by the foreign governments on India's sustained diplomatic endeavours, but linkages of the groups like the NSCN and ULFA that run into Myanmar, Bhutan and Southeast Asian countries does not appear to have been comprehensively wiped out. Similarly, the linkages of Indian Maoists are still suspected to be running deep in the neighbouring countries, including Nepal. Reference to China also comes while we discuss of exploitation of foreign territories by the insurgent/terrorist groups.(For details one can the timeline of recent incidents at <http://www.satp.org/satporgtp/countries/india/timeline/index.html>. Accessed on 110 Oct 2017.)

Under these circumstances, India is required to have a systematic counter-terrorism policy on the foreign policy front. This can be done either dovetailing the existing, but scattered policies. Else, the whole issue can be assessed in a holistic manner to give a comprehensive approach to counter-terrorism on the external policy front. As stated earlier, this is required to be an effective policy, overt and keeping in mind the international linkages of terrorist groups, not being Pakistan-centric alone.

COUNTER –TERRORISM AND FOREIGN POLICY: THE LINKAGES

The important linkage between a state's counter-terrorism strategy and its foreign policy is the way foreign intelligence is gathered, analysed and combined with the country's diplomacy. The IDSA task force report on intelligence reforms in the year 2012 explained that in the initial phase of its evolution, foreign policy of modern nation states were an amalgam of diplomacy, espionage and covert action. Gradually the boundaries and distinctions between the two emerged.(See IDSA Task Force Report. 2012. "A Case for Intelligence Reforms in India". New Delhi: IDSA. p. 74) This happened over a time, important landmark being the 1815 Treaty of Vienna which, among other things, denounced espionage and the Vienna Conference on Diplomatic Relations of 1961 that identified a diplomat's responsibility, among other things, to send to its government a report on the conditions and developments within the receiving states based on information collected through lawful means.

However, subsequently, intelligence has come mean as a method of collection of information and data through 'covert' means, and operations which would be 'covert' in nature. Thus, anything that is covertly done to serve the purpose of a state's domestic and foreign policy may mean intelligence. In my opinion, it is this nature of foreign intelligence that has proved to be a big limitation in the counter-terrorism strategy of a state like India. The second aspect that is significant is that foreign policy instruments do focus on counter-terrorism, which

technically speaking may be claimed by the MHA as its domain. At the same time, MHA does have its energies directed towards foreign collaborations on counter-terrorism front.

While I highlight this, I refer to the annual reports of the Ministry of Home Affairs (MHA) and the Ministry of External Affairs (MEA). While the MEA annual reports have a section on 'counter-terrorism', the MHA annual reports have a section on 'international collaboration'. The opening sentences of the MHA annual report of 2016-2017 on the 'international collaboration' section state: "With the advancement of technology, international terrorism, organised crime, and illicit trafficking in narcotic drugs have evolved and changed rapidly and has assumed a transnational and global dimension. In this context in order to counter the occurrence of such crimes, several proactive steps are taken by the Ministry of Home Affairs (MHA) to continuously engage with various countries for taking up and pursuing a variety of multilateral and bilateral initiatives in security-related areas through various instruments". (MHA Report 2016-17, p. 251)

The report in the subsequent details describes the multilateral cooperation between the MHA and South Asian Association for Regional Cooperation (SAARC) and bilateral cooperation with other countries. Treaty/Agreement for Mutual Legal Assistance in Criminal Matters has been signed with 31 countries, including Australia, Belarus, Hong Kong Special Administrative Region, Spain, South Korea, Switzerland, United Kingdom, USA and Thailand. Agreements such as Mutual Assistance in Criminal Matters and Agreement/MoU on Prevention of and combating Illicit Trafficking of Narcotic Drugs, Psychotropic Substances and Chemical Precursors as well as related offences, and Agreement on Transfer of Sentenced Persons also exist. In subsequent sections, the report presents the highlights of relations with countries like Myanmar and Bangladesh. High-level bilateral visits and meetings have also happened.

Similarly, the MEA has published in report the bilateral and multilateral cooperation that has been made by India. The report for the year 2016-2017 states that structured consultations have been made through Joint Working Groups on Counter Terrorism, India regularly participates in the meetings of the Global Counter Terrorism Forum (GCTF) as a founding member. In addition, as mentioned above, the MEA through its permanent representative also places India's position at the United Nations Forum.

This is understood that since the terrorist groups active against India have external linkages, the MEA is required to develop a policy to tackle the issue on the diplomatic front. It is for the same reason that the MHA is involved in foreign collaboration in order to make its counter terrorism policy effective. The description with respect to the MEA and MHA is

only indicative. Considering that terrorism is dependent on external support for its 'critical terrorist infrastructure', and this has been mentioned above referring to some of the cases, the agencies that have been mentioned above who have a role in counter-terrorism should have some role in foreign cooperation, as well. This possibly leads to a kind of 'policy dilemma' with regard to India's well-coordinated foreign policy strategy on counter-terrorism front. The agencies must be following their respective 'professional instinct' while engaging in bilateral or multilateral cooperation on counter terrorism. In addition, this needs to be highlighted that while combating organized crime is a responsibility of the MHA, but law and order, is a State subject under the Indian Constitution. Thus, how to translate the foreign policy strategies of respective agencies on the ground? This aspect needs to be factored into in any objective assessment of the foreign policy segment of India's counter-terrorism strategy.

CONCLUSION

There would be an agreement that the efforts of respective agencies are required to be well coordinated to turn them into an effective foreign policy strategy. This is what possibly should be India's counter-terrorism foreign policy. Although theatre-specific and group-specific policy may be required yet they should exist within the larger policy. It is understood that the information and analysis that would be gathered through lawful means would have more validity and also an element of verifiability. It may be added that collection of information on a foreign land would, anyway, require the sanction of the state in which the information is sought to be collected. Unauthorised operations on foreign land raise the level of risk and cost of the information, so gathered. Legality of the gathered information becomes yet another issue. Meaning, production of the collected data as evidence in the court of law becomes a difficult proposition. It is understood that some countries, like Pakistan may never cooperate. However, under the present condition, when the countries in West are facing the menace in a different form (the recent case of 'lone-wolf attack' in USA), there is a larger possibility that most of the nation-state would come together against terrorism on legal-rational grounds.

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KUMAR : COUNTER-TERRORISM AND INDIA'S FOREIGN POLICY

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