Before the events of 11 September 2001 made the phenomenon of transnational terrorism a global cause celebre, the spectre had haunted South Asia for at least two decades. Whether it were the Sikh and Kashmiri militants operating out of Pakistan and in the Indian Punjab, the Kashmir valley as well as other metropolitan centres; or the India-based Shanti Bahini and a variety of Sri Lankan Tamil outfits, particularly the Liberation Tigers of the Tamil Eelam (LTTE), conducting acts of terror in the Chittagong Hill Tracts of Bangladesh and Northern and Eastern Sri Lanka respectively; or the Arakanese, Mizo and Tripura rebels, located in the Chittagong Hill Tracts, conducting operations in Myanmar's north and India's northeast, the scourge of cross-border terrorism has been alive and killing people in the sub-continent. In fact, terrorism has been responsible for killing more people than all the fatalities of all the wars ever fought in South Asia. Although accurate figures for the whole of South Asia are difficult to come by, according to some estimates the number of fatalities - both civilian and security forces personnel - over the past two decades are well over a 100,000, with the bulk of these being in Kashmir. In all these instances the host countries did provide covert and not-so-covert support to the different militant organisations from time to time.

The impact of 11 September 2001 on most of the abovementioned terrorist movements was negligible as many of these had either ceased or were already waning on account of a variety of reasons. In some cases the United States' response to the events of terrible Tuesday did prompt the start of a peace process; this linkage was apparent in the decision of the LTTE to return to the negotiating table in late 2002.

However, in the case of Kashmir the events of 11 September 2001 and their aftermath complicated matters in a number of ways. First, it brought to the fore the critical but tenuous links between the Al-Qaida, the Taliban and Pakistan-based terrorist groups, such as the Jaish-e-Mohammad (JEM) and the Lashkar-e-Toiba (LET), operating in Kashmir as well as a tentative connection between acts of terror committed against India and the United States. One indication of this relationship was the listing of India, along with the US, Russia and Israel, as 'enemies of Islam' by the Al Qaida spokesman Suleman Abu Ghaith. This link in turn also highlighted the pivotal role played by Pakistan's Inter Services Intelligence (ISI) agency in coordinating if not sustaining the relationship between these three groups of terrorist entities.

Revelations of this triumvirate, coupled with the alleged quest for chemical,
biological, nuclear or radiological weapons by Al Qaida, raised concerns that the Kashmiri terrorist outfits also might acquire such weapons.

Second, even after 11 September 2001 some of the Pakistan-based outfits, particularly the JEM and the LET, actually stepped up their activities both within and outside Kashmir. This escalation led to a series of dramatic attacks on 1 October 2001 on the Legislative Assembly in Srinagar, on 13 December on the Indian Parliament in New Delhi, on 14 May 2002 at an army camp in Kaluchak outside Jammu, on 24 March 2003 at Nadimarg in Kashmir and on Srinagar radio station on 26 April 2003. Such attacks, occurring during the lowest ebb in bilateral relations between Islamabad and New Delhi, also have the potential of sparking off an open military conflict and, perhaps, even a nuclear exchange. Such a possibility was evident following the eyeball-to-eyeball confrontation prompted by India's mobilisation under Operation Parakram in early 2002.

Third, when Washington embarked on its war against terror and launched its attack against Taliban-held Afghanistan and the Al Qaida network located here, it also established bases in the region, including in Pakistan, Afghanistan and Kyrgyzstan. Today, according to some estimates, the US has established 13 military bases with 60,000 troops in nine countries adjoining Afghanistan. This deployment and presence in the region has inevitably made the United States a key South Asian actor. Consequently, any attempt to tackle terrorism as it has manifested in Kashmir - either through diplomacy or force - would have to inevitably involve Washington.

Based on these developments, this article will begin with examining the problems of defining terrorism. The next section will focus on how the US-led war on terrorism presents both a challenge and an opportunity to India and Pakistan. It will then examine the potential of terrorist outfits resorting to nuclear terrorism in the region. The next section will focus on the real danger of terrorist acts leading to a military and nuclear exchanged between the two estranged neighbours as well as at the impact of the presence of US troops in the region on India and Pakistan's response to events in Kashmir. The final section will attempt to suggest ways forward for all the key players to deal with the present scenario in South Asia.

I

There are serious problems in trying to define 'terrorism' in generic terms as violence against civilians. For instance, Jessica Stern's oft used description of terrorism as 'an act or threat of violence against non-combatants with the objective of exacting revenge, intimidating, or otherwise influencing an audience' might be equally applicable to those nuclear weapon states that adhere to a counter-value doctrine. Besides it does not address the vexed paradox of one person's terrorist being another's freedom fighter.

In this regard Kanti Bajpai's test of 'representativeness, rationality and responsibility' to ascertain the nature of militancy in Kashmir is more compelling. He argues that based on these three criteria and the fact that 'thirteen years into the militancy' in Kashmir 'no militant group has shown that violence is politically effective' and,
therefore, the militants operating there can be justifiably be described as terrorists. This assessment, however, is unlikely to convince most Pakistanis, who might argue that the ineffectiveness of political violence in Kashmir is on account of the repression unleashed by the Indian state and does not in any way detract from the legitimate struggle for self-determination. Indeed, Pakistan's Permanent Representative to the United Nations, Ambassador Munir Akram while noting that 'there is no consensus of what does and does not constitute terrorism' argued that some 'countries, like Israel and India, have exploited 9/11 to advance their own agendas' and that 'India has increased its persecution of innocent Kashmiris'. There is, clearly, limited utility in remaining excessively preoccupied with trying to precisely define terrorism. As Adam Roberts noted several years before transnational terrorism was recognised as a global phenomenon: 'in such discussions a concern with defining terrorism… has been the outward and visible sign of reluctance to recognise the seriousness of the problem or to do anything at all about it'. Perhaps that is why none of the 12 international conventions on terrorism, which deal with issues as diverse as hijacking to suppression of the financing of terrorism with reasonable effectiveness, nor the successful United Nations Security Council Counter-Terrorism Committee have defined terrorism.

Nonetheless, at the global level there have emerged three basic principles that are likely to determine the international community's approach in dealing with transnational terrorism. These norms first became apparent in the early years of the post-Cold War world and have been strengthened since 11 September 2001. The first is a growing recognition that transnational terrorism, which specifically targets pluralistic societies, secularism and liberal democracies, is increasingly unacceptable. As a corollary, such terrorism, especially which has well-established links to transnational crime, will be persecuted on a global level. Second, the sanctity of existing borders, (even disputed ones), cannot be challenged even by a legitimate struggle for self-determination. The curtailment of the Kurdish population's aspirations for its own nation state in the wake of the war on Iraq and the US insistence on the sanctity of the Line of Control (LoC) in Kashmir are the best manifestations of this trend. Finally, there is a growing tendency to engage and revive failing or failed states and to ensure that these states do not fail in future. There are two motives behind this norm: first there is increasing realisation that failing or failed states provide the ideal breeding ground for transnational non-state terrorists. It is this phenomenon that made Afghanistan the ideal home for the Al Qaida. Second, the international community, represented by the state-centric United Nations is ill equipped to deal with non-state actors. Therefore, the only way for the international community to effectively deal with the phenomenon of non-state actors operating out of failing or failed states is to strengthen these states to ensure that they do not inadvertently become safe havens for transnational terrorist outfits. This norm, though universal in theory, is particularly relevant in the case of states that possess nuclear weapons or are of strategic significance to the United States - the world's sole superpower.
When President George W. Bush described the events of 11 September as 'acts of war' he instinctively echoed the distinction that India too has been making for nearly a decade between 'terrorist acts' and 'proxy war' or, more recently, 'cross-border terrorism' to describe terrorism originating from outside India, which was apparent in the coordinated bombing campaign in Mumbai in 1993 (following the demotion of the Babari mosque in Ayodhya in December 1992) and has been evident during most of the Kashmir imbroglio since the early 1990s. The difference, of course, is that while President Bush categorically resolved that the US 'will make no distinction between the terrorists who committed these acts and those who harboured them'\textsuperscript{21} Indian leaders have often debated 'hot-pursuit' without any resolution let alone action.\textsuperscript{22} Therefore it surprised many that within hours of President Bush's declaration of war against terrorism, India offered to provide all assistance in this war.\textsuperscript{23} While there was astonishment at the carte blanche nature of India's support, given New Delhi's own decades long war against cross-border terrorism and the possible link between the militancy in Kashmir and Al-Qaeda; the fear that a large number of the victims in the twin towers in New York were of Indian origin; and the existence of a Joint Indo-US working group on terrorism, New Delhi could not have done otherwise. As Praful Bidwai noted, 'since the militancy erupted [in Kashmir] 12 years ago, India has been pleading with the US to recognise 'terrorism' as a major global menace and as a common platform for a special alliance of 'democracies' to the exclusion of Pakistan'.\textsuperscript{24} However, for a number of reasons, primarily logistical, operational and tactical, Washington preferred Islamabad's less than forthcoming offer for assistance, much to the shock of many Indian strategists who argued that Pakistan was not only an unreliable but a dangerous ally in the war against terrorism.\textsuperscript{25}

For its part Pakistan became a reluctant frontline state in the war against terror on 19 September 2001 when General Pervez Musharraf in televised address to the nation stated that he was extending support to the United States for the sake of Pakistan's integrity and solidarity; its economic revival, the safety of its 'strategic assets' and the Kashmir cause.\textsuperscript{26} General Musharraf acquiesced to Washington's seven-point demand list including severing all ties with the Taliban-Al Qaida combine and allowing the US troops the use of three air bases - Jacobabad, Pasni and Dalbandin.\textsuperscript{27} In addition, while Washington refused to play a more active role in the Kashmir dispute, it also cautioned New Delhi not to take advantage of the situation and attempt to put pressure on Islamabad, thus reverting India and Pakistan back to a familiar hyphenated relationship.

However, in the early days after 11 September it is not clear whether India impressed upon the US the need for Washington to convince Islamabad to restrain the terrorist groups operating in India, particularly Kashmir. The dramatic suicide attack on the Jammu and Kashmir Assembly in Srinagar on 1 October 2001, by the Pakistan-backed JEM indicated that such a message, even if delivered to Islamabad, went unheeded or unimplemented.\textsuperscript{28} Although President Bush assured visiting Indian Foreign Minister Jaswant Singh in Washington that the US was against all terrorism,
India was sceptical. As C. Raja Mohan noted if the US "wants India to maintain restraint, it has to impress upon Pakistan to play by the same rules."

While India was partly appeased by Washington's decision to freeze the assets of the JEM, India's Ambassador to the United States, Lalit Mansingh hoped that the present Pakistan-US cooperation was 'tactical' and cautioned that "this should not go into a strategic understanding, which will take us back to the years of the Cold War, because... any kind of military alliance with Pakistan will create difficulties for the region." To underline the limits of India's restraint, New Delhi moved some troops and aircraft to forward positions and some cabinet members argued in favour of 'hot pursuit'.

Barely had India recovered from the 1 October attack when its Parliament in the heart of New Delhi was struck in a daring suicide attack on 13 December 2001. India's Prime Minister Atal Behari Vajpayee equated this attack to the 11 September events, blamed Pakistan and threatened military retaliation. Subsequently, India embarked on Operation Parakram, its biggest military build-up since the 1971 war along its border with Pakistan, while simultaneously demanding that Washington pressure General Musharraf to curtail the activities of terrorist groups still operating in Pakistan. In doing so India was repeating the experience of Kargil in 1999 when it did launch a military retaliation but primarily depended on international pressure, led by the US, to force the Pakistani intruders on the Indian side of the LoC to withdraw unilaterally.

This two-pronged approach prompted General Musharraf to make his now significant speech of 12 January 2002 where he also declared his crackdown on several Pakistani-based Kashmiri terrorist groups. He reiterated this promise in May 2002. However, India, which had provided Islamabad with a list of 20 so-called terrorists to be handed over to New Delhi, did not withdraw the troops along the border and also rejected any calls for a dialogue with Pakistan. Significantly, while it tacitly accepted the shuttle diplomacy of US Secretary of State, Colin Powell, in January 2002, to ease tensions, it flatly deflected any attempts by the UN Secretary General Kofi Annan to mediate even though he had categorically stated in an earlier visit to Pakistan that the old UN resolutions on Kashmir are 'not enforceable in a mandatory sweep'. Clearly, in the post-Pokhran II and post-11 September phase New Delhi felt more confident and comfortable in allowing Secretary Powell to mediate rather than dealing with Secretary General Kofi Annan.

Six months after the events of terrible Tuesday India has achieved at least two short-term objectives in the first phase of the war against terrorism. First, by supporting the US action in Afghanistan it has witnessed the destruction of the Taliban, which was not only a creation of the Pakistani military establishment, but also a detriment to India's own interests in Afghanistan. This also paved the way for India to become a key player in Afghanistan's future. Second, the attacks of 1 October and 13 December 2001 and the subsequent pressure on Islamabad to publicly reign in the terrorist groups operating in Pakistan and to sever ties between the Pakistani establishment (represented by the ISI agency) and these groups did stem cross-border terrorism in Kashmir. As C. Raja Mohan observed:
Neither of these could have ever been accomplished by India alone. … India did not have the power to persuade or compel Pakistan to either give up cross-border terrorism or adopt a fundamentally new national course. It needed the full might of the world's sole superpower to nudge Pakistan into at least promising to embark on a different path. Despite the attempts by the Pakistani leadership to wriggle out of the promise, the U.S. pressure has been unrelenting until now.35

However, other are not so assured about Islamabad's continued commitment to ending all cross-border infiltrations. As a former Indian general, Vijay Madan noted:

An ingenious connection is sought to be established between the American war on terrorism, Pakistan's public obligation to further the American efforts and the Kashmir factor being the main curse of Jehadi terrorism finding a fertile soil in Pakistan and Indian intransigence in the matter, which in turn becomes a hurdle to Pakistan's efforts to support the United States….36

In a similar vein Pakistani analyst Shireen Mazari noted that General Musharraf's 12 January 2002 speech which marked only a 'tactical, operational shift in Pakistan's Kashmir policy led to the false expectations that somehow Pakistan was washing its hands off the legitimate Kashmiri struggle for self determination.' Mazari admits that it is the 'Indian expectation of undermining the legitimacy of the Kashmiri struggle for self-determination37 and Pakistan's refusal to renounce its commitment to this struggle has resulted in further destablisation of the regional situation.'38

Nonetheless, the US diplomatic pressure coupled with India's military pressure (which peaked in June 2003 - normally a high season for cross-border infiltration - after the Kaluchak massacre of May 2002) paved the way for the Assembly elections in Kashmir. Although, according to one estimate, there was a 34 per cent rise in killings during the election period (from end-August to 8 October 2002), the elections themselves were reasonably free and fair and the voter turnout was a respectable 44.0839. This figure is particularly significant when compared to the 35 percent turnout for the referendum in Pakistan in July 2001 which transformed General Musharraf into President Musharraf. The subsequent installation of the People's Democratic Party government headed by Mufti Mohammad Sayeed paved the way for the demobilisation of Operation Parakram.

However, Washington's increasing preoccupation with the impending war against Iraq led to the resumption of the latest phase of the India-Pakistan Cold War which saw a spate of diplomatic personnel being evicted on either side and led to both the High Commissions in Islamabad and New Delhi being rendered headless. Following the successful conclusion of the US military campaign against Iraq, which validated Washington's controversial doctrine of pre-emption, Indian Foreign Minister Yashwant Sinha raised the ante by arguing that New Delhi had a stronger case to launch a pre-emptive attack against Pakistan.40 This led to a new spate of acrimonious exchanges between Islamabad and New Delhi.41 Perhaps that is why Prime Minister Vajpayee's peace initiative of 18 April took everyone by surprise.42 Although General Musharraf welcomed the gesture, predictably, the
formal response was far more cautious.43

One among several factors behind the Indian peace initiative was the realisation that there might well be limits to Islamabad's ability to prevent all infiltration and massacres. Another factor is that it is becoming increasingly difficult for India to accurately determine the level of infiltration.44 One indication of this was that Vajpayee deliberately desisted mentioning the Nadimarg massacre of 24 March 2003 and blaming Islamabad for that atrocity in his speech. Indeed, there is a growing sense in both Islamabad and New Delhi that their futures may well depend on non-state actors over which they have little or no control.

III

Apart from conventional acts of terrorism over the past 13 years, there is now also concern that these terrorists might resort to using nuclear or radiological weapons in some future attacks. To consider this threat realistically, five factors would have to be taken into account. These include motives of the outfit (whether they are religious terrorists); their methods (whether they have a propensity for indiscriminate and mass-killings); access to nuclear material; the necessary monetary resources to buy nuclear material; and the necessary expertise to manufacture and use such weapons.45

In terms of motives while most of the terrorist outfits under considerations can be categorised as religious terrorist, they are not necessarily apolitical and are also driven by clear political objectives: the establishment of an Islamic state in Kashmir. To this end, the propensity to use nuclear weapons within the area of such a potential state is likely to be negligible. However, such groups might well consider using such weapons outside the area of the state in, say, New Delhi or Mumbai, both of which are not only symbols of oppression against which their actions are aimed but are also distant enough not to adversely affect the state of Kashmir in terms of fallout.

In terms of methods, while these groups have indulged in massacres - killing up to dozens in a single episode - these killings have not been indiscriminate but have by and large targeted specific communities and excluded other communities. Again, such groups might be inclined towards indiscriminate and mass-killings, especially outside Kashmir. This was evident in both the 1993 bombings in Mumbai (which were designed to kill as many people as possible) and the 13 December 2001 attack on the Indian Parliament. Had the latter attack succeeded, it would have left hundreds dead and would have been the equivalent of a nuclear decapitating strike, albeit by conventional means.

As to access to nuclear material Matin Zuberi's examination reveals that such material is not easy to come by.46 Using data from the International Atomic Energy Agency (IAEA) Zuberi reveals that although there were as many as 175 cases of trafficking in nuclear material and 201 cases of illicit trade in other radioactive material between 1993 and 2001, only 18 of these cases involved highly-enriched uranium (HEU) and plutonium - the preferred bomb-making fissile material.47 Besides, none of the material seized until now has been large enough to build a nuclear device. According to a rule-of-thumb calculation at least six kilograms
of plutonium and 20 kilograms of HEU are needed to build a nuclear weapon. In case of a crude device (which is more likely in the case of terrorists), the amount of material required would be even higher.

Beside, such material does not come cheap. According to one estimate the cost of HEU in 1993 ranged anything from US $ one million to US $ 60 million, whereas the cost of plutonium could vary from US $ 700,000 to US $ one million. While some big outfits, such as the Hizb-ul-Mujahideen reportedly have an annual budget of US $ 6 to 8 million and could, in theory, buy fissile material with it, they are unlikely to do so, especially if it means shutting down all the other activities of the group. In all probability, none of the present groups in Kashmir are likely to invest in the nuclear option, especially if it comes at the cost of recruiting and maintaining their cadres and conducting their operations. Such an operation, which could certainly be bankrolled by an organisation like Al Qaida or its patrons, would more likely be aimed at the US or US interests rather than against Indian targets at present.

Finally, although terrorists today are handling more and more sophisticated weapons and equipment - from global-positioning systems to aircraft to jammers and other electronic warfare systems, the level of expertise required to handle nuclear materials and weapons is of a higher magnitude. While the curious tale of two former Pakistani nuclear scientists, Sultan Bashiruddin Mahmood and Abdul Majid and their reported links to Pakistani jehadi outfits did fit the profile of Stern's 'ultimate terrorist', and raised concerns, it is not clear how serious a threat was posed by the duo or whether their expertise was also available to outfits operating in India. Moreover, it is also not apparent that these scientists and their patrons had the necessary materials to manufacture a nuclear device.

Hence, while the probability of a nuclear device being fielded by terrorist in Kashmir is extremely low, there is a higher risk of a radiological dispersal device (popularly called a 'dirty bomb' because it combines conventional explosives with other radioactive material, such as that used medical or industrial purposes) being built and used. Such a device when detonated would not cause a nuclear explosion but would cause radioactive material to scatter and fall over a large area making it somewhat radioactive.

IV

While terrorists armed with radiological weapons remains only a potential threat, the prospect of cross-border terrorism triggering a conventional conflict that could quickly lead to a nuclear escalation remains a clear and present danger. It is pertinent to remember that the two occasions that India and Pakistan have been locked in an eyeball-to-eyeball confrontation since going nuclear in 1998 were precipitated by the actions of terrorist outfits operating across the LoC.

The Kargil confrontation of 1999, which was sparked off when intruders were spotted on the Indian side of the LoC, was markedly different from previous crises in many respects. Unlike the past (where there may have been some doubt about the nuclear weapons capability of the other) in this instance both sides were well aware of the
presence of nuclear weapons in each other's arsenal. In fact, according to one account, India is reported to have prepared at least half a dozen nuclear weapons for delivery during the course of the conflict. Similarly, Pakistan too is reported to have moved its missiles into launch positions. Second, in the South Asian context, this was the first time since 1984 (when India launched a pre-emptive assault to occupy the Siachen Glacier area) that one side had occupied a disputed territory. Thus terrorists crossing the LoC in the Kargil area of Jammu and Kashmir signalled a major breakout and challenged the relative stability that had been established under the non-weaponised deterrence relationship between the two antagonists since the early 1980s. Finally, Kargil was different because it was the longest, and perhaps bloodiest, military confrontation between the two countries, which (unlike the others) did not end with a bilaterally negotiated peace treaty. To a large extent the crisis was resolved at the behest of a third party - the United States. Thus the Kargil conflict was, perhaps, the first confrontation between two nuclear weapon states that was not resolved bilaterally but by another nuclear weapon state.

Similarly, the mobilisation of India's conventional strike forces under Operation Parakram was launched in response to the terrorist attacks of 1 October and 13 December 2001. In this case New Delhi while spoke of a 'limited war', Prime Minister Vajpayee issued what can only be described at a nuclear threat. Speaking in Lucknow on 3 January 2002 he declared '...no weapon would be spared in self-defence. Whatever weapon was available it would be used no matter how it wounded the enemy'. Within days of this statement India also test-fired the 700-kilometer range Agni-I on 25 January 2002. Although Islamabad was notified of the test, this launch was, clearly, regarded as an attempt to intimidate Pakistan. Subsequently, Pakistan's President Musharraf too issued a nuclear threat in April 2002 and test fired three surface-to-surface ballistic missile systems of the Hatf series: the Ghauri, Ghaznavi and Abdali in late May 2002. Both sides were also reported to have put their nuclear weapons on high alert. The nuclear brinkmanship was further compounded by both sides closing down their official channels of communication and not allowing any back channel of communication (as was the case during the Kargil crisis). In this scenario it was left to some countries, notably the United States and Great Britain, to convey their alarm by asking their nationals to withdraw from both India and Pakistan. Eventually, high-level shuttle diplomacy on the part of Washington ensured that deterrence worked, but only just. Clearly, while both India and Pakistan are still trying to grapple with making deterrence, based on overt capabilities, work, the activities of cross-border terrorist is creating a series of dangerous crises, which are best averted when nuclear weapons are involved.

Following Kargil a senior Pakistani official justified the crossing of the LoC and occupying Indian territory on the grounds that similar action by the Soviet Union in Hungary (in 1956) and Czechoslovakia (in 1968) had been accepted by the US. The official also argued that this action was aimed to counter the Indian occupation of the Siachen glacier. Similarly, Indian officials too have often cited the Ussuri river clash between China and the Soviet Union in 1969 to justify their own concept of limited war. These arguments reflect not only the misperception that a Cold War
justification is likely to be accepted in post-Cold War scenario but also the lack of acknowledgement that such action was based on a long process of building strategic stability between the two original nuclear foes and later China and the Soviet Union.

In the wake of the Kargil conflict while Pakistan, which has a tacit first-use-doctrine, elaborated its nuclear command and control structure India, which has a declared no-first-use doctrine and is working towards a second strike capability, articulated a draft nuclear doctrine \(^69\); it was only in January 2003 that New Delhi elaborated its nuclear command and control structure. \(^60\) In April 2003, following the US-British led war against Iraq, India also attempted to make a case for pre-emptive strikes against Pakistan. \(^61\) While both of these reflect the differing priorities for both Islamabad and New Delhi, they also indicate a basic desire to communicate these priorities to the other side. However, given the crisis prone nature of the relationship, further complicated by the actions of non-state actors, there is very little opportunity for either side to absorb the messages being offered let alone discuss them. For instance, while India has frequently declared its concept of a 'limited war' it is not clear whether it has even acknowledged the Pakistani message that even a conventional 'limited war' could lead to a nuclear response by Islamabad. \(^62\) As both sides are still in the process of formulating their concepts of nuclear deterrence, the messages are at best not delivered or at worst are often contradictory. For instance, while Pakistan's President Musharraf 'dismissed the threat of nuclear war on June 1 [2002], his envoy at the United Nations reiterated, a few hours earlier, that Pakistan could resort to the use of nuclear weapons even in a conventional conflict…'. \(^63\) Similar contradictions are evident on the Indian side. For instance, A. P. J. Abdul Kalam, a key figure in the Indian missile programme and now the President of India, confidently declared that nuclear deterrence 'on both sides helped not engage in a big war [and] avoid a nuclear exchange'. \(^64\) Indian military officials, however, are not so sanguine. General Ved Malik, the former army chief cautioned that if 'Pakistan persists with its proxy war or trans-border terrorism policy, an Indo-Pak war cannot be ruled out'. \(^65\)

The situation is likely to be even more complex if the China factor is also taken into consideration. For instance, while there is little possibility of a conventional war, let alone a nuclear war breaking out between India and China, such a possibility cannot be entirely ruled out if there is a nuclear exchange between India and Pakistan. For instance, if India were to absorb a first strike from Islamabad and launch a second strike against Pakistan, could New Delhi be certain that it would not be struck by Pakistan's closest ally, China, especially when India would have used most if not all of its second strike force? Also, would China be relieved of its no-first-use pledge once India had struck Pakistan?

Significantly, New Delhi is also not averse to the US presence in Central Asia, despite the fact that such a presence would irk India's erstwhile ally, Russia as well as China. In fact Foreign Minister Jaswant Singh also endorses the presence of US forces in Pakistan to stabilize it. He is, however, opposed to the US providing Pakistan with technology to ensure the safety of nuclear weapons, as this would give enough confidence to Islamabad to field its nuclear arsenal with greater confidence. \(^66\)
Jaswant Singh's endorsement notwithstanding, the presence of US troops, particularly in Pakistan is likely to be a consideration for Indian and Pakistani planners as they contemplate their deterrent relationship. Would Washington be willing to standby and allow Islamabad to launch a nuclear strike against India knowing that India would then be compelled to respond and also inadvertently attack American troops based in Pakistan? Or would the US presence guarantee that Pakistan does not use its nuclear capability, thus providing India with the assurance that even if it launched a conventional attack Pakistan would not be able to retaliate with its nuclear capability. Therefore is the continued US presence in Pakistan to the advantage of India as Jaswant Singh indicated? Alternatively, would the US presence in Pakistan embolden the military leadership in Islamabad to use its nuclear capability with the assurance that India would not dare launch a retaliatory attack for fear of attacking US troops and thereby entering into a nuclear conflict with the world's sole superpower?67

V

There are two distinct ways that India and Pakistan can tackle the issue of cross-border terrorism. The first is confrontational and the second cooperative. The first calls for even higher levels of military preparedness whereas the second demands greater diplomacy.

Under the first approach India would unilaterally attempt to tackle cross-border terrorism by increasing its military capabilities and further enhance them with ground based sensors to detect infiltration along the LoC. As part of this strategy (and a logical corollary to Operation Parakram) it would probably move towards a doctrine of pre-emption and the creation of sub-conventional means to strike terrorist camps and support facilities across the LoC. There are already indications that New Delhi is moving in this direction. In addition to Yashwant Sinha's call to consider a pre-emptive military posture some reports suggest that India is now raising special operations forces precisely for conducting offensive operations across the LoC.68

This approach, however, is fraught with several problems. First, it is unclear that such sub-conventional operations can be sustained over time without escalating into a full-fledged conventional conflict and, possibly, even a nuclear exchange. Second, by actually conducting operations across the LoC instead of threatening to do so, New Delhi might also lose the unwavering support it has enjoyed until now from the international community regarding the sanctity of the LoC; such operations might actually validate Islamabad's assertion that the LoC is violable. Finally, as S. Kalyanaraman noted when the Operation Parakram related crisis erupted the 'international focus shifted away from Pakistan-sponsored terrorism towards efforts to prevent the outbreak of war between two nuclear adversaries'.69

In contrast, under the cooperative approach, India would attempt to work with Pakistan to verifiably ensure that Islamabad is living up to the guarantee that General Musharraf gave January 2002 and reiterated in May the same year. One method to accomplish this might be to revive the practise of joint-patrols along the LoC and buttress them with a cooperative monitoring regime along the LoC. This would not
only underline Islamabad's commitment of not providing support for cross-border infiltration, but by actively working with India it would also go a long way in assuring New Delhi that Islamabad was actively working to prevent any such infiltrations.

This initial step of joint patrols and monitoring could be further strengthened by both countries jointly monitoring the activities of transnational terrorist groups by initially exchanging information and eventually by coordinating efforts to 'disrupt their connections, transactions and movement.' If this bilateral arrangement works satisfactorily, then Islamabad and New Delhi might consider enhancing such cooperation to the regional level through the South Asian Association for Regional Cooperation (SAARC) and establishing a truly effective region-wide anti-terrorist centre. Such a move would not only go a long way to tackle the threat posed to SAARC countries by cross-border terrorism, but would also contribute to reviving the nearly ineffectual regional organisation. These bilateral and regional initiatives could be further strengthened if India and Pakistan were to coordinate their efforts at that international level, particularly through the mechanism of the UN Security Council's high-powered Counter-Terrorism Committee to manage the 'uncontrolled ravages of terrorism'. Such cooperation, especially if it strengthens effective compliance of the 12 international conventions on terrorism in South Asia and globally, would not only enhance bilateral confidence but would also assist in curbing the growing menace of global terrorism.

These steps, coupled with New Delhi's continued commitment to ensure good governance in Kashmir, might pave the way for both India and Pakistan to discuss Kashmir more realistically. As part of this dialogue the eventual conversion of the exiting LoC into a formal border might form the basis for a long-term solution.

Eventually, the establishment of a Security Organisation for South Asia, as suggested by Ambassador Niaz A. Naik of Pakistan, would be the next logical step to institutionalise conflict resolution. Given the generally positive response from Islamabad to Prime Minsiter Vajpayee's peace overture, such a scenario is no longer a pipedream.

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1. [back]  Here, South Asia is confined to the geographical area of the seven countries that make up the South Asian Association for Regional Cooperation (SAARC) - Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. However, this statement would hold true even if China and Afghanistan are included in South Asia.

2. [back]  See data collected by South Asia Intelligence Review (SAIR) (www.satp.org/satporgtp/sair/). See also Rashed Uz Zaman, 'WMD Terrorism in South Asia: Trends and Implications', Journal of International Affairs, September-November 2002, vol. 7, no. 3. Zaman argues that 'The number of annual fatalities in
terrorist-related violence in South Asia far exceeds the death toll in the Middle East, the traditional cradle of terrorism'.


4. Although the unilateral suspension of talks by the LTTE in late April 2003 is a reversal, it appears to be more of a negotiating ploy than a return to arms. See V.S. Sambandan, 'A Pressure tactic, admits LTTE', Hindu (New Delhi), 27 April 2003.


12. Bajpai, Roots of Terrorism, pp. 16-17.

13. Ibid.

15. Adam Robert, 'Terrorism and International Order' in Lawrence Freedman, Christopher Hill, Adam Roberts, R. J. Vincent, Paul Wilkinson and Philip Windsor, Terrorism and International Order, London: Routledge, 1986, p.9. More recently, however, even Roberts has attempted to define terrorism as "the use of violence, often against people not directly involved in a conflict, by groups operating clandestinely, which generally claims to have a high political or religious purposes, and believe that creating a climate of terror will assist attainment of their objectives. Terrorism of this kind almost always appears to be non-governmental, but… may have a degree of clandestine support from governments". See, Adam Roberts, "Defining Terrorism: Focusing on the Targets", International Institute for Strategic Studies, Strategic Comments, vol. 7, no. 9 (Nov. 2001).


17. This was evident in the strongly worded UN Security Council Resolution 1373 passed on September 28, 2001 - the same day that the Nobel Peace Committee awarded the prize jointly to the UN and Secretary General Kofi Annan. The resolution reaffirmed not only the 'inherent right of individual or collective self-defence' but also the 'need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts...'. The trend was also apparent in the setting up of the ad-hoc UN Security Council Counter-Terrorism Committee. Subsequently, UNSC Resolution 1456 passed on 20 January 2003 called on all states to take urgent action to prevent and suppress all active and passive support to terrorism.


22. The policy of 'hot-pursuit' was first mooted in 1990 by the government of
Prime Minister Vishwanath Pratap Singh following tensions with Pakistan and called for a plan to cross the border and target the alleged terrorist training camps located in Pakistan and Pakistan controlled Kashmir.


38. [back] Ibid. p. 79. On the Indian perspective for the distinction between jihad and terrorism see Kumar, 'Reassessing Pakistan as a Long Term Security Threat', p. 8.


41. See Yashwant Sinha, 'The Right of Pre-emptive Strike', Outlookindia.com, 11 April 2003; 'Pakistan's missiles are better than India's: Kasuri', Dawn.com, 16 April 2003; J. N. dixit, 'Linkage Politics', Indian Express (New Delhi), 18 April 2003; and Husain Haqqani, 'Why India cannot afford a pre-emptive strike on Pak', Indian Express (New Delhi), 10 April 2003.

42. Shujaat Bhukhari, 'PM extends 'hand of friendship' to Pakistan', Hindu (New Delhi) 19 April 2003 and M. Saleem Pandit, 'We are ready for peace: PM', Times of India (New Delhi), 19 April 2003. See Praveen Swami 'Jammu & Kashmir: The Prime Minister in the Valley - Political Tourism?', South Asia Intelligence Review, Volume 1, No. 40, April 21, 2003 for an explanation of the motives and timing of Vajpayee's announcement.

43. B. Murlidhar Reddy, 'A good offer, says Musharraf', Hindu (New Delhi), 25 April 2003 and 'We will respond in 'a few days': Jamali', Hindu (New Delhi), 28 April 2003.


45. These factors are drawn from Zaman, 'WMD Terrorism in South Asia' and Zuberi, 'Nuclear Terrorism'.


47. Ibid. p. 22.

48. Ibid. p. 21.


51. See also Rajesh M. Basrur and Hasan-Askari Rizvi, 'Nucler Terrorism and South Asia', Cooperative Monitoring Centre Occasional Paper 25, February 2003, p. 13.


53. Raj Chengappa, Weapons of Peace, New Delhi: Harper Collins, 2000, p. 437. This, however, has been denied by Indian officials.

54. Bruce Riedel, 'American Diplomacy and the 1999 Kargil Summit at Blair


57. [back] This argument was made by a very senior Pakistani diplomat at a seminar on 'Strategic Stability in South Asia' organized by the International Institute for Strategic Studies at Mauritius, 21-24 June 2000.


61. [back] Parsai, 'Pak. in a much worse category', and Sinha, 'The Right of Pre-emptive Strike'.

62. [back] According to the "Nuclear safety, nuclear stability and nuclear strategy in Pakistan", a concise report of a visit by Landau Network - Centro Volta there are at least four scenarios under which Pakistan could exercise its nuclear option: space threshold; military threshold; economic strangling; and domestic destabilization. The last two in particular are more difficult to pinpoint precisely and therefore could dramatically lower the threshold for retaliation, based on the perception of either an economic stranglehold or domestic destabilization.

63. [back] See T. Jayaraman, "Nuclear Crisis in South Asia".


70. For details see Basrur and Rizvi, 'Nucler Terrorism and South Asia', pp. 73-77.

71. See statement by Ambassador V. K. Nambiar, Permanent Representative of India to the United Nations on 'Threats to international peace and security caused by terrorist acts' at the Security Council, 4 April 2003. See also 'Aznar asks the Council to draw up list of terrorists', The Hindu (New Delhi), 8 May 2003.