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**Violent Non-State Actors and Challenges to State Authority: Placing
Terrorism in South-West Asia in Perspective**

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Introduction

This paper attempts to discuss the challenges posed by violent non-state actors—terrorist organizations, to be precise—to the traditional state authority in internal and external domains. With a focus on the contentious issue of terrorism between India and Pakistan, it argues that, as a consequence of globalization, terrorism in South Asia has essentially assumed a regional, cross-border dimension. Given that, no one country can be blamed for a terrorist incident in another, even if a terrorist organization is believed to be based in the former. The possibility of non-state terrorism having become a regional phenomenon and posing a common threat to India and Pakistan and other countries in the region constitutes the principal ground reality in South or South-West Asia, from which there may be no escape in the foreseeable future.

As a foremost victim of such terrorism, Pakistan has no problem in understanding this ground reality, which has also been acknowledged as such by Afghanistan. It is India that refuses to recognize the gory fact and, consequently, instead of jointly responding to the region-wide terrorist threat, singularly accuses Pakistan for either sponsoring it or deliberately “not doing” enough in this regard. The paper concludes by arguing that a regional wave of non-state terrorism requires a common, bilateral or multilateral, regional response—including a) all the immediate steps needed to pre-empt, prevent and proactively combat terrorism, b) a joint mechanism to investigate instances of terrorism whenever and wherever they occur, and c) a broader approach to resolve regional conflicts such as Kashmir, which fuel non-state terrorism.

The paper begins by identifying the problem between Pakistan and India vis-à-vis non-state terrorism in the region, especially in the aftermath of November 2008 terrorist attacks in Mumbai. Then it lays down the conceptual framework for understanding terrorism by violent non-state actors within a country and across its borders. On the basis of this discussion, an attempt is made afterwards to underscore the qualitative shift in the region indicative of non-state terrorist groups, despite their physical location, posing a common threat to Pakistan and India and, therefore, requiring a common response. The

conclusive arguments of this paper are preceded by an analysis of the complexity of issues, constituting the essential framework for combating non-state terrorism in South Asia.

Identifying the Problem

We are all too well aware of India's knee-jerk reaction to terrorist attacks in Mumbai. Even while the first shots were being fired by terrorists, Indian government officials and media analysts with one voice began floating the all-too-familiar theme of Pakistani ISI sponsoring yet another Lashkar-e-Tayyiba-led terrorist attack in India.¹ Pakistan's official denial of Indian allegations was accompanied by a hurried explanation that the terrorist attack in Mumbai involved "non-state actors" over which the government of Pakistan or its state institutions had no control. This was not the first time New Delhi had accused Pakistani state of sponsoring terrorism in India. However, this was the first occasion when Islamabad, while denying Indian allegation of Pakistan's official involvement, as it had always done in recent years, underscored the possibility of non-state actors based on Pakistani soil being involved in terrorism in India. The mere mentioning of such possibility at a time while the terror drama in Mumbai was still unfolding appeared to signal an apologetic stance on the part of the Pakistani government at the time, for which it received domestic public criticism.

However, with the benefit of hindsight, it can be argued now that considering the possibility of internally-situated non-state actors' involvement in regional terrorism proved to be a reasonably farsighted idea for two reasons. One, Indian investigation into the Mumbai attacks has thus far found no official Pakistani link to these attacks.² Two, Pakistan has itself admitted that its territory might have been used for the purpose. In February 2009, the government charged eight individuals belonging to Jama'at-u-Da'wa, the philanthropic wing of Lashkar-e-Tayyiba, for possible involvement in Mumbai

¹ "India Accuses Pakistani Government in Mumbai Attacks," *DPA*, January 4, 2009.

² Even though India has not yet officially considered the possibility of non-involvement of Pakistani state in the Mumbai attacks, the confession of Ajmal Kasab, one of the alleged perpetrators of these attacks who was captured alive, during the court trial clearly rules out such possibility. See "Kasab Confesses He Carried out Mumbai Attack," *Dawn*, July 21, 2009.

terrorism, five of whom are under arrest and facing trial.³ Perhaps that is why the leaders of India and Pakistan agreed in July 2009 at Sharm el-Sheikh in Egypt to resume the peace process by de-hyphenating it from terrorism.⁴ If this one precondition had been agreed upon by the two countries' leaders in January 2004, when the peace process began with mutual declarations of "irreversibility," the stalemate in Indo-Pak ties caused by July 2006 commuter train bombings in Mumbai and February 2007 bombing of Samjhauta Express in East Punjab could have been prevented.

The irony is that while Pakistan is the prime target of non-state terrorism in South Asia and is currently undertaking a resolute security operation against Taliban and their terrorist allies in the country, India continues to cast aspersions on its political will to combat terrorism, even accusing its security institutions of sponsoring cross-border terrorism as a state policy. Therefore, despite the breakthrough at Sharm al-Sheikh, which was preceded by Indian failure to establish Pakistani state linkage to Mumbai terrorism, we cannot predict that a future terrorist incident in India will not be followed by yet another Indian allegation of Pakistani state involvement in terrorism in India.

Conceptualizing Non-State Terrorism

By definition, a violent non-state actor refers to an organization using illegal violence (i.e. force not officially approved of by the state) to reach its goals, thereby contesting the state's monopoly on violence.⁵ The rise of violent non-state actors, just like their non-violent counterparts, has been facilitated by globalization, and both of these non-state actors are respectively eroding the power and sovereignty of the traditional Westphalian nation-state. Unlike non-state actors like multi-national corporations and non-governmental organizations, which have claimed their own share in international or national structure non-violently, violent non-state actors engaged in terrorism have no respect for borders between countries, the laws regulating inter-state relations or a state's

³ Asif Shahzad, "Pakistan Says Trial of 5 Men Accused in Mumbai Attacks Likely to Start Next Week," *AP*, July 11, 2009.

⁴ See "Text of India-Pakistan Joint Statement," *Dawn*, July 17, 2009.

⁵ For an understanding of the violent non-state actors, see Jason Bartolomei, et al, *Modeling Violent Non-State Actors: A Summary of Concepts and Methods* (Colorado: Institute for Information Technology Applications, United States Air Force Academy, November 2004), 50 p/ Available from <<http://www.usafa.af.mil/df/iita/Documents/VNSA%20Final.pdf>> Accessed on July 20, 2009.

founding principles of sovereignty and territorial integrity. If some terrorist organizations such as al-Qaeda aim to violently change the current international order; others like Tehrik-e-Taliban Pakistan or the so-called Indian/Deccan Mujahideen threaten the survival of a national state structure. Still some others like Lashkar-e-Tayyiba may have a regional agenda of sabotaging any Indo-Pak move towards peace without a Kashmiri settlement on their terms. Among violent non-state actors challenging the writ of the state, we can also include sectarian militant organizations such as Lashkar-e-Jhangvi or Baloch Liberation Army and a host of ethno-nationalist-separatist militant organizations in India.

However, what we essentially mean by violent non-state actors here are terrorist organizations which have transnational ambitions and whose operations know no state limits such as internal sovereignty or inviolability of borders. They may be based in one country and have affiliates in another; or their operational infrastructure may be spread out regionally. We call them terrorist organizations because they make no distinction between the armed and the unarmed while undertaking violent activity, especially when they deliberately target the unarmed for the purpose of creating terror, destroying a country's economy, destabilizing its politics and sabotaging internal peace and external image of a target nation. As argued before, the transnational character of their terrorist operations is a direct outcome of globalization in recent decades. For in the absence of unprecedented trans-national linkages in communication, travel and finance, non-state terrorism might still be a national or at best a sub-regional phenomenon, as it was until the beginning of 90s, with a few exceptions relating to terrorism emanating from the Middle East.

It is appropriate to mention here that some of the violent non-state actors whom we describe as terrorists today may at some point have been sponsored by one state or a group of states. After all, al-Qaeda originated from Arab Mujahideen, and Taliban hailed from Afghan Mujahideen. The United States, Western Europe, Saudi Arabia and the rest of the Arab world, Pakistan and Iran—all of them, for almost a decade, supported Arab and Afghan Mujahideen's jihad against the Soviets in Afghanistan. One by one, all of

these state entities—the United States after the withdrawal of Soviet forces in 1989, Saudi Arabia after the arrival of al-Qaeda in Afghanistan in 1996, and Pakistan after the events of 9/11—abandoned their official links with their respective militant groups or movements. Especially after these groups started using terrorism as a means to achieve their respective political goals, there was no way a state entity could afford not to sever its links with them. Since the United States and Western countries value respective national interest over everything else in their global conduct, it is easy for them to abandon past friends—as they did in the case of Arab and Afghan Mujahideen after the Soviet defeat in Afghanistan—who then became their current enemies. For a Muslim state like Pakistan, the process of abandoning violent non-state actors who operated for a common religious cause in Afghanistan or elsewhere is relatively slower due to morally-grounded cultural and religious factors. However, such factors lose their relevance as quickly as any violent non-state actor engages in rampant terrorism, as has happened in Pakistan, especially since the start of 2009—as the public opinion shift against Taliban led to the government’s ownership of the security operation and the army’s resoluteness in undertaking it effectively.

In the context of South-West Asia, violent non-state actors include all those organizations engaged in trans-national terrorism in the region, including al-Qaeda and its affiliates. They are as much interested in destroying the state fabric of Pakistan as they are in perpetuating the misery of Afghans, terrorizing the people of India, sabotaging its peace process with Pakistan or destabilizing South-West Asian region. They can plan their terrorist attack in one country, conduct in another, and channel financial support for the purpose from a third country, which may or may not be necessarily located in the region, as Mumbai attack investigation by Interpol also revealed.⁶ Therefore, when we talk about any regional wave of terrorism, no one country can be held singularly responsible for sponsoring non-state terrorism or even for “not doing” enough to curb cross-border terrorism by violent non-state actors even if they are allegedly based on its soil. The same principal applies to Indo-Afghan contest with Pakistan over terrorism.

⁶ “Interpol Chief Says India Yet to Provide Evidence, *Dawn*, December 23, 2008.

When Pakistan's ability in combating national terrorism is limited, how can it be expected of performing optimally in a regional counter-terrorism campaign? In fact, by unduly pointing fingers at Pakistan in recent years, Afghanistan and India have deliberately or otherwise delayed an effective regional response to terrorism and, thus, indirectly contributed to regional ambitions of transnational terrorists.

The Qualitative Shift

India's ruling elites seem to have failed to appreciate the great qualitative shift that has taken place over time in Pakistan's perception of terrorism, the gravity of threat it poses to its national fabric and the steps needed to combat it effectively. In their view of Pakistan, Indian politicians and opinion leaders still seem to be stuck somewhere in the pre-9/11 era, when Pakistani state institutions may have overlooked or even assisted organizations actively contributing to militant uprising in the disputed region of Kashmir. India may have bled in the process, but this is an old story now, confined to the decade of the 90s. In the immediate aftermath of 9/11, Pakistani state made the first conscious choice of taking a U-turn against Taliban in Afghanistan. Within months, it took a second U-turn by banning militant organizations such as Jaish-e-Muhammad and Lashkar-e-Tayyiba, with former President-General Pervez Musharraf in his January 2002 speech, explicitly declaring not to let any "non-state actor" use Pakistani territory to conduct terrorism in the name of Kashmir.⁷ Since the summer of 2007, Pakistani state security institutions and personnel, ISI included, as well as the society as a whole is in the firing line of terrorists, including those nurtured by Kashmir uprising and Afghan infighting in the 90s. Unfortunately, India's political elites and media pundits are yet to acknowledge Pakistan's radically different state priorities and societal challenges, as they have evolved since 9/11 in general and particularly since July 2007, when its security forces undertook a surgical counter-terrorism operation against the Red Mosque in Islamabad, thereby generating a wave of terrorism across the country.

Ever since the Indo-Pak peace process began, Pakistani leadership, the present as well as the previous, has attempted to accommodate several Indian interests, including

⁷ See "Text of President's Speech to the Nation," *The News*, January 13, 2002.

the abandonment of traditional stand on Kashmir, the initiation of trade and transport links without Kashmir settlement and the most recent willingness to facilitate India's transit trade with Afghanistan. Despite this, India's rulers, the current and their predecessors, have attempted to portray Pakistan as an "epicenter of terrorism"—a discourse that is quite out of tune with the current regional ground reality, pertaining to the possibility of the very militant jihadi groups for whom Pakistan may have had a soft corner years ago having overtime become as big a Frankenstein Monster for it as the Arab Mujahideen-turned-al-Qaeda became for the United States and its allies. Obviously, as long as Kashmir remains unsettled and peace is not restored in Afghanistan, violent non-state actors in the region, including parts of Pakistan, will not vanish from the scene of regional terror overnight. The only option left for India, therefore, is to jointly work with Pakistan to a) achieve the immediate goal of preventing, pre-empting, and proactively combating the terrorist threat wherever and whenever it surfaces, b) jointing investigating an act of terror when it occurs in either country and has alleged cross-border dimension, and c) use the peace process to achieve the larger goal of resolving the conflict of Kashmir, which fuels such terrorism.

In retrospect, it would be unfortunate if the Indian leadership continued to hold Pakistan responsible for future instances of terrorism in India in the aftermath of recent resumption of the peace process between the two countries, especially its de-hyphenation from terrorism. As stated before, Indian investigation into Mumbai attacks, including the confession of Ajmal Kasab,⁸ one of the main accused of these attacks currently facing court trial, has failed to establish any Pakistani state link to Mumbai terrorism. Indian investigation into the 2006 Mumbai train bombings had met a similar fate, and the one into the 2007 Samjhauta Express bombing had embarrassingly found a high-level terrorist sponsorship from within the Indian army itself.⁹ If India had taken Pakistan's argument on the eve of November 2008 terrorist attacks in Mumbai regarding the possibility of non-state actors using its soil to conduct terrorism in India seriously, and

⁸ "Kasab Confesses He Carried out Mumbai Attack," op cit.

⁹ "Purohit Supplied Provided RDX for Samjhauta Bomb," Express India, November 15, 2008. Available from < <http://www.expressindia.com/latest-news/Purohit-supplied-RDX-for-Samjhauta-Express-blast-ATS/386143/>> Accessed on July 3, 2009.

responded positively then to Islamabad's offer of joint investigations into Mumbai attacks, then not only the five-year long peace process between the two countries would have survived these attacks, Islamabad and New Delhi might have consolidated the Joint Anti-Terrorism Mechanism that was agreed in a meeting between President Asif Ali Zardari and Prime Minister Manmohan Singh in September 2008 on the sidelines of the UN General Assembly session in New York.¹⁰

Pakistan had earlier offered similar help in investigating the Mumbai train bombings and Samjhauta Express bombing. In both cases, it was New Delhi's rebuke to Pakistan's offer coupled with its usual accusation of Pakistani state sponsorship of terror events in India that had put the peace process between the two countries on hold for several months. And, each time—as in the aftermath of Mumbai attacks—the leadership in Pakistan had to go an extra mile in assuring and re-assuring its Indian counterpart that it would do all in its power to prevent its soil being used for terrorism in India. In the current scenario, apart from this guarantee, New Delhi expects Pakistan to do everything possible to “bring the culprits of Mumbai attacks to task.” Such expectation may be reasonable when compared with New Delhi's earlier demand regarding the handing over of Pakistani nationals included in its “most wanted terrorists” list. However, it is still unclear as to what Pakistan needs to do to satisfy India's terrorism concerns and also to which extent New Delhi is willing to go to respond in kind to Islamabad's cooperation in this regard.

Complexity of Issues

Obviously, Pakistan has its own grave concerns over India's alleged involvement in Taliban-led terrorism in the country's border regions with Afghanistan and elsewhere as well as the terrorist insurgency in Balochistan. Non-state terrorism in a region is never a one-way process. Prime Minister Yousaf Raza Gilani reportedly raised these issues with his Prime Minister Manmohan Singh, when both met at Sharm el-Sheikh on the sidelines of NAM summit in July 2009. The Joint Statement issued after the meeting mentions

¹⁰ “Manmohan, Zardari Vow to Stamp out Terrorism,” *Indian Express*, September 25, 2008.

Pakistan's concerns regarding Baloch insurgency as one of the issues discussed by the two leaders.¹¹ Obviously, New Delhi's concerns regarding the threat of cross-border non-state terrorism allegedly emanating from Pakistan are not inseparable from Islamabad's concerns regarding India's alleged involvement in terrorism and insurgency in Pakistan. India should be grateful to Pakistan for proactively combating Taliban terrorism, simply because just as Pakistani state and society cannot afford a Taliban takeover of the country, the specter of Taliban amassing on India's borders if such eventuality, God forbid, ever arises, must be unnerving for all Indians.

India's political elites also seem to have this "damned-if-you-do-damned-if-you-don't" mindset, as their post-Taliban Afghan counterparts did until recently. The alleged infiltration of Taliban across the Durand Line was a two-way process. If some terrorist insurgents were crossing into Afghanistan from FATA to fuel Taliban-led insurgency against international forces there, other terrorist insurgents based in Afghanistan were surely crossing the same frontier to enter FATA and commit terrorism across Pakistan. This back-and-forth movement of violent non-state actors in the region is a challenge that can only be tackled through mutual cooperation. The July 2009 Indian allegation about Pakistani forces fortifying bunkers alongside the Line of Control¹² also does not make any sense. For even if this were the case, then New Delhi should have praised Islamabad for attempting to prevent the movement of violent non-state actors across the LOC. Islamabad has had a similar issue with the leadership in Kabul, which wants Pakistan to secure a border that Afghanistan officially does not recognize. For the same reason, the Afghan government of President Hamid Karzai had opposed all the creative security measures proposed by Pakistan in recent years, including bio-metric registration of cross-border traffic and the establishment of hundreds of security check-posts on all sensitive points of the Durand Line.

Perhaps the most complex issue pertaining to an effective regional campaign against non-state terrorism is the resolution of conflicts in Afghanistan and Kashmir. As

¹¹ "Text of India-Pakistan Joint Statement," *op cit*.

¹² "Pakistan Building Fortified Bunkers along LoC: BSF", *Times of India*, July 14, 2009.

long as the war in Afghanistan is not replaced by a peace grounded in recognition of the country's complex ethno-nationalist and cultural ground realities, al-Qaeda, Taliban and other terrorist-insurgents will continue to flourish in West Asia. Likewise, the non-resolution of Kashmir conflict will continue to fuel non-state terrorism in South Asia, provide a pretext to violent non-state actors in the region to engage in militancy, including terrorism, and distract Pakistan as a frontline counter-terrorist state in the region from proactively combating terrorism. In fact, neither India nor Pakistan can any longer afford the luxury of continuingly pursuing a peace process which only produces cosmetic results in trade, transport and confidence-building spheres and does not address the core issues of dispute between the two countries such as Kashmir.

When Pakistan itself is bearing the cost of overlooking or facilitating violent non-state actors, fuelled by domestic sectarianism and non-resolution of regional conflicts such as Afghanistan and Kashmir, it was mind boggling to see BJP leader L K Advani criticize Prime Minister Manmohan Singh in July 2009 for agreeing to de-link terrorism from the “composite dialogue” and include a reference to the insurgency in Balochistan in the Joint Statement issued at Sharm el-Sheikh—which, he said, destroyed India's “national political consensus” on Pakistan as a terrorism-sponsoring state.¹³ If the five-and-a-half year long peace process between the two countries—at least until its resumption in July 2009—tells us anything, it is that New Delhi wants Islamabad to do everything and, in turn, it wants Pakistan to expect nothing from India with regard to not just the settlement of Kashmir but also other lesser unresolved conflicts of Siachen and Sir Creek. New Delhi does not at all recognize the existence of the water dispute between the two countries, which is slowly emerging as a life-and-death matter for Pakistan—as the dispute on the sharing of river water is now not only inter-provincial but also intra-provincial, amid a deteriorating energy crisis facing the country.

Concluding Remarks

With reference to violent non-state actors engaging in cross-border terrorism in South and South-West Asian region, times have changed—and so have the circumstances. The

¹³ “Indo-Pak Joint Statement Dominates Advani's Talks with Hillary,” *PTI*, July 20, 2009.

requirement of the day is the due acknowledgement of this great qualitative shift in the region. Countries, big or small, make mistakes. If 9/11 was a consequence of the leadership role that America played in Arab-Afghan jihad against the Soviets in Afghanistan in the 80s; Pakistan may have paid a price for overlooking or facilitating the militant uprising in disputed Kashmir in the 90s. Pakistan acted pragmatically while taking successive U-turns against groups motivated by the spirit of violent jihad and fuelled by continuingly unresolved conflicts in the region. Its current campaign against al-Qaeda and its terrorist affiliates is praise-worthy, because it aims to liberate not just Pakistan but also the entire South and South-West Asian region from the grip of a merely three-decade old violent Wahhabist-Arabist creed that has no relationship with the centuries-old traditionally pacifist Indo-Persian way of life in the subcontinent.

It is, therefore, in India's interest—as much as in Pakistan's—to be a part of this joint struggle against al-Qaeda-inspired non-state terrorism in the region. Just to reinforce the argument made before, it is extremely important that when the two countries resume their peace process fully in the coming months, their number one priority should be to resolve the Kashmir conflict, which, tragically, is as old as their independence in 1947. In the grip of non-state terrorism, Pakistan can no longer afford to overlook any violent non-state actor that is unwilling to mould itself in accordance with the existing constraints of the state and which threatens its territorial integrity and refuses to respect inviolability of its borders. As for India, by overlooking or facilitating non-state terrorism or insurgency in Pakistan, it, alone or in partnership with post-Taliban regime in Afghanistan, will only complicate Pakistan's ability to proactively combat domestic as well as cross-border non-state terrorism. The onus of responsibility, therefore, lies squarely on the shoulders of India's political elites, in government or opposition, whether they are interested in reshaping the national public opinion nurtured for decades with ISI-bashing, and reach out honestly to their Pakistani counterparts to fight a common enemy and resolve bilateral conflicts on which this enemy thrives.