

State-Sponsored Terrorism

Ishtiaq Ahmad

Terrorism is generally understood as an organized violent act by non-state actors against unarmed civilians to create mass fear in a targeted state. But terrorism is also committed by a sovereign country or a government, both domestically and internationally. State-sponsored terrorism literally implies a state's use or support of terrorism against another state or against its own people. Since terrorism has essentially become an international phenomenon over the last three decades, the expression 'state-sponsored terrorism' is now commonly used to describe a state's support of international terrorism. Any country that deliberately employs terrorism or aids and abets terrorist groups as an instrument of its foreign policy against another country is categorized as a state sponsor of terrorism or simply a terrorist state.

Before placing state-sponsored terrorism as a specifically international phenomenon in a theoretical perspective and explaining its historical evolution, various forms, practical manifestations and consequences for regional and international peace, it is important to clarify at the outset what the term 'state-sponsored terrorism' actually refers to and what it does not in the contemporary literature on terrorism or in its application to inter-state relations as currently perceived by the international community.

Misunderstood Expression

First, state-sponsored terrorism should not be confused with domestic state terrorism, whose implications are internal to a country and are not usually manifested regionally or internationally. Domestically, a regime may overtly engage in terrorist practices against its own population for various reasons—ranging from perpetuating a dictatorial rule to preserving the state's territorial integrity to victimization of a particular segment of population on ethnic, religious or racial grounds. The "reign of terror" practiced by the Jacobins during French Revolution, the "great terror" campaign during the Stalinist Russia, the holocaust of Jews by the Nazis in Germany, Mao Tse-Tung's repression in China in the guise of Cultural Revolution, the virtual extermination of Muslim Brotherhood in Syria under Hafez al-Asad, the apartheid policy pursued by the white Pretoria regime in South Africa, the Serbian ethnic cleansing of Bosnian Muslims in the Balkans and the persecution of Iraq's Shiite majority and Kurdish minority by the Saddam regime are but some of the most prominent examples of domestic state terrorism.

However reprehensible, terror perpetrated by states against their own people does not destabilize the international system. Since such terrorism does not manifest itself internationally, it is difficult to invoke international law to take the regimes terrorizing their populations to task. In fact, it is only recently that the world community has started debating issues such as the need for international humanitarian intervention in a country led by a regime with a track-record of repression. And still there is no global consensus on the issue of regime change, even though the states accused of supporting international terrorism in the past and even today, such as Iran and Syria, are generally those practicing

domestic terrorism as well. In retrospect, therefore, until overt practice of domestic state terrorism is internationally accepted as an activity requiring punitive global action, it will be difficult to officially brand states terrorizing their people as sponsors of terrorism or 'terrorist states' and take some punitive international action against them. Until this happens, the difficult task of opposing such abuses by state regimes will continue be performed by international human rights advocates

A second clarification about what state-sponsored terrorism is not pertains to instances of state terrorism that occur during war. The expression 'state-sponsored terrorism' is usually reserved for covert support of terrorism by a state against another state during relative peace or in a conflict short of war. During a war, rival state security forces may deliberately or otherwise hit civilian targets, but they can always defend such acts using the pretext of 'collateral damage,' especially in situations such as during the recent or ongoing wars in Iraq and Afghanistan where terrorist-insurgent forces and their military assets are located in civilian areas, or they use civilians as 'human shields.' Even the justification of collateral damage may not be offered by the warring sides during a global conflict, as was the case with the German bombing of London and the Allied bombing of Dresden during World War II.

Just as domestic state terrorism has existed as long as the history of authoritarianism, instances of state terrorism during war are as old as the history of military conflict. Under the international state system as it has evolved over centuries, only state has the right to use force to preserve its territorial integrity and national sovereignty. What to speak of terrorism, non-state actors cannot even practice militancy against security personnel of the state by using ethno-nationalist, revolutionary or religious justifications. The Chechen fight against Russia, a federation, and the Kurdish fight against Turkey, a unitary state, was, therefore, illegitimate. However, it is difficult to term militant uprising by non-state actors targeting only the state security forces in a disputed territory under its control, such as in the Indian-administered Kashmir, as terrorism. But, even in such cases, if the non-state actor makes no distinction between the armed and the unarmed while employing violent methods, the state in control of a disputed land can always question the morality and legality of the violent struggle against its controversial rule in the disputed region.

Such monopoly over the use of force by a state within its boundaries is the main obstacle to international humanitarian interventions, even in cases where a state's regime overtly terrorizes its people. As for instances of state terrorism during war, there are universally accepted international canons, such as the Geneva Convention, which restrict the warring sides from deliberately targeting civilians during combat or treating prisoners of war humanly. However, in present-day warfare, security forces of a state or a coalition of states have to fight terrorist insurgencies and are often faced with a real difficulty in making a distinction between combatants and non-combatants, as has been the case in the Iraq and Afghanistan wars. In such situations, not just instances of civilian war, casualties occur more frequently, and the warring state parties' justification for using the logic of 'collateral damage' to portray an incident of civilian death as an unavoidable and unintended act on their part also becomes more persuasive.

Sponsorship Controversy

A third and final clarification, before we start deliberating state-sponsored terrorism in theory and practice, pertains to a largely misconstrued notion about the United States discriminating when it comes to declaring which state sponsors terrorism and which does not. It was in the 1970s that state-sponsored terrorism started to receive international attention. Consequently, in 1979, the US Congress passed a law requiring the Department of State's Office of Counter-Terrorism to report to it every year on the state of terrorism and state-sponsored terrorism in the world. Thus, each year, the US Secretary of State designates a number of countries as state sponsors of terrorism. Currently, four states have this designation: Iran, Syria, Sudan and Libya. Governments that find themselves on this list are subject to four main sets of US sanctions: "1) ban on arms-related exports and sales; 2) Controls over exports of dual-use items, requiring 30-day Congressional notification for goods or services that could significantly enhance the country's military capability or ability to support terrorism; 3) Prohibitions on economic assistance; and 4) Imposition of miscellaneous financial and other restrictions, including, requiring the United States to oppose loans by the World Bank and other international financial institutions; exception from the jurisdictional immunity in US courts of state sponsor countries, and all former state sponsor countries (with the exception of Iraq), with respect to claims for money damages for personal injury or death caused by certain acts of terrorism, torture, or extrajudicial killing, or the provision of material support or resources for such acts; denying companies and individuals tax credits for income earned in terrorist-list countries; denial of duty-free treatment of goods exported to the United States; authority to prohibit any U.S. citizen from engaging in a financial transaction with a terrorist-list government without a Treasury Department license; and prohibition of Defense Department contracts above \$100,000 with companies in which a state sponsor government owns or controls a significant interest."¹

These economic and political sanctions are intended to force state sponsors to renounce the use of terrorism, end support to terrorists and bring terrorists to justice for past crimes. The existence of the list and the organization of US policy around it reflect the US tendency to see state sponsorship as a key element in the threat of international terrorism. The US government believes the state sponsors of terrorism provide critical support to non-state terrorist groups; and that without state sponsors, terrorist groups would have greater difficulty obtaining the funds, weapons, materials, and secure areas they require to plan and conduct operations.

The US list of terrorist states is revised each year on the basis of the respective states' international conduct. If an already listed state is found to have stopped support to international terrorism during six months preceding the release of the list, its name is removed from the list; and if it does not, it remains on the list and continues to face sanctions. Any country found to be engaged in sponsoring terrorism in the past year is added to the list. The sanctions experienced by a country as a result of the US designation of state sponsor of terrorism are significant, but the regimes concerned generally escape their harmful impact and remain defiant, leaving their populations to suffer the disastrous consequences of these sanctions, as happened in Iraq under Saddam, or is still the case in

North Korea under Kim Jong-il, even though it is no more listed as a 'terrorist state.' Quite commonly, and understandably, the rulers of the states described by the State Department as 'terrorist states' accuse the United States, in turn, of practicing international terrorism.

In the critical scholarship on terrorism as well, the United States is often subjected to criticism on two counts: first, critics believe the US decision to brand a country 'terrorist' is mostly politically motivated. As terrorism expert Adrian Gulke argues, "On the basis of the types of support that the State Department uses to justify including particular countries on its list, such as providing safe havens to sub-state groups engaged in terrorism, it would be possible to make out a case for the inclusion of a very large number of countries, especially given its broad definition of terrorism 'premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national or clandestine agents'. Further, 'noncombatant' in this context includes unarmed or off-duty military personnel, and even armed personnel in some contexts. In practice, whether a country is listed as a 'terrorist state' is at least as much a reflection of that country's relations with the United States as it is of its actual behavior."² Thus, if the relationship is perceived by the United States to be strategically important, as in the case of Pakistan in recent years, then disincentives other than inclusion in the "terrorist list" are considered more appropriate by the US government.

However, three recent examples, including that of Pakistan, suggest that such criticism is grounded in a rather simplistic understanding of a complex and radically different situation at present. Once, in the past, Pakistan did aid and abet extremist organizations engaged in militant uprising in the Indian-administered Kashmir. But the target of this militant campaign were primarily Indian security forces rather than unarmed civilians in an internationally disputed region. Moreover, in recent years, this alleged sponsor of terrorism has itself become a prime target of terrorism by the same groups who are also accused of cross-border terrorism in India. Two, North Korea remained on the US list of 'terrorist states' for years. The decision to remove its name from the list in October 2008 was made once it was determined by the State Department that the country had stopped sponsoring terrorism and also because the United States preferred to diplomatically negotiate the nuclear standoff in the Korean peninsula with North Korean leadership. Three, Libya's removal from the US list of 'terrorist states' in June 2006 occurred only after the Muammar al-Qaddafi regime handed over two Libyan suspects of the 1988 Pan-Am bombing in Lockerbie, Scotland, for an international trial, renounced terrorism and weapons of mass destruction in 2003 and agreed to pay \$ 2.7 billion as financial compensation to the families of the 270 American, British and French victims of the Lockerbie terrorist act and \$35 million to 160 German victims of the 1986 bombing of the La Belle nightclub in Berlin.

Second, critics also point to many instances in the past where the United States has itself supported a regime or an insurgent group engaged in terror practices, such as the US support to Israel against Palestinians, the insurgent Contras against Nicaragua's Sandinista regime of Daniel Ortega, and the General Augusto Pinochet regime in Chile. "The "Chileans would be justified in considering the US intervention in their country in

the 1970s as terrorism. According to documents declassified in 2000 and released by the US National Security Archives, the United States tried to overthrow the government of Chile and its democratically elected Marxist president, Dr Salvador Allende, in the early 1970s. President Richard Nixon ordered the Central Intelligence Agency (CIA) to mount a covert terrorist operation to keep Allende from taking office. When that failed, the CIA tried to undermine Allende's rule. It eventually succeeded when the Chilean military seized power under General Augusto Pinochet, who ruled until 1990. Pinochet's death squads murdered more than 3,000 people, and government forces jailed thousands more.³ However, in none of the above cases, the United States can be accused of directly sponsoring terrorism, even though its indirect support to an insurgent group or an authoritarian regime may have had unintended terrorist consequences. With the benefit of hindsight, it can also be argued that the United States was ideologically opposed to Marxist regimes in Chile and Nicaragua, and, therefore, it supported local insurgencies to bring them down or backed authoritarian rulers such as General Pinochet as a hedge against Communist expansionism in South America. Such Cold War practice on the part of the United States could surely be construed as a prelude to the doctrine of pre-emption practiced by the US Administration of George W Bush on the basis of which it justified US-led invasion of Iraq in 2003. The war against terrorism is also very much grounded in the notion of Pre-emption, as it makes sense to apprehend al-Qaeda and its terrorist affiliates and destroy their terrorist infrastructure so as to prevent a terrorist incident.

Applying the same logic to the American Cold War policy of propping up dictatorial regimes in South America, it is important to consider the following question: What if Communism had spread its tentacles to countries in South America other than Cuba? Would it not have been consequential in terms of domestic state terrorism and regional state-sponsored terrorism, as communist states' track-record in terrorizing their populations or sponsoring international terrorism elsewhere had been, with the Soviet Union and East Germany topping the list during the Cold War period? Such argument may sound hypothetical, but afore-mentioned criticism of the United States is also relative in nature. Liberal democracies such as the United States or Germany and France can be criticized for supporting dictators such as Saddam Hussain for securing short-term pragmatic, real-politic strategic or commercial interests, but accusing them of state-sponsored terrorism is as illogical as arguing that democracy and terrorism go hand in hand, which, conceptually speaking, should be the greatest contradiction in terms. In short, what we really need to understand is that state-sponsored terrorism is deliberate in essence. Only when a country persistently employs support to international terrorism as an instrument of its foreign policy does it qualify to be branded as a state sponsoring terrorism. This is the core point to be noted when we talk about state-sponsored terrorism.

Meaning and Forms

Given that, a more comprehensive definition of state sponsorship of terrorism could be a government's direct or indirect support to official or nonofficial groups to commit violence in an adversarial state for the purpose of coercion and widespread intimidation designed to bring about a desired political or strategic objective. A state may itself directly engage in international terrorism in a covert manner or secretly aid and abet

groups conducting terrorist operations against countries on which it wishes to inflict harm but without taking direct responsibility.

Why is terrorism so attractive for some states? Modern warfare is extraordinarily expensive and is likely to provoke counterattack. States can sponsor terrorism covertly, allowing the state to deny its role as an aggressor, avoid retaliation and evade international accountability. Moreover, while globalization of finance, communication and travel has increased interdependence among countries in recent decades, it has equipped state sponsors of terrorism with more modern and swift means to conduct international terrorist activities. According to terrorism expert Louise Richardson, "state sponsorship of terrorism has had relatively low risk because it is so difficult to prove and may serve to achieve a state's foreign policy objectives. If it does not, it is easily deniable. Moreover, the primacy placed on human life by Western, democracies leaves them very vulnerable to attack through their individual citizens because there are so many of them in so many places. So state sponsorship is often low cost, easy to deny, and difficult to prove, and has potential for a high payoff. It should come as no surprise that relatively weak states resort to the support of terrorists to strike against their more powerful enemies."⁴

Thus, sure of their defeat in case of a war with a stronger state, a weaker state uses other means such as terrorism. On the other hand, stronger states are confident of winning a war with a weaker state, even though they also generally avoid war perceiving its potential human and material cost to be unaffordable. Additionally, given the nature of their economic and political power, stronger states have many more options available at their disposal in terms of isolating inimical governments than most state sponsors of terrorism have had.

State-sponsored terrorism can take many forms. At one extreme, a government can use its state intelligence and security apparatus to covertly commit terrorism in another country which is perceived to be hostile to its interests in a region. At the other extreme, a state can simply provide a safe haven for terrorists, allowing them to operate without restrictions in its territory and undertake terrorist acts in the hostile state. Some states that sponsor terrorism take a middle path by assisting terrorists financially and refusing to extradite them to face criminal charges in another state. Government funds can be channeled to terrorists directly or indirectly through social, cultural, or charitable associations, many of which serve as front organizations for groups that engage in terrorism. States sponsor existing organizations, on the basis of mutual interests. The patron state provides its beneficiary terrorist organization with political support, financial assistance, and the sponsorship necessary to maintain and expand its struggle. Depending on proximity and borders some patron states also provide a safe haven for terrorists who raid across the border but this runs the risk of revealing open involvement with the terrorists and retaliation, military or politically.

Daniel L Byman, who has authored some of the most recent works on state-sponsored terrorism, divides state-sponsored terrorism into two categories: active and passive sponsorship. Active state sponsorship is when a regime deliberately decides to provide

critical support to a terrorist group, typically in the form of weapons, money, propaganda and media, or a safe haven. Passive state sponsorship is when a regime's deliberate inaction allows terrorist groups to flourish. Since terrorism is mostly self-funded at present and small arms are widely available in the black market, the passive state sponsorship has seen significant growth in recent years, even though active sponsorship that has been in vogue traditionally continues unabated.⁵

Byman identifies three types of active state sponsorship of terrorism: a) Control: Some states directly control the terrorist groups they support: the group is in essence a cat's-paw of the state. A past example of this would be Syria's creation of al-Sa'iqa, a Palestinian group that Damascus used in an attempt to undermine Fatah-leader Yasir Arafat. Historically, many states created and actively backed terrorist groups simply as an adjunct of state policy. b) Contact: Absolute control is rare, but states often try to coordinate the activities of terrorist groups to best serve the state's interests. Pakistan, for example, has backed a range of groups fighting against India in Kashmir, using money, weapons, and training to influence their ideological agendas and targeting. Iran works closely with Hezbollah, both with Hezbollah's decisions in Lebanon and, in particular, its overseas activities. These groups, however, have their own agendas and operate with some degree of independence from their sponsors. c) Coordination: States are regularly in contact with terrorist groups, at times engaging in minor tactical coordination or simply trying to keep channels open for possible future coordination. Often, a state's set of contacts are vast, even if its level of coordination is limited. Iran, for example, is reportedly in contact with a wide range of Sunni salafi-jihadist groups, even though actual coordination appears at best limited. The revolutionary regime is accused of hosting al-Qaeda members, including Osama bin Laden's son, Sa'ad, after they fled from Afghanistan in 2001,⁶ as well as providing Taliban with weapons, including mortars and plastic explosives, in their growing insurgent-terrorist campaign against US, NATO and Afghan forces in recent years.⁷

Passive state sponsored terrorism, argues Byman, also manifests itself in three different forms: a) Knowing toleration: Some governments may make a policy decision not to interfere with a terrorist group that is raising money, recruiting, or otherwise exploiting its territory. In essence, the regime wants the group to flourish and believes that by not acting it can help it do so. Syria did this shortly after the U.S. invasion of Iraq, allowing jihadists, ex-Ba'athists, and others to organize from Syrian soil. b) Unconcern or ignorance: Some states may not seek to further a terrorist group's activities, but they may not bother to stop it, either because they do not believe its activities are extensive or because they do not believe the group's activities affect the state's interest. Thus Canada allowed the "Snow Tigers"—the Canadian branch of the Liberation Tigers of Tamil Eelam (LTTE)—to raise money with little interference, in part because the Canadian government does not regard the LTTE as a true threat. c) Incapacity: Some states do not fully control their territory or the government is too weak vis-à-vis key domestic actors that do support terrorism to stop the activities. The Lebanese Armed Forces, for example, are too weak to clamp down on Hezbollah's activities, while there are parts of Pakistan (particularly the Federally-Administered Tribal Areas) that the government does not fully control.

State-Terrorist Ties

The relationship between the patron state and the terrorist organization is generally reciprocal and mutually beneficial. Terrorist organizations use state sponsorship necessary to expand their terrorist campaigns and the state is able to employ a lethal weapon such as terrorism against its enemies.

The ties between state sponsors and terrorist movements can be imagined as falling along a spectrum of state control from very tight to very loose. Richardson mentions five levels of such relations, while arguing that “in forging a successful policy to eliminate state sponsorship in specific instances, it is essential to differentiate between different types of relationship between terrorists and their state sponsors.”⁸ At one end of the spectrum of this relationship is the covert action of intelligence agencies masquerading as terrorists. Here state control is complete, and terrorist operations abroad are essentially under cover. Further along the continuum of control is the recruitment and training of operatives specifically for missions abroad. These two levels of state control have been manifested in the terrorist attacks on dissidents by Iran’s intelligence agency, including the murder of Kurdish dissidents in Berlin in 1992.

The third level is when a government closely controls a terrorist group and directs its actions. For instance, the Popular Front for the Liberation of Palestine-General Command (PLFP-GC) is directed by its main sponsor, Syria. Ahmad Jabril is a former captain in the Syrian Army and Syria provides PLFP-GC with headquarters, financial and logistical support. The fourth level is when a government provides training, financing and safe haven for an autonomous terrorist group. This is the case, for example, for most Palestinian groups operating in the Middle East. These groups accept assistance from several sponsors, in part to avoid being exclusively dependent on any one sponsor. Most groups, like Hamas, try to supplant their government funding, in this case from Iran, with support from private benefactors in places like Saudi Arabia and Egypt and from Palestinian expatriates. In some cases, groups accept help from sworn enemies. The Kurdistan Workers’ Party (PKK), for example, accepted support from Iran and Iraq as well as Syria to conduct its nearly three-decade long terrorist campaign in south-eastern Turkey.

The fifth and final level on the continuum of state control is when the sponsoring state decides that the actions of a terrorist group will serve its ends. The state then supports the group financially because it identifies its interests with those of the group. The support of Libyan leader Qaddafi for the Irish Republican Army (IRA) can be seen in this light. He wanted to punish Britain for allowing American planes to take off from British airbases in their bombing of Tripoli in 1986 and financing of the IRA was a means of doing so. He knew little of the IRA’s campaign, caring only that they shared a common enemy, Britain.

The degrees to which a state’s involvement with a terrorist group can be reasonably considered “official” vary greatly, ranging from the direct or indirect provision of both moral and material support to direct psychological conditioning, political indoctrination,

and propaganda support. However, if a government is to be held responsible internationally for the actions of a terrorist organization, its assistance to that group has to be measured in concrete terms, e.g., its direction of activities, its supply of funding and armaments, and its use of national assets and territory for training and intelligence activities.

Terrorism experts Yonah Alexander and Milton Hoenig describe how the process of building an intimate relationship between a state sponsor of terrorism and the terrorist organization actually occurs. “Once a group identifies ideologically and psychologically with a certain government, it is fairly simple for that government to direct, or at least influence, the actions of that group. Often, official statements of hostility toward a certain target category, such as American imperialism, are sufficient to inspire attacks against assets or symbols of the mutually perceived enemy, regardless of any direct external guidance or control. After a cooperative relationship is established, intelligence, diplomatic, or even high-level political contacts are maintained between the sponsor government and the terrorist group. A sponsor government can, at this point, facilitate any or all levels of material aid necessary for a group’s survivability, expansion, and operational capability. Such government aid can range from lending sanctuary to individual members of a terrorist organization to the establishment of a full range of propaganda and logistical support facilities for the movement...When such an intimate level of dependency is reached between a sponsoring government and a terrorist organization, the latter can become an agent or instrument of state policy. The sponsor government can begin to directly fund, or even contract out, certain terrorist operations in support of its broader strategic objectives.”⁹

State sponsorship increases the danger of terrorism because it provides the client group with far greater firepower than they would ever be likely to obtain in the normal arms-market. For the terrorist receiving support, external assistance from an organized government in control of sovereign territory and state institutions is an enormous advantage as they strive to create a favorable political climate in which to strike effectively. However, in most instances, the sponsoring state is capitalizing on the availability of pre-existing terrorist organizations, not creating them. The terrorist groups normally exist before they receive support from a state sponsor. Therefore, they can survive in the absence of such support, even though there may be exceptions in this regard. A terrorist network such as al-Qaeda that has conducted a long terrorist campaign and has had multiple sources of support ranging from sponsoring states to charitable organizations to private individuals has greater chances of survival—even if a major source of its support through state sponsorship ends—than a terrorist organization such as LTTE whose external source of support were limited largely to India’s southern Tamil population. Thus, external aid is important, but it is not the only factor determining the viability of a terrorist movement. Further, state sponsors in any case do not completely control the terrorist groups, who have a tendency to determine their political agenda independently. They might consult with the sponsoring state, and might take its interests into account while conducting their terrorist operations, but in some situations they might not take orders from the sponsoring state.

Terrorist Motivations

What motivates state sponsors to support terrorism against other states is also an important question. Obviously, by sponsoring terrorism, a state can aim to politically destabilize the rival country, scuttle its political process, derail its governmental business, destroy its economy, demoralize its people and increase their sense of insecurity and vulnerability and, finally, damage the country's international standing in ways that direct military confrontation cannot, or will not achieve—and this effect can be seen regardless of whether or not a state of war exists between the sponsor and target government. Indeed, state sponsorship of terrorism is most detrimental to democratic institutions in cases short of outright warfare.

The motivations for state sponsors can range from strategic and ideological to domestic political reasons. As for the strategic motivation, a state sponsor may like to bleed a rival state facing an insurgency. By supporting terrorist insurgency in the rival state, the state sponsor may intend the rival army to get bogged down in the conflict. Byman¹⁰ cites Pakistan's support to insurgent-terrorist groups in the Indian-administered Kashmir as an example of this dimension in state-sponsored terrorism motivated by strategic ambitions. Another dimension of such state-sponsored terrorism is when a state sponsor wants to exert influence in the neighboring state, to keep it subservient or at least prevent it from being hostile to it. Syria has attempted to realize such strategic objectives until recently through sponsoring Hezbollah terrorism in Lebanon, including the alleged sponsorship through its intelligence agents of the assassination of former Lebanese Prime Minister Rafiq Hariri. States also back terrorists as a form of diplomatic leverage in negotiations. The example cited by Byman¹¹ in this case is that of Syria, which, for many years, used Hezbollah as such a pawn in its talks over the Golan Heights. A common strategic rationale for the sponsorship of terrorism by weak states is to enhance their international clout. For instance, Iran increases its clout in the Middle East by supporting Hamas in Palestine and Hezbollah in Lebanon. A weak state may also be in a position to confront a powerful foe in the international diplomatic domain by supporting terrorists. For example, Iran's role in the Shiite insurgency in Iraq against US-led coalition forces may be aimed at deterring the United States from adopting a more hostile stand on Iran's nuclear program, even though such calculation on the part of Iran as a state sponsor of terrorism may have reverse consequences. Finally, the terrorist organization itself has a strategic motivation in seeking external support, which enables it to strengthen itself domestically. Hezbollah, for instance, is a militia to reckon with in Lebanese politics, a position it may not have secured without help from Iran and Syria.

While strategic rationale remains the primary motivation behind the current wave of state-sponsored terrorism, state-sponsored terrorism motivated by socialist revolutionary ideal has receded over time. Throughout the Cold War, countries like Libya, North Korea and Cuba were among the several active and passive state sponsors of terrorism with revolutionary ideological motivations. The ideological struggle between American Capitalism and Soviet Communism provided the essential context for the terrorist campaigns they waged in various regions of the world. As the Cold War began to recede in the 1980s, the revolutionary ideology as a motivation of state-sponsored terrorism gave

wave to a far more menacing ideology grounded in religious fanaticism. In the 1980s Iran under Ayatollah Khomeini and in the 1990s and beyond Taliban in Afghanistan represented this great ideological shift, whose implications have been grave for regional and international peace and security. Such form of ideologically motivated state-sponsored terrorism knows no limits, as the destruction of the enemy state and the system it represents are its primary goals. Ideological motivations, especially if they are grounded in extremist religious beliefs, as was the case with Taliban in Afghanistan, produce state-sponsored terrorism with the most horrific of consequences, such as the terrorist events of September 11. It is generally argued that if ever a state-sponsored terrorist activity involved the use of Weapons of Mass Destruction (WMD), it will be motivated by ideological factors related to religious extremism.

A third and final motivation of state-sponsored terrorism pertains to domestic political concerns of the sponsoring state. Iran under Ayatollah Khomeini supported terrorism in the Middle East for the purpose of exporting his Shiite Revolution, to undermine the unfriendly regimes in the region and remove them from the Middle East, what the Ayatollah referred to, as the “cancerous tumor,” that is Israel. For the purpose, soon after coming to power, he supported radical groups in Kuwait, Bahrain and Saudi Arabia, the Shiite groups in Iraq as well as the terrorists in Egypt. At one point after the death of 260 Iranian pilgrims in Mecca in the 1980s, Iran officially called for the overthrow of the Saudi royal family. Iran’s support to Hezbollah in Lebanon and Hamas or Palestinian Islamic Jihad in Palestine is a reflection of the inner radical reality of its revolutionary regime. President Mahmud Ahmedinejad’s recent declarations to destroy Israel were as much meant for the world hostile to Iran, particularly the United States, as for the country’s public opinion, to secure domestic political legitimacy for his leadership. Like Iran’s, the Syrian regime’s relationship with Hezbollah also seems to be connected to the country’s domestic politics, with President Bashar al-Asad leaning on the terrorist group to prop up his own legitimacy.

Historical Evolution

Just as religiously-motivated terrorism has over time become the principal threat to international peace and security, because of its relative lethality as compared to terrorism motivated by revolutionary or ethno-nationalist causes, state-sponsored terrorism has become far more menacing a phenomenon at present than it ever was. It is, therefore, important to understand how state-sponsored terrorism has evolved over the decades, what ideological transformation it has experienced since the end of the Cold War and what its current nature and dynamics is.

Historians trace the origins of state-sponsored terrorism to the days of the Greek city states and the Roman Empire through successive centuries after the founding of the modern state system in the middle of the seventeenth century to the period of the two great wars in the first half of the twentieth century. However, for our understanding of state-sponsored terrorism as a contemporary phenomenon in world politics, it may be appropriate to emphasize its evolution in the aftermath of the Second World War.

The Cold War struggle between democratic, Western nations and the Communist bloc, dominated by the Soviet Union, provided fertile ground for state sponsorship of terrorism. State sponsorship most often took the form of ideological encouragement and material support provided by Communist governments to various Marxist terrorist groups active around the world. State sponsored terrorism really surfaced on the international scene in the 1970s and 1980s, when the Cold War struggle between the two Superpowers was underway, in which neither the United States nor the Soviet Union was willing to risk escalation to a full scale war and possible nuclear exchange. In the Third World, the two superpowers supported rival groups in Africa, Asia and South America, fighting war by proxy. The Soviets also supported various dissident and terrorist groups in Europe directly or indirectly through Warsaw pact states and friendly Arab states like Libya and Syria. However, what sets such instances of state-sponsored terrorism as an outcome of the superpowers' Cold War rivalry apart from the type of state-sponsored terrorism that has emerged since the 1980s is the way in which some governments have now come to embrace terrorism as a deliberate instrument of foreign policy: a cost-effective means of waging war covertly, through the use of surrogate warriors or "guns for hire"—terrorists.

The pivotal event in the emergence of state-sponsored terrorism as a weapon of the state and an instrument of foreign policy was no doubt the seizure in November 1979 of 52 American hostages at the US Embassy in Tehran by a group of militant Iranian "students." The hostage crisis continued for 444 days, costing US President Jimmy Carter his re-election. This terrorist act was the beginning of a state-sponsored terrorist campaign by Iran's radical religious regime of Ayatollah Khomeini against US and Western interests in the Middle East. In October 1983, the Iranian-backed Shiite militia in Lebanon, Hezbollah, conducted a suicide terrorist attack on US marines in Beirut, killing 241 marines. The Iranian terrorist campaign in the early 1980s set the trend for other state-sponsored terrorist campaigns against US and Western interests by other countries in the Middle East and North Africa, including Libya, Syria and Iraq. Acts of violence, perpetrated by terrorists secretly working for the governments, were now increasingly seen by the state sponsors of terrorism to be relatively inexpensive and, if executed properly, potentially risk-free means of anonymously attacking stronger enemies and thereby avoiding the threat of international punishment.

Apart from the Beirut massacre, major incidents of state-sponsored terrorism in the 1980s included the bombing campaign orchestrated by WAD, the intelligence agency of Afghanistan under Soviet occupation in Pakistan, which claimed hundreds of Pakistani lives; the North Korean bombing of a South Korean plane in November 1987, which killed all 115 passengers on board; the December 1988 bombing of Pan Am Flight 103 over Lockerbie, Scotland by two Libyan intelligence agents, which claimed the lives of all 259 passengers as well as of 11 people on the ground; and the mid-air bombing of a French plane over Chad in August 1989 that killed 171 people and was claimed by Islamic Jihad. The decade also witnessed increasing instances of state-sponsored terrorist attacks by agents working for the regimes of Libya, Iran and Iraq against their dissidents and critics living abroad. The Khomeini regime issued a fatwa of death against Salman Rushdie, the author of *Satanic Verses*. The Japanese translator and Norwegian publisher of this book were subsequently killed. Libyan intelligence agents bombed the La Belle

nightclub in Berlin in 1986 for similar terrorist motivation, an act which was later officially confessed by the country. The pattern continued in the 1990s, with an Iranian “hit team,” using diplomatic cover, assassinating former prime minister and outspoken critic of the Khomeini regime Shahpur Bakhtiar in Paris in 1991 and Iran’s intelligence agents murdering Kurdish dissidents in Berlin in 1992.

Since the end of the Cold War, terrorism in general has become more widespread and devastating, and state-sponsored terrorism more menacing and complicated. Iran and Syria have continued to engage in state-sponsored terrorism despite the fact that throughout this period they remained designated by the United States as terrorist states. Iraq until the demise of Saddam regime in 2003 and Libya until it officially renounced terrorism and weapons of mass destruction the same year remained committed to sponsor international terrorism. This has led many scholars to argue that international sanctions against state sponsors of terrorism—such as those imposed by law by the United States—are ineffective means of combating state-sponsored terrorism.

Bruce Hoffman, for instance, cites Libya’s case to suggest that more-limited military reprisals –as against invasion and regime change undertaken in Iraq in 2003—against state sponsors of terrorism have arguably not proved effective; worse still, they have been counterproductive. The “1986 US air strikes against Libya is frequently cited as a proof of the effectiveness of military retaliation; yet, rather than deterring the Qaddafi regime from engaging in state-sponsored terrorism, the US air strikes goaded the Libyan dictator to undertake even more serious and heinous acts of terrorism against the United States and its citizens. Indeed, after a brief lull, Libya not only resumed but actually increased its international terrorist activities.”¹² As stated before, the United States was not the only country to suffer continued acts of Libyan-sponsored international terrorism, such as the reaction to the British role in allowing the US warplanes which bombed Tripoli and Benghazi to take off from bases in that country. During the months following the air-strikes, the IRA reportedly took delivery of some “five to ten tons of Semtex-H plastic explosives and 120 tons of other arms and explosives.” Laced with such large Libyan weapon supplies, the IRA was able to conduct several terrorist operations against British targets inside and outside Northern Ireland in the following months and years. Libya’s response to US air strikes was to substantially increase its support to Palestinian terrorist groups, including the Palestinian Islamic Jihad, Ahmed Jibril’s PLFP-GC, and allowed Palestinian terrorist Abu Nidal to establish his organization’s headquarters in Libya.

Over time, however, under tremendous international pressure, and when joint FBI-Scottish investigations resulted in the indictment of two Libyan intelligence agents Abdel Basset Ali al-Megrahi and Lamem Khalifa Fhimah, the Qaddafi regime was left with no option but to surrender the two indicted agents for trial in the Netherlands. In January 2001, the special Scottish court sitting in the Netherlands convicted al-Megrahi, and he was sentenced to life imprisonment. Fhimah was acquitted of the charges against him and released. In 2003, the Libyan leader, soon after Saddam’s humiliating capture by the US-led coalition forces in Iraq, decided to mend his ways. Libya officially renounced international terrorism, and voluntarily handed over a shipload of its illegally-acquired nuclear weapons equipment and material to the United States. Since then, Libya under

Qaddafi has re-joined the international community as a responsible state. In August 2009, al-Megrahi was released by the Scottish Justice minister on compassionate grounds, as he was said to be suffering from terminal cancer. But when he received a hero's welcome by Qaddafi's son, Saif, upon landing in Tripoli, it led to an international uproar. Then came embarrassing revelations that the British government may have been applying subtle pressure on Scotland to release al-Megrahi in exchange for lucrative oil and arms deals with Libya. Whether these revelations were true or not, Libya's transformation from a terror-sponsoring state to a responsible member of the international community remained shrouded in mystery. Meanwhile, al-Megrahi was reportedly hospitalized in September 2009. Libya and Iraq may have been off the list of terrorist states since 2003, so may be the case with North Korea since 2006, but surely Iran and Syria continue to actively sponsor terrorist groups in the Middle East. As for Sudan and Cuba, the other two countries on the US terrorism sponsoring states, they may not qualify as active sponsors of international terrorism.

By and large, in the post-Cold War period, the politically motivated ideological links underpinning national support for terrorist organizations have been replaced by politico-religiously motivated relationships between radical Islamic regimes and violence-prone Muslim fundamentalist movements. Throughout the 1990s, states placed on the State Department's "terrorist list" during this period—whether it was Iran, Iraq, Syria, Libya, Sudan or North Korea—independently reinforced their linkages with respective terrorist organizations, all of which in the case of the Middle East, were motivated by radical religious ambitions. The emergence of al-Qaeda terrorist network during the decade and the support it received from Sudan and Afghanistan, especially when it came under the Taliban rule in 1996 brought state-sponsored terrorism to a level never seen in history.

Al-Qaeda's terrorist attacks against the United States on September 11, 2001 were the culmination of a series of terrorist operations of the global terror network, which would not have been possible if countries such as Sudan and Afghanistan had not become a safe haven for al-Qaeda leaders and their terrorist followers. That is why President George W Bush had to place the terrorists as well as countries harboring terrorists in the same category, when he made his historic remark in the speech following the terrorist events of September 11: "Every nation has a choice to make. In this conflict there is no neutral ground. If a government sponsors outlaws and killers of innocents, they have become outlaws and murderers, themselves. And they will take that lonely path at their own peril." Days later, the US President warned state sponsors of terrorism, saying: "For every regime that sponsors terror, there is price to be paid...The allies of terror are equally guilty of murder and equally accountable to justice." When the Taliban regime failed to comply with the US demand to hand over the leaders of al-Qaeda, the global terror network responsible for the terrorist attacks of September 11, the United States along with its NATO allies, attacked Afghanistan to dislodge the Taliban regime on October 7, 2001 with the full backing of the international community.

Interestingly, in 1996 and beyond Afghanistan had become the world's foremost sponsor of international terrorism, the period when al-Qaeda leaders Osama bin-Laden and Ayman al-Zawahiri along with thousands of militant followers left Sudan to make

Afghanistan under Taliban their new safe haven for an international terrorist campaign. Despite this, Afghanistan was never placed on the State Department's list of 'terrorist states.' The main reason for this was that the United States did not want to officially recognize the Taliban government in Afghanistan. The country's placement on this list would have amounted to giving official US recognition to the Taliban regime. However, the United States did secure stringent Security Council sanctions against the Taliban regime, whose effect proved as limited as that of most US sanctions against terrorist states has been. In the end, it was the US-led international military action that dislodged the Taliban rule. Unfortunately, a series of al-Qaeda international terrorist operations, the largest one of them being the September 11 terrorist attacks on the United States, had to occur before the international community could militarily retaliate to dislodge the world's most powerful state sponsor of international terrorism from power.

Future Prospects

As the evolving trends in state-sponsored terrorism indicate, this regressive phenomenon will not soon disappear and will remain an important feature of international terrorism in the foreseeable future. Unless aggressive states such as Iran and Syria are taken to task collectively by the international community, they will continue to foment acts of international terrorism as foreign policy behavior, supporting sympathetic proxies to indirectly confront their adversaries. The practice of state-sponsored terrorism is often a safe and low-cost alternative to overt conflict. It is reasonable to assume that some regimes will continue this practice in the near future, especially in regions where highly active proxies have the opportunity to severely press their sponsoring regime's rivals. As Hoffman argues, "For the state sponsor, much as for the terrorist group itself, terrorism—contrary to popular perception—is not a mindless act of fanatical or indiscriminate violence; rather it is purposefully targeted, deliberately calibrated method of pursuing specific objectives at acceptable cost. In this respect, the attractions of terrorists as "surrogate warriors" or mercenaries for various renegade regimes may in fact have increased. Future aggressors may prefer to accomplish clandestinely with a handful of arms men and a limited amount of weaponry what traditionally whole armies, navies, and air forces have been deployed to achieve. Not only could such small bands facilitate the conquest of neighboring or rival states, but if such action is carried out covertly—and successfully—the state sponsor might escape identification, and hence international military response and economic sanction. Accordingly, terrorists may in the future come to be regarded by the globe's rogue states as the "ultimate fifth column"—a clandestine, cost-effective force used to wage war covertly against more powerful rivals or to subvert neighboring countries or hostile regimes."¹³

As is clear from the preceding discussion, state-sponsored terrorism has over time taken on new tactics and new dimensions. It is much more amorphous and complicated than before, especially when we take into account the evolving passive expressions of state-sponsored terrorism. Terrorist operations of the sponsoring states have become more effective, wider in scope, and more sophisticated, resulting in higher destructive potential. State-sponsored terrorism facilitates the availability of sophisticated armaments as well as opportunities to train in their use. Additionally, this phenomenon makes the use

of WMD more likely and, indeed, there is little question that if nuclear, chemical, or biological weapons were to become available to governments such as Iran's, they would be deployed via terrorist operations.

Declared Terrorist States

Iran, Syria, Sudan and Cuba were identified as terrorist states by the US State Department's Office for the Coordinator on Counter-Terrorism in its Country Reports on Terrorism 2008 released in April 2009. The report cited above considers Iran and Syria as active sponsors of international terrorism, for their "failure to renounced terrorism or making efforts to act against Foreign Terrorist Organizations and routinely providing safe haven, substantial resources, and guidance to terrorist organizations." Cuba is categorized as a passive sponsor of international terrorism, for continuing to "publicly defend the FARC" terrorist group in Columbia. The report was relatively positive about Sudan, saying the country had "continued to take significant steps towards better counterterrorism cooperation."

Regarding Cuba and Sudan, authors such as Byman, Richardson and Hoffman agree with the US government's assessment, however pointing out a problem in the process involving designation of state sponsors: that once a country's name is included in the US list of terrorist states, it is difficult to remove its name from the list. For instances, Venezuela under President Hugo Chavez may be a more active sponsor of FARC terrorist guerrilla group in Columbia and Cuba's support to it may be symbolic or rhetorical, yet it is Cuba not Venezuela which is designated as a terrorist state by the United States. Cuba's case is exceptional, as it is the only country in South America that challenged the declared American suzerainty in the Western Hemisphere by staging a successful communist revolution in the 1960s. Since then, almost every US Administration has attempted to undermine the communist rule in Cuba under Fidel Castro and now his brother Raul. It is no surprise, therefore, that while Cuba's support to anti-American guerrilla-terrorist groups in the region such as FARC is only rhetorical, as against the case with Chavez-led Venezuela, it is Cuba not the latter that is identified as a terrorist state by the United States. The same appears to be the case with Sudan, which no doubt commits domestic state terrorism in its Darfur region but does not sponsor terrorism in the region as was the case in the 1990s. The US Administration of former President George W Bush is on record for having praised Sudan as a "strong partner in the War on Terror." Still Sudan continues to be designated as one of the four terrorist states in the State Department's list.

As for Iran and Syria, there should be little doubt about their active role in sponsoring international terrorism. Narrating even the most significant instances of terrorism sponsored by the two countries in the last over three decades may distract our attention from the role played by them in state-sponsored terrorism at present. So, we confine our discussion to the role Iran and Syria play in the current wave of state sponsored terrorism.

Iran's support to terrorist groups dates back to the 1979 Iranian revolution. Since then, the country's revolutionary leadership has sponsored a number of terrorist organizations

such as Hezbollah in Lebanon and Hamas in Palestine, and its intelligence agents have undertaken a number of terrorist assassinations abroad. According to the State Department's Country Reports on Terrorism 2008, Iran's involvement in the planning and financial support of terrorist attacks throughout the Middle East, Europe, and Central Asia had a direct impact on international efforts to promote peace, threatened economic stability in the Gulf, and undermined the growth of democracy. The Qods Force, an elite branch of the Islamic Revolutionary Guard Corps, is the regime's primary mechanism for cultivating and supporting terrorists abroad. The Qods Force provided aid in the form of weapons, training, and funding to Hamas and other Palestinian terrorist groups, Lebanese Hezbollah, Iraq-based militants, and Taliban fighters in Afghanistan. Iran provided weapons, training, and funding to Hamas and other Palestinian terrorist groups, including Palestine Islamic Jihad and the Popular Front for the Liberation of Palestine-General Command. Iran's provision of training, weapons, and money to Hamas since the 2006 Palestinian elections has bolstered the group's ability to strike Israel. In 2008, Iran provided more than \$200 million in funding to Lebanese Hezbollah and trained over 3,000 Hezbollah fighters at camps in Iran. Despite its pledge to support the stabilization of Iraq, Iranian authorities continued to provide lethal support, including weapons, training, funding, and guidance, to Iraqi militant groups that targeted Coalition and Iraqi forces and killed innocent Iraqi civilians. Iran's Qods Force continued to provide Iraqi militants with Iranian-produced advanced rockets, sniper rifles, automatic weapons, and mortars that have killed Iraqi and Coalition Forces as well as civilians. The Qods Force, in concert with Hezbollah, provided training both inside and outside of Iraq for Iraqi militants. Iran remained unwilling to bring to justice senior al-Qaeda members it has detained, and has refused to publicly identify those senior members in its custody. Iran has repeatedly resisted numerous calls to transfer custody of its al-Qaeda detainees to their countries of origin or third countries for trial.

As for Syria's sponsorship of international terrorism, the same report mentions that during 2008 Damascus continued to provide political and material support to Hezbollah and allowed Iran to use Syrian territory as a transit point for assistance to the Shiite militia group in Lebanon. Hamas, Palestine Islamic Jihad, the Popular Front for the Liberation of Palestine, and the PLFP-GC, among others, based their external leadership within Syria's borders. President Bashar al-Asad continued to express public support for Palestinian terrorist groups. Hamas leader Khalid Meshal and his deputies continued to reside in Syria. Hamas used Syrian soil to train its militant fighters. Syrian officials publicly condemned some acts of terrorism, while continuing to defend what they considered to be legitimate armed resistance by Palestinians and Hezbollah against Israeli occupation of Arab territory, and by the Iraqi opposition against the "occupation of Iraq." Syria has not been directly implicated in an act of terrorism since 1986, although an ongoing UN investigation into the February 2005 assassination of former Lebanese Prime Minister Rafiq Hariri continued to investigate Syrian involvement. The report mentions that throughout 2008, Syria continued to strengthen ties with fellow state sponsor of terrorism, Iran. Asad continued to be a staunch defender of Iran's policies, including Iran's "civil" nuclear ambitions. At the same time, Syria remained a key hub for foreign fighters en route to Iraq. Despite acknowledged reductions in foreign fighter flows, the scope and impact of the problem remained significant. Syria continued to allow former

Iraqi regime elements to operate in the country. Attacks against Coalition Forces and Iraqi citizens continued to have a destabilizing effect on Iraq's internal security. Though Syrian and Iraqi leaders met throughout the year both publicly and privately to discuss border enhancements and other measures needed to combat foreign fighter flows, there were few tangible results. Syria also remained a source of concern regarding terrorist financing.

Apart from the traditional state sponsors of terrorism such as Syria and Iran, whose placement on the US list of terrorist states for 2009 is almost guaranteed, there are several other countries who can be categorized as passive or even active sponsors of terrorism, but they are not designated by the United States as terrorist states. Byman, for instance, attempts to build a strong case for the US designation of active sponsors of terrorism such as Pakistan, Venezuela and Eritrea and passive state sponsors like Saudi Arabia, Yemen and even post-Saddam Iraq as state sponsors of terrorism. In the case of Pakistan, for instance, he argues “the country has long supported a range of terrorist groups fighting against India in Kashmir and is a major sponsor of Taliban forces fighting the US-backed government in Afghanistan...The range of terrorist activities Pakistan sponsors include actively backing some terrorist groups, maintaining contacts with others, turning a blind eye to yet more groups, and in some cases lacking the capacity to shut down radicalization it opposes. In addition, support for terrorism in Pakistan is a broad-based activity, involving an array of government and non-state actors.”¹⁴ Obviously, the violent jihadi groups like Tehrik-e-Taliban Pakistan, Lashkar-e-Jhangvi, Lashkar-e-Tayyiba, Jaish-e-Muhammad, once backed by Pakistan as part of its regional policy of sponsoring irregular warfare in support of Taliban in Afghanistan and for bleeding its arch rival India in Kashmir have eventually become a Frankenstein Monster for it. The growing terrorism-ridden security quagmire that the country experienced in recent years is a practical manifestation of a natural process, where militant groups hitherto sponsored by a state eventually come back to haunt the sponsoring state itself.

However, contrary to Byman's critique on the US policy of identifying some states as terrorists, it can be argued that the State Department's annually-released Country Reports on Terrorism is a comprehensive document. Apart from explaining what the countries which sponsored terrorism did during the preceding year, it lists all other instances of terrorism occurring from within the territories of a host of other countries on the basis of which the respective governments can be implicated in international terrorist activity. The difference between such cases and cases of active or passive sponsorship of terrorism by countries officially designated by the State Department as terrorist states is that the former are willing to cooperate with the United States and the international community on the matter while the latter are not. The very fact that these activities are listed in detail in the State Department Country Reports on Terrorism each year implies that a) the states concerned will mend their ways and be more vigilant in meeting the expectations of the US government and the international community; b) and that consistent failure to do so on their part will amount to a similar treatment as given to the designated terrorist states—who commit terrorism as an instrument of their foreign policies and do so recklessly and recurrently in complete defiance of the will of the international community

Now let's take the case of Pakistan. There is no doubt that its Inter-Services Intelligence (ISI) directorate supported a variety of jihadi organizations engaged in militant uprising in the Indian-administered Kashmir from 1989 onwards. The 14-member United Jihad Council, including terrorist organizations such as Lashkar-e-Tayyiba and Jaish-e-Mohammed, was headquartered in the Pakistan-administered Kashmir. Pakistan was also among the active supporters of the Taliban regime in Afghanistan, even while it gave refuge to al-Qaeda leaders and followers. There is also little doubt that Pakistani Taliban and their foreign allies such as Afghan Taliban, al-Qaeda and Islamic Movement of Uzbekistan, have not used the country's tribal areas bordering Afghanistan as a safe haven to fuel terrorist insurgency against US, NATO and Afghan forces since late 2001. As recently as November 2008, Jamaat-u-Da'wa, a Lashkar-e-Tayyiba-affiliated group allegedly orchestrated the terrorist attacks in Mumbai, India, from Pakistani territory.

However, there are two reasons why Pakistan could not be designated as a terrorist state by the United States. First, the country is a frontline state in the US-led campaign against terrorism in Afghanistan and the region, a non-NATO US ally which has arrested the largest number of al-Qaeda terrorists from its territory. Given that, instead of punishing Pakistan, the United States prefers to keep the country under tight scrutiny when it comes to instances involving alleged Pakistani role in sponsoring terrorism in India or Afghanistan. For instance, the Kerry-Lugar Act of October 2009 lists a number of conditions which Islamabad has to meet in order to qualify for US military assistance and the transfer of arms to Pakistan. Under the Act, the country is required to "cease support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist groups, particularly to any group that has conducted attacks against the United States or coalition forces in Afghanistan, or against the territory or people of neighboring countries; preventing al-Qaeda, the Taliban and associated terrorist groups, such as Lashkar-e-Tayyiba and Jaish-e-Mohammed, from operating the territory of Pakistan."¹⁵ Unlike Iran and Syria, which refuse to cooperate with the United States and the international community on issues of state-sponsored terrorism, Pakistan is willing to work with both to improve its performance in this regard. There is no doubt that Pakistan's track-record in cooperating with the United States and the international community over issues of terrorism in the region is not clean. However, since the start of 2009, its state security establishment, backed fully by the civilian regime and with a public opinion shift against Taliban and other jihadi groups, has undertaken a resolute military offensive against terrorists in Swat and South Waziristan. However reluctantly, the country has cooperated with India over investigations into the November 2008 Mumbai terrorist attacks, accepting that its territory was indeed used for conducting these attacks and arresting some of its culprits. The jihadi organization behind these attacks, Jamaat-u-Da'wa, the philanthropic wing of Lashkar-e-Tayyiba, was banned as instantly as the UN Security Council's decision in this regard.

Secondly, what academic works on state-sponsored terrorism, such as Byman's, fail to recognize is that since the summer of 2007, Pakistan itself has become as much a victim of terrorism as Afghanistan and Iraq have been in recent years.. This terrorist campaign is waged by the home-grown organizations, be they Afghan-specific groups such as Tehrik-e-Taliban Pakistan or Kashmir-specific organizations like Lashkar-e-Tayyiba. Some of

these terrorist attacks specifically targeted the ISI. So, in a sense, the country is currently witnessing terrorism from the same jihadi groups whom it had supported for bleeding India in not-to-distant a past. They have become a Frankenstein monster for Pakistan because of its proactive role in countering terrorism in the region in partnership with the United States. Part of the reason why Lashkar-e-Tayyiba engages in cross-border terrorism such as the Mumbai attacks is an outcome of its strategic motivation to sabotage the peace process between India and Pakistan that began in 2004 and has been on hold since the Mumbai terror events. India and the international community want Pakistan to take the culprits of Mumbai attacks to task, while, for its part, the government of Pakistan has assured New Delhi and the outside world that it will do whatever it takes to punish those responsible for terrorism in Mumbai. As of October 2009, seven of the alleged suspects of Mumbai terrorism belonging to Jamaat-u-Da'wa had been arrested by Pakistani authorities and were awaiting court trial. The foreign ministers of the two countries had, meanwhile, met on the sidelines of the UN summit in New York to coordinate their bilateral cooperative efforts for bringing the terror suspects to task. Snags do remain in such efforts, but that does not mean that the mutual relationship has come to a standstill on the issue.

Targeting Terrorist States

In the light of the above discussion, it is impossible to deny that the financial, logistical and territorial support give to terrorists by states enormously enhances the lethal potential of these groups and complicates the task of defeating them. Undermining that support is an entirely legitimate goal and should be a high priority for all governments engaged in a campaign against terrorism.

However, it is only the United States and a few of its allies who have been most concerned about the gravity of the threat state-sponsored terrorism who have started to play in the international domain since the 1970s. The afore-mentioned 1979 law passed by the US Congress requires that the State Department provide Congress with a full and complete annual report on terrorism for those “countries and groups” that “repeatedly support international terrorism.” As stated before, once a country is identified as “terrorist”, the US imposes a host of economic and political sanctions against it. In the last three decades, the successive US governments, starting with the Reagan Administration, has been quite consistent in meeting the requirements of this law in all the cases of state sponsors of terrorism included in the State Department’s list of “terrorist states” and individuals and organizations identified as “terrorist” in its annual Pattern of Global Terrorism report. Following the 1983 terrorist attack on US marines in Beirut, a Reagan Administration Task Force attempted to codify measures to counter state-sponsored terrorism, by stating: “If there is evidence that a State is mounting or intends to conduct an act of terrorism against this country, the United States will take measures to protect its citizens, property and interests.” In the aftermath of the terrorist attacks of September 11, apart from a couple of speeches by President Bush cited above, expressing the US intension not to spare any country harboring terrorists, the following remarks he made during his speech before a join session of the US Congress on September 20, 2001 are worth-mentioning: “From this day forward any nation that

continues to harbor or support terrorism will be regarded by the US as a hostile regime...America has a message for the nations of the world: If you harbor terrorists, you are terrorists. If you train or arm a terrorist, you are a terrorist. If you feed a terrorist or fund a terrorist, you 're a terrorist, and you will be held accountable by the US and our friends.”

The terrorist attacks of September 11 may have reinforced the US resolve to fight state-sponsored terrorism, which had remained consistent for over two decades preceding these attacks. Unfortunately, throughout this time, and even to some extent after September 11, the commitment of the international community towards combating terrorism has been limited only to an acknowledgement that the phenomenon can indeed occur, and that it ought to be firmly discouraged. As early as 1970, the UN General Assembly had proclaimed in its Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations, that: “Every state has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to...involved a threat or use of force.”¹⁶ This language is echoed in the preambles to most international agreements on terrorism, figuring particularly prominently in, for example, the UN General Assembly’s Resolution on Measures to Eliminate International Terrorism.¹⁷

State-sponsored terrorism can be subsumed under the more general category of “complicity with terrorism,” which ought also to be regarded as a terrorist offense. All of these UN resolutions have been “interpreted to constrain states from the maintenance of terrorist training camps in the techniques of assassination, destruction and sabotage; the direct or indirect collection of funds; the provision of direct financing for training camps and other programs; the purchase of arms, ammunition and explosives’ and preparation of foreign propaganda. This implies that when a state only engages in, or support, acts of violence and attacks on another state, an appropriate response of the victim state may be the use of armed force.”¹⁸

In the post-September 11 period, the foremost question that the international community is faced with is, to what extent may a state lawfully respond with armed force against the state that has sponsored the terrorists deemed responsible for the attack? Under international law, the response of a targeted state is predicated on principles of self-defense especially under Article 51 of the UN Charter, and these are in turn based on what the international community regards as the ‘inherent’ right to ensure national security and the attendant duty to protect one’s citizens from terrorist attacks. However, managing the terrorist threat posed by state sponsors requires identification of the threat, clear establishment of linkage to a state-sponsor and, in the event of use of military force, the meeting of the dual legal requirements of self-defense—necessity and proportionality.

Article 51 permits a victimized state to engage in “individual or collective self-defense” until recourse has been taken by the Security Council to establish peace.” Nothing in the UN Charter restricts the identity of aggressors against whom states may respond, since

private agents as well as governments may be the source of aggression. Self-defense is defined as the inherent right of the UN member-states, and they have every right to exercise it in the case of an “armed attack,” which may be undertaken by another state or a terrorist organization being harbored by that state. Therefore, in the case of the events of September 11, which constituted an armed attack on the United States by a terrorist organization being harbored by the Taliban regime in Afghanistan, and the US-led attack to dislodge this regime from power was, therefore, a legitimate act of self-defense under Article 51 of the UN Charter. The same right can, therefore, be exercised by a state experiencing state-sponsored terrorism provided the above-cited preconditions of necessity and proportionality to justify the use of force as well identification of the threat and establishment of linkage between the state sponsor and the terrorist organization are met.

September 11 was an exception, however. Generally, frustration with the legal strictures inherent in the concept of self-defense in the face of the ever-increasing threat of terrorism and the inability to root out terrorist groups, have led states such as the United States and Israel to retaliatory strikes or reprisals against terrorist leaders and cells located in sovereign states. Israeli missile strikes against suspected Palestinian terrorist leaders and US drone attacks on Taliban targets in Pakistan’s tribal areas are important examples in this regard. The justification offered by the US and Israeli in defense of these attacks is that terrorist threats represent a legitimate justification for the use of force abroad. However, such reprisals meant to preempt future terrorist attacks are controversial, considering that the UN Charter and customary international law authorize only the use of force only for self-defense. Under the existing customary international law, they are illegal.

What this means is that just as the application of force against the Taliban regime in 2001 on the basis of self-defense has paved the way for a legitimate response to state sponsor of terrorism by the victim state and its allies in future instances of state-sponsored terrorism, the existing international legal principles have to be expanded or re-interpreted to permit states to conduct reprisals or retaliatory strikes against terrorist targets in a state found to be harboring the terrorists. A case can be made here against Israel’s policies of asymmetrical response to Palestinian attack and collective punishment against entire families for the behavior of individual members, or the way Israelis recklessly bombarded Hezbollah targets in South Lebanon during the 2006 war. But Israel is a state and an acknowledged member of the international community. International human rights advocates can condemn its disproportionate reaction to terrorism from Hezbollah strongholds in South Lebanon or from Hamas regime in Occupied Palestine’s Gaza territory. However, under international law, Israel can justify its military response to Hezbollah and Hamas terrorism as an act of self-defense using Article 51 of the UN Charter.

Concluding Remarks

In an age of terror, when the forces of globalization are a great facilitator to cross-border terrorism whose potential in generating mass casualties is also far greater now than ever,

it is difficult to avoid the resort to military reprisal or retaliation against terrorism committed by non-state actors on behalf of sponsoring states. The real problem is with the hypocritical approach of the international community towards combating state-sponsored terrorism. It rhetorically condemns state sponsored terrorism but when it comes to doing something about it is not ready to even condemn countries such as Iran and Syria designated by the United States as active sponsors of international terrorism. As long as the international community fails to develop a collective, consensual diplomatic response to instances of state sponsored terrorism, we will continue to see unilateral punitive and pre-emptive actions undertaken individually by countries facing state-sponsored terrorism, such as the ones undertaken recently by Israel against Hamas in Palestine or the ongoing US drone attacks in Pakistani tribal areas. Such actions generally take place in territories where governments are either sponsoring terrorism directly, as the Hamas regime does in Gaza, or where governments fail to establish their writ, as has been the case with Pakistan in tribal areas.

It is absolutely clear that the imposition of sanctions against a state sponsor of terrorism is an ineffective tool, especially if the United States is the only country traditionally employing it. What if the entire international community coordinates their practices? Economic and political sanctions imposed against a state sponsor of terrorism would mostly likely work, as they would reflect the larger will of the international community rather than singular desire of the United States and a handful of its allies, as it is currently the case. If that happens, then the need for unilateral military actions against state sponsors of terrorism by a country facing state-sponsored terrorism may not arise at all. For now, the main problem with the United Nations is that since the 1970s it has passed so many resolutions, including those by the Security Council and the General Assembly, on the political, economic and security measures to combat state-sponsored terrorism, yet their actual implementation continues to be sabotaged by political differences among the member-states.

Finally, if other reasons are not sufficient for such a concerted international response to terrorism, there is one that absolutely necessitates it: that of WMD falling in the hands of terrorist organizations. In this context, Pakistan's case is often cited since this nuclear weapons country has confronted a severe terrorist quagmire in recent years. However, the possibility of Pakistani nuclear arsenals falling in the hands of terrorist linked to al-Qaeda is limited, given the country's nuclear command and control structure, its cooperation with the United States to assure it remains so, as well as the fact that terrorist quagmire facing Pakistan has started to recede after successive successes achieved by its government and security forces against Taliban in 2009, including the counter-insurgency operation in Swat, in which the pro-Taliban insurgent-terrorist group, Tehrik-e-Nifaz-e-Shariat-e-Muhammadi, was almost routed within months after the start of the operation in April 2009. By October, the security forces had begun another, more difficult military offensive against Tehrik-e-Taliban Pakistan in South Waziristan aimed to eradicate Taliban and their foreign terrorist allies from the region. Over time, therefore, the battlelines between the state forces and Taliban-led terrorists in the country have become clearer, a development that significantly raises the possibility that the state establishment will eventually not tolerate even those jihadi organizations, based essentially in South

Punjab, which were hitherto tolerated because of their role in the militant uprising in Indian-administered Kashmir in the 1990s.

Thus, if there is one country that can equip the terrorist organizations it supports with WMD, it is Iran. Its revolutionary leadership remains publicly committed to the destruction of Israel and the ideology of terrorist organizations it supports, be it Hamas or Hezbollah, is rooted in perhaps the most extreme forms of religious radicalism. And as history suggests or clear from the study of religiously-rooted terrorism as compared to terrorism motivated by non-religious ends, religiously-rooted non-state terrorism with sponsorship of a state trying to build nuclear weapons secretly can have apocalyptic consequences. Yet, as we have seen from the international approach to tackling Iran's nuclear issue, the global community continues to display different approaches on the issue. Even after the September 2009 disclosure by US President Barack Obama about the secret Iranian nuclear installation at Qom, US European allies like Britain, France, and Germany have preferred to talk to Iran within the framework of the International Atomic Energy Agency; rather than joining hands with the US to secure more stringent UN Security Council economic and political sanctions against the Iranian regime. So, in the end, it all depends upon the international community whether it is collectively willing to punish states which sponsor international terrorism as an instrument of their foreign policy and to adopt punitive measures particularly against a country whose state sponsorship of terrorism may in future involve the employment of 'super terror.'

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