

India-Pakistan Intelligence Cooperation to Counter Terrorism

Anand Arni and Shaukat Javed

Introduction

Terrorism is a major security concern in India and Pakistan. Both have been victims of vicious acts of terror and have blamed each other. Today, new threats are emerging in this field which are of growing concern to both countries. This paper, which has been jointly drafted by retired senior officials from the security and intelligence communities of India and Pakistan, seeks to describe why dialogue between the services of both countries on the issue of terrorism is of vital interest to both countries and spells out an agenda that can realistically be pursued.

Defining Terrorism

There is no single universally accepted definition of terrorism. Over many years various governments and legal systems have defined terrorism according to their needs and experiences. Both India and Pakistan have evolved definitions, but continue to have differences over specific aspects of this question.¹ Some would argue that intelligence dialogue and cooperation cannot take place until there is agreement on these matters. The authors of this paper do not believe that it would be productive to attempt to jointly define terrorism. Instead, they believe that, for the purposes of encouraging intelligence dialogue and cooperation over the issue, the two sides should be prepared to identify and discuss practical steps that can be taken on aspects of the issue which are of mutual concern.

¹ The current Indian definition from The Unlawful Activities (Prevention) Act, 1967, amended in 2004, defines a *'terrorist act'* as "whosoever, with intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people in India or in any foreign country, does any act by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances, (whether biological or otherwise) of a hazardous nature, in such a manner as to cause, or likely to cause, death of, or injuries to any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community in India or in any foreign country or causes damage or destruction of any property or equipment used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies, or detains any person and threatens to kill or injure such person in order to compel the Government in India or the Government of a foreign country or any other person to do or abstain from doing any act, commits a terrorist act."

At the time of writing, Pakistan's primary law on terrorism, the Anti-Terrorism Act of 1997, defines *terrorism* in its sec. 6 as, "the use or threat of action (murder, kidnapping, damage to property, attack on places of worship or government persons etc.) when the use or threat of action is designed to coerce and intimidate or overawe the Government or the public or a section of the public or community or sect or create a sense of fear or insecurity in society; and the use or threat of action is made for the purpose of advancing a religious, sectarian or ethnic cause."

Legacies of the Past

India and Pakistan have a history of suffering from and accusing each other of fomenting terrorism. The serious trust deficit between the two countries makes it easy for state and non-state actors to use terrorism as a policy instrument, or accuse the other of doing so. This makes it all the more urgent and important that both countries find a way to move forward on counter-terrorism intelligence cooperation. Negotiators on both sides have seen years of confidence-building effort undone by terrorism.

The authors of the paper note that dialogue between security and intelligence services on matters of mutual interest is the norm worldwide – even between services of nations that are not entirely on friendly terms – but does not take place between India and Pakistan. In the past, such a dialogue has come to be seen as a ‘favour’ that is extended when the situation is good or improving and withdrawn when it is not. The authors believe that this must change and that the two countries must come to see such dialogue as a means to further vital national interests.

The Way Ahead

There are indications that the security situation in South Asia is changing quickly. New and dangerous threats are building, which must be of concern to both countries, even as older problems remain. This makes it imperative to find ways in which the security and intelligence services of the two countries can discuss issues of mutual concern, even as they may continue to disagree over others. Though this may appear to be an oxymoron, as noted, it is the norm worldwide. It is imperative that the political leadership on both sides at the highest levels should task the security and intelligence services to remain engaged, irrespective of the obtaining environment. Such a dialogue process will assist them in coming out of silos and breaking stereotypes of thinking and behaviour. A start can be made by working together in at least three fundamental dimensions that can move forward simultaneously.

The first is a general dialogue between the intelligence and security services as to best practices and generic approaches to the terror issue. This can include dialogue over such issues as the respective structures of the security services; the respective legal frameworks which govern activities in this sector; and the nexus between criminal activity and terror in each country (e.g. linkages between drug trafficking and terrorism). Success stories with regard to control over insurgencies and the subsequent development of counter narratives leading to de-radicalisation can be shared by both the countries for their mutual benefit. Views and practices in the area of de-radicalisation and how narratives can be constructed and promulgated in each country which counter the justification of terror on religious or ideological or any other grounds can also be discussed and shared.

The second area of possible activity concerns two specific areas in dialogue and cooperation that can be pursued: criminal activity which is of concern to both countries; and cooperation in countering the activities of terror groups that both sides regard as dangerous. This dimension may raise the greatest resistance on both sides. One way forward initially would be to focus on activities of persons and organisations that are not seen to be patronised by the other but in whose case at least one of the two countries has meaningful intelligence to contribute that the other may use. For example, emerging groups of religious extremists (such as Al Qaeda and ISIS) have publicly declared their intention to target South Asia in future, and make no distinction between India and Pakistan – they pose a threat to both countries and both countries should be willing to share information about them. As the environment and confidence improves on both sides, the intelligence services can share more and more.

Finally, to help institutionalise dialogue between the security and intelligence services at the Track 1 (official) level the authors of this paper believe that the two sides should develop more regular contacts. Examples of this might include ‘declaring’ the two Station Chiefs at the respective High Commissions and encouraging them to enter into more normal contacts with their host services, as is the norm for declared Station Chiefs at all embassies around the world, and/or establishing dedicated Liaison Officers at the respective High Commissions to facilitate exchanges on matters of mutual concern.

Conclusion

Despite their mutual history the countries must learn to share intelligence and cooperate on countering terrorism. Each of them holds the key to peace in the other country. To overcome the trust deficit, they can start slowly with matters in the public domain, like a dialogue on role of intelligence and security services in countering terrorism and gradually move on to the sharing of actionable intelligence on persons and groups involved in terrorism on either side of the border. This is the norm for most countries of the world, even those with antagonistic relationships. Above all, it is necessary to get past the attitude that dialogue on such matters is a favour to be extended and withdrawn as relations go up and down, but to see it as a vital interest to be pursued at all times. There is a deeply held view in each country that they can ‘muddle through,’ but this is not good enough anymore. It is hoped that a dialogue between the intelligence and security services may thus contribute to better relations overall, and to the more effective management of crises in the region.

This paper was jointly drafted by Anand Arni and Shaukat Javed, and was reviewed and adopted by the participants in the meeting of the Intelligence Dialogue which took place 16-17 October, 2014 in Istanbul by Sikander Afzal, AS Dulat, Asad Durrani, Rajiv Kumar, Wajahat Latif, Tariq Parvez, Vedantachari Rajagopal, CD Sahay, Sallahuddin Satti and Ehsan ul-Haq.