



Pakistan's cross-border terrorism The Pathankot attack

ABSTRACT

At their latest summit in June 2016, the European and Indian authorities identified terrorism as one of the major areas of common concern. European and Indian leaders condemned “the recent terror attacks in Brussels and Paris, Pathankot and Gurdaspur and -recalling the November 2008 terror attacks in Mumbai- called for the perpetrators of these attacks to be brought to justice. Leaders called for decisive and united actions to be taken against ISIL (Da'esh), Lashkar-e-Tayibba, Jaish-eiMohammad, Hizb-ul-Mujahideen, the Haqqani Network and other internationally active terrorist groups such as Al-Qaeda and its affiliates.” (India - EU Joint Declaration on the Fight Against Terrorism, 30 March 2016, par. 4).

While the immediate objective of the Pathankot attack –to inflict considerable damage to the air logistics of the Indian armed forces– was not achieved, so far the Pakistani military establishment has been successful in its strategic objective to derail the Indo-Pakistani diplomatic dialogue, while avoiding any sanctions for their blatant disregard of international law and openly supporting terrorism. Although we understand how counterintuitive this may sound to some, we believe that Indian authorities should not abandon talks with Pakistan and should avoid a diplomatic gridlock.

SADF strongly believes that the Europe Union should build on its firm condemnation of cross-border terrorism – and in particular the Pathankot attack – and on this basis to promote a dialogue between the parties that will foster peace, cooperation and democracy in South Asia.

TABLE OF CONTENTS

Introduction	2
1. The Nature of Pakistan Sponsored Cross Border Terrorism In India	3
2. The Pathankot Attacks: A new stage in Sponsored Cross Border Terrorism	8
3. State Terrorism in contemporary terrorism studies	14
4. How to react to Pathankot attacks? Policy recommendations	18

Introduction

South Asia Democratic Forum was set up in 2011 as a think tank dedicated to the study of South Asian integration and the challenges faced by the region. To accomplish this, two major research programmes were established, one regarding the regional integration process and another on the democratic development in Southern Asian countries, both are widely perceived as the most effective tools to allow nations (and regions) to overcome their internal divide.

Soon we identified terrorism – in particular cross-border-terrorism – as the main stumbling block obstructing South Asia’s path to further integration and we focused our attention on this subject. We are currently undertaking an extensive research project on the matter that we intend to publish by the end of 2016.

At their latest summit in June 2016, the European and Indian authorities identified terrorism as one of the major areas of common concern. European and Indian leaders condemned “the recent terror attacks in Brussels and Paris, Pathankot and Gurdaspur and -recalling the November 2008 terror attacks in Mumbai- called for the perpetrators of these attacks to be brought to justice. Leaders called for decisive and united actions to be taken against ISIL (Da'esh), Lashkar-e-Tayibba, Jaish-eiMohammad, Hizb-ul-Mujahideen, the Haqqani Network and other internationally active terrorist groups such as Al-Qaeda and its affiliates.”¹

The Pathankot attack – a January 2016 terror attack by irregular forces based in Pakistan targeting Indian strategic military resources – is a specific case study that allows us to observe and test the functionality of conceptual and legal frameworks that are currently used to deal with so-called ‘terrorist’ attacks.

The first chapter provides a brief historical overview of the partition and the “negative feedback mechanism” that led to ever more aggressive responses by Pakistan, including the expansion and development of its “cross-border terrorism” policy after each setback.

The second chapter focusses on the Pathankot attacks, using official sources or media reports (whenever the first are not available). We conclude that the evidence of the involvement of the Pakistani military establishment in the Pathankot attacks and its collusion with Jihadist terror outfits is overwhelming.

While the immediate objective of the Pathankot attack –to inflict considerable damage to the air logistics of the Indian armed forces– was not achieved, so far the Pakistani military establishment has been successful in its strategic objective to derail the Indo-Pakistani diplomatic dialogue, while avoiding any sanctions for their blatant disregard of international law and openly supporting terrorism.

The efficiency of a terrorist attack largely depends on the reactions in the aftermath: ‘hopefully’ panicking the victim(s) into paralysis, mobilising a set of aggressors, neutralising third parties who were not directly involved in the events (neither as accomplices or victims), and ideally securing the engagement of these third parties.

The deafening silence of the international community – and in some instances the way in which certain states block any international actions against the perpetrators – effectively silences elements in Pakistani civil society who would prefer to abandon ties with jihadism. They understand it is not a weapon in defence of the country but a major threat to its survival as a viable, democratic state under the rule of law.

¹ India - EU Joint Declaration on the Fight Against Terrorism, 30 March 2016, par. 4, URL: <http://www.consilium.europa.eu/en/press/press-releases/2016/03/30-eu-india/>

Whereas, hundreds of different ‘terrorism’ definitions exist, mostly in different national and international legal frameworks, adopted by different international organizations such as the United Nations (UN), we shall focus only on the ones we consider most relevant.

Our recommendations are prescriptive in nature. Although we understand how counter-intuitive this may sound to some, we believe that Indian authorities should not abandon talks with Pakistan and should avoid a diplomatic gridlock.

The timing of the Pathankot attack appears set up to derail the recent diplomatic rapprochement of the Pakistani and Indian authorities, starting with the surprise visit of Prime Minister Modi to Islamabad in December 2015. There is a discernible trend of Pakistani sponsored terror attacks in India that proves how fearful the military establishment and the (allied) jihadi networks are of any normalisation of relations between the two countries.

Pakistan’s current state apparatus is a ‘praetorian state’, characterised by fundamentalist Islamic ideology, a complex array of population groups with specific ethnic, cultural and religious profiles and a civil society aiming to escape the current conundrum.

We argue that the talks need to be fast-tracked and the time-table for talks of the various groups should be set up expeditiously.

Notwithstanding, we think Pakistani terrorist perpetrators should not be allowed to conduct an attack of the nature of Pathankot without facing any consequences. India is in a quandary as how to respond to this kind of ‘terrorist non-conventional state war’ by Pakistan and they cannot resolve the issue by themselves.

The World has to stand up and consider whether countries should be allowed to practice these kinds of policies that result in the type of destruction that will not be contained in a border area of Pakistan and India or even South Asia; it will have global consequences. The 9/11 attacks should have proved this point beyond any possible doubt.

1. The Nature of Pakistan Sponsored Cross Border Terrorism in India

The cold war initiated a series of geopolitical partitions with dramatic consequences; the most tragic one was the partition of the Indian British Empire in two different entities – one of them defined by its dominant religion, Islam– and led to tremendous levels of human suffering on the subcontinent.

Whereas the importance of this specific divide – according to religious background – of the subcontinent predates and is largely unrelated to the global geopolitical logic of the cold war, the creation of Pakistan as a separate entity was informed by a Western geopolitical logic of containment that would evolve into the global ‘green belt’, encircling the communist enemy and preventing its ideology to spread.

The independence or integration of parts of the former Indian British Empire was more or less peacefully engineered, with a few notable exceptions. The two most important ones being the khanate of Kalat – forcefully integrated in present day Pakistan’s Balochistan – and the principality of Jammu & Kashmir, which Pakistan believes should be part of the country as it has a Muslim majority. However, its ruler at the time, the Maharaja Hari Singh opted to adhere to India.

Another problem the region inherited from the British colonisation is the so-called ‘Durand line’ that divides Pashtun tribal territories in accordance with the British occupation but disregarding ethnic and tribal realities. The issue heaves over into modern times as

Afghanistan does not recognise line as the official border with Pakistan. This matter continues to be a point of contention and ground for endless disputes between the two countries.

Whereas the founder of the Pakistani state -Muhammad Ali Jinnah– had a tolerant vision of the religion on the basis of which his country was created, his successors became ever more hostage to a skewed logic that led them to believe the nation could only survive and be justified to exist by imposing a continually more extreme and fanatic interpretation of Islam.

As the first democratic elections in Pakistan –held in 1970 – did not produce the results preferred by the dominant oligarchs in the country, the military establishment did not respect them and took back the political power in Pakistan. During its rule it pursued a genocidal policy in the Eastern part of the country conducted by its armed forces and jihadi outfits such as Jamat-e-Islami, a situation that ultimately led to a military conflict with India and to the independence of Bangladesh in 1971.

This chain of events did not convince Pakistani rulers of the need to respect the diversity of its people and the pull towards democracy, quite to the contrary, it considered it further justification for increased Islamic radicalisation as a tool to erase ethnic differences and suppress cultural elites and religious minorities. This would also allow Pakistan to concentrate on combatting the external enemies thought to be the cause of the country’s internal problems, first and foremost, India.

These days India has a land border of 3,233 km with Pakistan, next to states like Jammu & Kashmir, Punjab, Rajasthan and Gujarat. The Indo-Pakistan border is clearly demarcated in most places; however, there are unresolved border disputes along the 900 kms border in Jammu & Kashmir categorized as a ‘Line of Control’ (LOC) and an ‘Actual Ground Position Line’ (AGPL), dividing the former principality in parts held by India and Pakistan. While the Sir Creek divide between Gujarat and Sindh is not completely sorted out, it is not a source of substantial friction. Kashmir has been the most ‘hotly’ disputed territory, featuring in three of the four wars fought between the countries (the independence of Bangladesh was the fourth).

None of these wars were successful for Pakistan; as both Pakistan and India are now nuclear states, a new conventional war has become an unlikely perspective. Meanwhile, the recent announcements of the Pakistani government on their intentions to deploy an arsenal of tactical nuclear weapons close to the Indian border, is a major concern for peace and stability in the region and beyond. As a recent report has clearly established² the danger of a terror-nuclear proliferation out of the Pakistani nuclear arsenal is now a top international concern.

Furthermore, Pakistan considers cross-border terrorism the most cost-effective option to increase its leverage in India and Afghanistan. The use of non-state actors by Pakistan as proxies to keep the conflict with India alive dates back to the formation of the independent Pakistani state and continues to this day. While Pakistan is not the only one promoting these acts, “what makes it unique and worthy of attention is the dominance of these tools and the near exclusivism of their use in its relations with India”.³

Pakistan’s support has been instrumental in spreading terrorism in Jammu & Kashmir, but also in Punjab and North-eastern Indian states through military, logistical and financial means. In Jammu & Kashmir, however, Pakistan goes further as it openly pledges moral and political support to the Kashmiri jihadists, calling it a “Kashmiri freedom struggle”.

² “The Pink Threat” ARCHumankind, ISSN 2506-7524

³ Chellaney, B (2001), “Terrorism in Southern Asia: Lessons of History”, International Security 26(3): 94-116, page 114.

In 1994, the Washington Post published a detailed description of Pakistan guiding and supporting terror attacks in Jammu & Kashmir in a way that is still very much applicable today.⁴ This press report clearly states that the Pakistani army's Inter-Services Intelligence (ISI) directorate and its Field Intelligence Unit were coordinating the shipment of arms from the Pakistani side of Kashmir to the Indian side, where Islamist insurgents were waging a protracted war. According to the report, Pakistani military also occasionally trained militants and coordinated their fight against India. Otherwise, Pakistan took no steps to prevent private organizations funnelling aid to militants in Indian Kashmir. Still, according to this report, in 1994, Jamaat-i-Islami, the leading fundamentalist political party in Pakistan and Bangladesh, claimed that it collected 25 million rupees - almost \$1 million - in a three-day nationwide fund raiser for a jihad (Islamic holy war) in Kashmir.

According to the figures provided by the Union Ministry of Home Affairs of India in response to a citizen's question formulated under the 2005 "Right to Information Act"⁵, cross-border terrorism continues to bleed Jammu & Kashmir. This state has witnessed an average of eight terror-related incidents per day during the past 25 years. As many as 18,881 civilians and security personnel have been killed in over 69,000 terrorism-related incidents across the state since 1990, while around 21,800 terrorists have been gunned down in encounters with security forces during this period of turmoil and bloodshed.

The highest number of terrorism-related incidents was reported in 1995 when the state saw 5,938 such incidents, followed closely by 5,829 terror incidents in 1994. However, the number of terror incidents and civilian casualties have recorded a declining trend since 2002 and 2003 respectively. "Only 170 incidents, the lowest-ever in past 25 years, were witnessed in 2013."⁶

A total of 4,922 security personnel have lost their lives in counter-terrorism operation during the past 25 years. According to the Indian Home Ministry records, security forces suffered most in 2001 when 536 of them were killed, followed by 453 in 2002. But the damage suffered by forces has been significantly reduced since 2012 when only 15 officers lost their lives.

A particularly gruesome feature of the jihadi ideology masterminding this terror strategy is the development of religion-based ethnic cleansing in the name of "liberation". Thousands of non-Muslims have been forced to flee their homeland and became displaced people.⁷

Pakistan has indulged in targeting India with the definite strategic and political goal to destabilise India or break up its territory. Former Pakistani Prime Minister Zulfikar Ali Bhutto's promise of "a thousand years war" and former Pakistani military ruler General Zia ul Haq's Operation Gibraltar calling to "bleed India through a thousand cuts" are symbols of Pakistan's direct involvement in cross border terrorism⁸.

⁴ Anderson, John Ward (1994), Pakistan Reportedly Aiding Kashmir Rebels -- Despite Assurances To U.S., Military Fuelling India Conflict, *May 17, The Washington Post*, Full Text available online on URL: <http://community.seattletimes.nwsources.com/archive/?date=19940517&slug=1910966>.

⁵ For the Right to Information Act, 2005, see <http://www.righttoinformation.gov.in/>. These figures from the Union Home Ministry were quoted in Sharma, Arteev (2016), Cross-border terrorism continues to bleed J&K: 69,000 cases in 25yr, January 15, The tribune, URL: <http://www.tribuneindia.com/news/jammu-kashmir/cross-border-terrorism-continues-to-bleed-j-k-69-000-cases-in-25-yrs/183913.html>

⁶ Ibidem

⁷ Sharma, Varad (2016), The Persecution of Kashmir's Minority Hindus, January 19, The Diplomat, URL: <http://thediplomat.com/2016/01/the-persecution-of-kashmir-minority-hindus/>.

⁸ Fair, Christine (2014), *fighting to the end: The Pakistan Army way of war*, Oxford University Press, Oxford pgs. 90-96.

The jihadi manipulation of Muslim sentiments was facilitated by real grievances of the Muslim community, such as the demolition of Babri Masjid by right wing Hindus and the Mumbai riots of 1992-93.⁹

The state of Jammu & Kashmir has a unique autonomous status in India that implies that it is left out of the control of the federal authorities' who are unable to improve counter-radicalisation strategies, other than the military one.

Being the lonely nuclear power in the Sunni Muslim world and a vociferous proponent of pan-Islamism, Pakistan has been seen as a model for many fundamentalist Muslim organizations in India. Pakistan effectively used these organizations, such as SIMI, Indian Mujahideen and others to further its agenda.¹⁰

Pakistan also used India's neighbours -who had the notion that India is behaving like a big brother- to infiltrate insurgents and terrorists into Indian's territory. Bangladesh's Jamaat-e-Islami, (JeI), a group that owes its allegiance to Jamaat-e-Islami of Pakistan, was all too enthusiastic to infiltrate supporters of its student's wing Islami Chatra Shibir (ICS), into India. Pakistan has also effectively used the pro-Pakistan BNP-JeI government of Bangladesh to provide shelter to Indian insurgent groups of Assam. Muslims of Nepal were also infiltrated by Pakistan to operate in India.¹¹

Interestingly, Pakistan's military and intelligence apparatus has turned a profit by supporting terror in India. Pakistan's intelligence and its fundamentalist Islamic organizations collected huge amounts of money from sympathetic Islamic countries, Kashmiri diaspora and affluent Muslims in the name of Kashmir liberation.

The most famous example of this operation was the engagement by Pakistan with Osama Bin Laden's Al Qaeda in the name of the "liberation of Kashmir", but also to support Taliban in Afghanistan. This has been described in detail in "The Looming Tower"¹², a work dedicated to the 9/11 attacks.

The funds diverted by the Pakistani secret services from the international support for Jihad in Afghanistan, and to its own sponsored Jihad against India may have been enormous. According to Ashtana: "ISI appropriated for its own purposes an estimated 50% to 70% of the military resources intended for the mujahedeen... The diversions were known at the time within the region and within the United States but were accepted as an unpleasant but necessary element of the aid program without an alternative conduit for aid".¹³

In the last couple of years the number of ceasefire violations on the Line of Control (LOC) have risen steeply. According to Indian authorities, the unprovoked firing by the Pakistani army is aimed at infiltrating trained militants into Kashmir. Lives of many innocent civilians are also lost during these heavy shellings.

Security experts believe that the ongoing border violence is mostly linked to Islamabad's goals to push disruptive elements and terrorists across the border before snow blocks the

⁹ Raman, B (2007)The Kaoboy of R& AW :Down Memory Lane Lancer :New Delhi

¹⁰ Upadhyaya, R (2003), Students Islamic Movement of India (SIMI), Paper n° 825, South Asia Analysis Group, URL: <http://www.southasiaanalysis.org/paper825>.

¹¹ DNA (2010), Pakistan terror outfit Let expanding network in Nepal : WikiLeaks, December 6, URL : <http://dnaindia.com/world/report-pakistan-terror-outfit-let-expanding-network-in-nepal-wikileaks-1477626>.

¹² Wright, Lawrence, "The Looming Tower, Al-Qaeda and the road to 9/11", Alfred A. Knopf, New York, 2006, p.250.

¹³ Mathiak, Market in Small Arms. Oslo. Zed Books/International Peace Research Institute: 61 referenced in ASTHANA, Vandana, "Cross-Border Terrorism in India, Counterterrorism Strategies and Challenges", University of Illinois, ACDIS Occasional Paper, June 2010, p. 3.

mountain passes. Trained militants belonging to the Lashkar-e-Taiba, Hizbul Mujahideen, Harkat ul Mujahideen, Jeish-e-Mohammed (JeM) and others are given protection and logistical support by the Pakistani army until they are sent across the Line of Control (LoC) in batches of five to ten. The Pakistani army also maintains many terrorist camps across the border in Pakistan and has launching pads available near the LoC that keeps small groups of militants waiting for infiltration into Indian controlled Jammu & Kashmir.¹⁴ Pakistan-assisted infiltration across the LoC tends to succeed in effecting penetration into India. The terrorists, trained in guerrilla warfare, manage to hide in the dense vegetation and when detected and engaged they often manage to escape into the hinterland after hours and days of exchange of gunfire with the security forces.

Whereas to some extent the Pakistan's support for terrorism is publicly assumed as support to Jihad, the Pakistani authorities also frame this narrative as a form of reciprocity to the terrorism which India -or Afghanistan and India allied together- supposedly sponsor in Pakistan.

Pakistan has consistently accused India of fuelling insurgency in Balochistan. Officials say Indian spies are operating through a network of Indian missions across southern and eastern Afghanistan, where most Baloch insurgents are also based. In October 2015, Pakistan handed over files containing evidence of Indian involvement in terrorism and fomenting instability in the country to the UN secretary general Ban Ki-moon. These included details of Indian interference and support for terrorism in Balochistan and Karachi.¹⁵

Recently, Pakistan arrested a former Indian Navy officer, residing in Iran, who publicly confessed to be working on behalf of the Indian authorities supporting Balochi nationalists.¹⁶ It was the first time the Pakistani authorities claimed to have arrested an agent of the Indian intelligence services.

India perceived Bangladeshi nationalism as a positive force, as it does with most secular and often autonomist or straightforward separatist forces in Pakistan. One of the wars India waged with Pakistan was crucial to the independence of Bangladesh. At that time, India pointed to overall humanitarian reasons for its armed intervention (the ongoing genocide in Bangladesh promoted by the Pakistani military and the Jihadi affiliated militia) as well as its own internal stability, as India saw an influx of millions of Bangladeshis escaping the on-going slaughter in the country.

There are indeed similarities in the way Pakistani rulers perceived Bangladesh and continue to see the Baloch movements: something to be suppressed by all means necessary, including massive violation of human rights and the promotion of a Pakistani nationalist Jihadi ideology. They believe that Balochi nationalism is the result of the machinations of infidels in neighbouring countries.

Pakistani authorities also extend this argument to the acts of terrorism committed by dissident Jihadi groups against the Pakistani authorities. In other staged confessions widely disseminated on the web, persons presented as Taliban dissidents targeting Pakistani objectives confess they are operational agents of an "Afghani-Indian" spy network that finances their terrorist activities.¹⁷

¹⁴ Nepal Headlines (2015), Pakistan supported, trained terror groups: Musharraf, 29 October, URL: <http://nepaliheadlines.com/pakistan-supported-trained-terror-groups-musharraf/>.

¹⁵ Yousuf, Kamran (2015), Pakistan hands over dossiers against India to UN chief, October 2, The Express Tribune, URL: <http://tribune.com.pk/story/966088/pakistan-hands-over-dossiers-against-india-to-un-chief/>.

¹⁶ Available by Dawn in <http://www.dawn.com/news/1248669>

¹⁷ See DunyaNews, <http://dunyaNews.tv/en/Pakistan/320212-India-Afghanistan-direct-terrorism-in-Pakistan-L>.

Whereas Pashtun tribal and communication links make it likely for the Taliban groups targeting Pakistan to be operating from the Afghan side of the border, a common undertaking of Afghan and Indian secret services to sponsor Jihadis keen on fighting the Pakistani authorities is not supported by any credible evidence and is inconsistent with everything we know about the history and logic of these dissidents.

As Khalid Ahmad, a prominent Pakistani editor of a Pakistan Weekly writes¹⁸:

“Is Pakistan finally coming out of its trance because the non-state actors it banked on have turned against it? Is it ready to break the fake binary of bilateral terror? Many opinion-makers now write bluntly about the pantomime enacted by halfwit police IGs blaming al-Qaeda-related terrorism in Karachi on India. When India complains, it’s against Pakistani terrorists like Masood Azhar and Ajmal Kasab it arrests on its own soil. When Pakistan refers to the December 2014 Army Public School massacre, it accuses its own national, Mullah Fazlullah, “as funded by India”. Then Pakistan looks outside and finds nobody believes it.”

The binary of ‘bilateral terror’ is nothing but a clumsy attempt to disguise a policy that makes of state sponsored jihadi terrorism its main strategic weapon.

2. The Pathankot Attacks: A new stage in Sponsored Cross Border Terrorism

A. Chronology of main events

On the morning of 2 January 2016, around 03:30 IST, at least six heavily-armed terrorists dressed in Indian Army uniforms breached the high-security perimeter of the airbase in Pathankot.¹⁹ The infiltrators possibly hid, using the elephant grass in the perimeter of the campus, before striking.²⁰ A nylon rope found over the 3.4-metre-high (11-foot) perimeter wall, looped from the ground up and back down again, seemed to indicate their mode of entry. It is speculated that one of the attackers climbed one of the eucalyptus trees growing alongside the fence and bent it over with his weight to reach the wall. The floodlights in that stretch of the wall were apparently not working that night, facilitating the transfer of six attackers who carried some 50 kg (110 lbs) of ammunition, 30 kg (70 lbs) of grenades, and assault weapons²¹.

They entered the living quarters of the base but were prevented from entering the area that housed jets and helicopters. A senior police officer said the infiltrators "seemed to have jumped the wall and entered the base." The attackers were able to move 400 metres into the base through a forested area, before they were stopped by Air Force commandos, about 700 metres away from existing aircraft. The attackers were carrying grenade launchers, 52 mm

¹⁸ Ahmed Khaleed (2016), the false binary: Why the world doesn’t buy Pakistani claims of India-sponsored terrorism, February 27, Indian Express, URL: <http://indianexpress.com/article/opinion/columns/why-the-world-doesnt-buy-pakistani-claims-of-india-sponsored-terrorism/>.

¹⁹ Haider Mateen (2016), Six IAF men killed as gunmen storm Indian air force base, Pakistan condemns attack, January 3, Dawn, URL: <http://www.dawn.com/news/1230278>; Najar Nida (2016), Gunmen Killed in Pathankot, India, Air Base Attack, January 2, New York Times, URL: http://www.nytimes.com/2016/01/03/world/asia/india-air-base-attack-pathankot.html?_r=0.

²⁰ Tibet Sun (2016), Gunmen attack Indian air force base near Pakistan border, January 2, URL: <https://www.tibetsun.com/news/2016/01/02/gunmen-attack-indian-air-force-base-near-pakistan-border>

²¹ Indian Express (2016), Probing Pathankot attack : Fence floodlights that didn’t work, gaps in border patrol, patchy police response, January 8, URL: <http://indianexpress.com/article/india/india-news-india/probing-pathankot-attack-fence-floodlights-that-didnt-work-gaps-in-border-patrol-patchy-police-response/>

mortars, AK rifles and a GPS device.²² The infiltration started in Pakistan on the night of 31 December 2015; some Indian press claims the terrorists used circuits normally used to smuggle drugs into India²³.

Authorities suspect someone inside the base may have assisted the infiltrators by changing the angle of floodlights near the wall where the attackers entered.²⁴ A handheld walkie-talkie was left behind by the attackers in a hijacked vehicle used to take the terrorists from the border to the air basis. According to Hindustan Times, the likely purpose of the communication device was to aid coordination between that group and other accomplices already inside the military airport; its loss (or abandonment) may therefore have been the reason for this 24 hour delay.²⁵

As we can see from Indian press reports, it was only on January the 5th that all attackers were finally neutralised.²⁶ The operation caused seven fatal deaths among the Indian forces and six casualties among the attackers. The operation launched by the Indian Army to neutralise the attackers was called "Operation Dhangu" or "Dhangu Suraksha", after the place (Dhangu) where the base is located.²⁷

The Indian press, quoting reports from Indian intelligence, referred to numerous phone calls made by the attackers to Pakistan.²⁸ Conversations took place with relatives of the attackers as well as with ring leaders connected to the terrorist organisation Jaish-e Mohammad.²⁹ The analysis of the phone calls, allowed police to clearly establish that Maulana Masood Azhar, chief of Jaish-e-Mohammad (JeM), and his brother Abdul Rauf Asghar, were among the four organisers of the attack, and that the attack was directed from the vicinity of Lahore. Indian defence Minister Manohar Parrikar said there are indications that some of the materials were

²² Rediff (2016), Pathankot operation continues. 2 terrorists still holed up, January 3, URL: <http://solonews.net/102208/news/united-nations-chief-condemns-pathankot-terror-attack.html>.
<http://rediff.com/news/report/pathankot-attack-ied-explodes-during-combing-ops-3-more-personnel-die/20160103.htm>.

²³ Quint URL: <http://www.thequint.com/pathankot-attack/2016/01/16/gurdaspur-sp-got-diamonds-for-helping-cross-border-drug-runners>

²⁴ Indian Express (2016), Behind the Pathankot breach, 3 lights turned upward and airbase staffer detained, January 8, URL: <http://indianexpress.com/article/india/india-news-india/behind-the-pathankot-breach-3-lights-turned-upward-and-airbase-staffer-detained/>.

²⁵ According to a senior intelligence officer in Punjab, the reason that the terrorists did not launch the attack even 24 hours after they arrived is because they could not contact the other team which was already inside the base or was to get in touch with them on arrival on the walkie-talkie. See Sethi, Chintan (2016), Did a lost walkie-talkie save the day at Pathankot? January 9, Hindustan Times, URL: <http://www.hindustantimes.com/india/did-a-lost-walkie-talkie-save-the-day-at-pathankot/story-fiJ9IHXEoYvNIysFyPe1yJ.html>.

²⁶ Singh, Shruti (2016), Pathankot attack: What has happened over the last 50 hours, January 4, India Today, URL: <http://indiatoday.intoday.in/story/pathankot-attack-what-has-happened-in%20last-50-hours/1/561702.html>.

²⁷ The North East Today (2015) Six Dreaded Terrorist attacks on India by Pakistan, URL: <http://thenortheasttoday.com/?s=Six+Dreaded+Terrorist+attacks+on+India+by+Pakistan>

²⁸ Dua Rohan (2016), +92 3000597212: Phone number of Pathankot attacker's 'ustaad' in Pakistan, January 8, The Times of India, URL: <http://timesofindia.indiatimes.com/india/92-3000597212-Phone-number-of-Pathankot-attackers-ustaad-in-Pakistan/articleshow/50490489.cms>.

²⁹ Gupta, Manoj (2016), Revealed: How India has proof of JeM involvement in Pathankot attack", January 14, IBNlive.com, URL: <http://www.news18.com/news/india/revealed-how-india-has-proof-of-jem-involvement-in-pathankot-attack-1189924.html>. Hebbbar, Prajakta (2016), Pathankot Attack: The Mystery of the Punjab Police Officer, Who Was Abducted, Then Let Off By Militants, January 5, Huffington Post, URL: http://www.huffingtonpost.in/2016/01/05/pathankot-attack-policeman-abducted_n_8915060.html. Chowdhary, Sagnik, and Praveen Swami (2016), Pathankot attack: Terrorist called mother, said 'I am going to be a martyr' January 3, Indian Express, URL: <http://indianexpress.com/article/india/india-news-india/terrorist-called-mother-i-am-going-to-be-a-martyr/>

made in Pakistan.³⁰ The discovery of US military binoculars used by the terrorists increases the probability that they were trained and equipped by the Pakistani army.³¹ Details on these four assailants have been shared with Pakistan through official channels, and India has pressed for stern action against them as a condition for any future talks with Pakistan.³²

In Christine Fair's opinion³³ the Pakistani Army has launched the "refurbished" Jaish-E-Mohammad (JeM) to this attack, not only for the tactical benefit of derailing the nascent peace process between India and Pakistan, but also for larger domestic and regional strategic interests. It was a way to refocus the efforts of the defected JeM who had turned against the Pakistani State after President Musharraf's U-turn in 2001, and to redirect them against India.

According to the Daily Mail: "[Indian] Security establishment officials said the terrorists were trained in either Lyallpur or Chaklala air base in Pakistan, and knew exactly what - aircraft, hangers, ammunition depots, fuel dumps etc. - to look for to destroy."³⁴

According to the Indian investigators, the fact that the United Jihad Council, a conglomerate of thirteen Kashmiri militant group based in Pakistan, claimed the attack was a decoy.³⁵

B. After the attack

Contrary to what has been the norm in the aftermath of other terror attacks, both sides refrained from blaming each other. According to an official press release issued by the Indian Ministry on External Affairs on January 5, 2016³⁶, Prime Minister Narendra Modi received a call this afternoon from the Pakistani Prime Minister Muhammad Nawaz Sharif regarding the terrorist attack on the Pathankot airbase; Sharif assured Modi that his government would take prompt and decisive action against the terrorists. Modi strongly emphasized the need for Pakistan to take action against the organizations and individuals responsible for and linked to the Pathankot terrorist attack; the press release also mentioned that the Indian government specific and actionable information on these matters provided to Pakistan.

The press initially refrained from engaging in a "blame game"; some renowned Pakistani journalists wrote balanced articles on the incident. Prominent journalist and author Zahid Hussain wrote in Pakistani newspaper "Dawn" that the "often repeated cliché in our

³⁰ Daily Excelsior (2016), Pathankot Attacks: NIA to seek access to Pakistan based masterminds, March 29, URL: <http://www.dailyexcelsior.com/370805-2/>; Indian Express (2016), Pak-based Jaish-e-Mohammad 'handlers' identified in Pathankot terror strike, January 7, URL: <http://indianexpress.com/article/india/india-news-india/pak-based-jem-handlers-identified-in-pathankot-terror-strike/>.

³¹ Picsture (2016), Did India Learn from Pathankot Terror Attacks? Officials are OK with it, January 19, URL: http://picsture.com/did-india-learn-from-pathankot-terror-attacks-officials-are-ok-with-it_8a8e3b036.html.

³² ABP News (2016), Pathankot Attack: Terrorists made calls on Pakistani numbers; called one handler 'Ustaad', January 8, URL: <http://www.abplive.in/india-news/pathankot-attack-terrorists-made-calls-on-pakistani-numbers-called-one-handler-ustaad-271219>.

³³ Fair, Christine (2016), Bringing back the Dead: Why Pakistan Used the Jaish-e-Mohammad to Attack an Indian Airbase, January 12, URL: http://www.huffingtonpost.com/c-christine-fair/bringing-back-the-dead-wh_b_8955224.html.

³⁴ Dailymail.co.uk (2016), Talks with Pakistan are the next Pathankot tragedy: South Block officials say January 14-15 meeting will be postponed after evidence suggests terrorists were trained in Pakistani airbases. January 6, URL: <http://www.dailymail.co.uk/indiahome/indianews/article-3387739/Talks-Pakistan-Pathankot-tragedy-South-Block-officials-say-January-14-15-meeting-postponed-evidence-suggests-terrorists-trained-Pakistani-airbases.html>.

³⁵ Xinhua (2016), Kashmir militant alliance claims responsibility of India airbase attack, April 1, URL: http://news.xinhuanet.com/english/2016-01/04/c_134977149.htm.

³⁶ Ministry of External Affairs, Government of India (2016), Telephone Call from Prime Minister Nawaz Sharif of Pakistan to Prime Minister Modi, January 5, URL: <http://www.mea.gov.in/press-releases.htm?dtl/26256/Telephone+Call+from+Prime+Minister+Nawaz+Sharif+of+Pakistan+to+Prime+Minister+Modi>.

(Pakistan) official statements that “We will not allow our soil to be used against any other country for terrorism” has almost become a national embarrassment”. He further wrote that “A solemn pledge loses all credibility when major militant attacks in other countries are allegedly traced back to our territory” and emphasised that “it is not just cross-border involvement but also the activities of banned outfits at home (read Pakistan) that raises questions about how much control the state really has within its own domain”. He added that “there is no conceivable gain that Pakistan can make by protecting the same militant groups that have also been responsible for killing thousands of Pakistanis”. Zahid Hussain, who is also the author of the much acclaimed book “Frontline Pakistan :The Struggle with Militant Islam”, is of the opinion that “despite all the evidences the accused of 2008 Mumbai terror attack were never punished for using our (Pakistani) soil for planning cross-border terrorist attacks.”³⁷

This point of view is corroborated by other observers of the Pakistani reality; according to an editorial by Ibne Ali³⁸ “little appears to have changed fundamentally in Pakistan’s approach to dealing with its home-grown militant groups, many of whom continue to function autonomously”. He finds that “despite a \$10 million bounty on his head, Hafez Saeed, the founder of Lashkar-e-Taiba (LeT) – the group that masterminded and executed the 2008 Mumbai attack – comfortably runs another well-oiled propaganda group, Jamaat-ud-Dawa (JuD), which has a network of 300 educational centres, all in the guise of a religious charity”.

Answering a Parliamentary question in India, regarding Pakistan’s investigation of the Pathankot attack, Minister for State V.K. Singh mentioned that the Government of Pakistan in January 2016 said it was investigating the information provided by India on the involvement of terrorist groups and individuals in Pakistan in the Pathankot attack. Prime Minister Nawaz Sharif chaired a number of high-level meetings involving senior Cabinet Ministers, top civil servants, army and intelligence leadership, after which the government released a press statement on 13 January. It concluded that, based on initial investigation in Pakistan and the information provided (by India), several individuals belonging to Jaish-e-Mohammad (JeM) – implicated in the Pathankot attack – were apprehended and offices of the organization were being traced and sealed. The press release also mentioned that the Government of Pakistan would form a Special Investigation Team (SIT) in consultation with the Government of India.³⁹

After India accused JeM of being involved in the Pathankot attack, there were conflicting reports about JeM Chief Masood Azhar’s detention. Some sources in the Pakistani government, including the Prime Minister Office, confirmed that Maulana Masood Azhar was under “protective custody” and many of his facilities were sealed after raids conducted by security agencies. However, The Nation⁴⁰ -a prominent newspaper in Pakistan- reported on 14 January that though Pakistani authorities claimed JeM offices had been traced and sealed, its correspondent in Bahawalpur, where the banned outfit is based, did not see any noticeable activity at the “Markaz Usman-o-Ali” undeclared headquarters of JeM. The correspondent

³⁷ Hussain, Zahid (2016), State and Non-State Actors, January 13, The Dawn, URL: <http://www.dawn.com/news/1232557>.

³⁸ Ali, Ibne (2016), Pakistan’s Coziness With Non-State Actors Represents the Single Greatest Global Nuclear Security Threat, March 30, The Diplomat, URL: <http://thediplomat.com/2016/03/pakistans-coziness-with-non-state-actors-represents-the-single-greatest-global-nuclear-security-threat/>.

³⁹ Ministry of External Affairs, Government of India (2016), Question No.1463 Pakistan Investigating Pathankot Terrorist Attack, URL: <http://www.mea.gov.in/rajya-sabha.htm?dtl/26511/QUESTION+NO1463+PAKISTAN+INVESTIGATING+PATHANKOT+TERRORIST+ATTACK>.

⁴⁰ The Nation (2016), Pakistan nabs Jaish chief over Pathankot attack, January 14, URL: <http://nation.com.pk/national/14-Jan-2016/pakistan-nabs-jaish-chief-over-pathankot-attack>.

reported that, after talking to the Bahawalpur Acting Regional Police Officer Gohar Mushtaq Bhutta, he was unaware of the arrest of twelve individuals belonging to JeM; the officer confirmed that no office had been sealed by the police.

This seemed a re-enactment of an old drama in which Masood Azhar was arrested by Pakistani authorities after the attack on the Indian parliament. Arrested in December 2001, he was placed under house arrest and released a year later. He then continued his terror activities, targeting India without any hindrance, even though his group was “banned” by Pakistan.⁴¹ As such, many raised eyebrows when Pakistani authorities claimed once again that the Police had sealed many offices of the JeM and detained its members. They wondered how the group that was banned in 2002 after the attack on the Indian parliament could still have offices so many years later, requiring them to be ‘sealed’ (again?) after the Pathankot attack. This event shows that the Pakistani authorities were not quite serious when they claimed to be ‘banning’ any groups that were targeting India. This also confirms that these organisations operate with the backing of the military establishment.⁴²

According to the Indian Minister of Foreign Affairs’ answer to parliamentary question number 492⁴³:

“The Joint Investigation Team (JIT) of Pakistan, constituted by the Government of Pakistan in connection with the Pathankot Air Base attack, visited India from 27 March to 01 April, 2016. It comprised of Muhammad Tahir Rai, Additional Inspector General of Police (Convenor of JIT); Mohammad Azim Arshad, DIG; Lt. Col. Tanvir Ahmed; Lt. Col Irfan Mirza and Inspector Shahid Tanveer. The Pakistani JIT interacted with officials of the National Investigation Agency (NIA) on the Pathankot case. On 29 March, JIT was taken to the scene of the crime in Pathankot and were shown locations where the terrorists infiltrated and subsequently hid. JIT members were also taken where the fight took place. The route taken by the terrorists was also shown to the JIT, which was also handed over evidence against individuals, including the members of Jaish-e-Mohammad (JeM) who had conspired in the Pathankot attack and the handlers of terrorists who had guided them. The JIT informed that they were collecting admissible evidence outside Pakistan under the provision of Section 188 of the CrPC of Pakistan, which would legally enable them to instruct a criminal prosecution. The NIA briefed the JIT on its investigations in the attack. The Pakistan JIT, in turn, shared with NIA information on its own investigations thus far in Pakistan. The interaction with JIT was held in accordance with the terms of reference mutually agreed on the basis of reciprocity and followed in accordance with extant legal provisions. The case is under investigation in both countries and the Government is in touch with relevant Pakistani authorities.”

The Pathankot attack also confirmed two specificities of the complex civil-military relations of Pakistan. The first is that peace initiatives from either side are followed by terrorist attacks. The second is what Pakistani editorialist Mr Khalid Ahmad called the “fake binary of bilateral terror”, that is, the construction of a narrative of fictional terror attacks by an external enemy for each real terror attack organised by the Pakistani military authorities.

⁴¹ The News, 14th January 2016. <http://www.thenews.com.pk/print/90266-Masood-Azhar-was-also-detained-after2001-Indian-parliament-attack>

⁴² Fair, Christine (2010), The Militant Challenge in Pakistan, URL: http://web.mit.edu/ssp/seminars/wed_archives_2010fall/Fair_militancy_pak.pdf.

⁴³ Ministry of External Affairs, Government of India (2016), Question No.492 Team from Pakistan to Probe Pathankot Attack, April 28, URL: <http://www.mea.gov.in/rajya-sabha.htm?dtl/26704/QUESTION+NO492+TEAM+FROM+PAKISTAN+TO+PROBE+PATHANKOT+ATTA CK>.

However, it appears that with the Pathankot attack the objectives were more ambitious. Other than highlighting the limits of the civilian government's grip on external relations as a whole and in particular its bilateral relation with India, the military establishment wanted to obtain what can normally only be obtained through conventional wars. An attack on a military base through conventional methods requires meticulous military planning and involves a great financial investment. A successful attempt by a handful trained militants equipped with deadly explosives can make a huge dent in the military preparedness of the target country and has a much better "cost-benefit ratio".

Moreover, Pakistani rulers scored extra by sending a 'Joint Investigation Team' (JIT) to India to probe the Pathankot attack on a unilateral mission with the approval of Indian policy makers. Pakistan's usual denial mode, which was absent immediately after the attack, resurfaced after the JIT submitted its report; later the report was leaked to the press.⁴⁴

According to the leaked documents Pakistani press reported "there is no evidence to prove any Pakistani military establishment involvement in the terrorist attack." One of the members of the JIT anonymously told the Pakistani media that the Pathankot attack was a sham, and it had been staged by India to "malign" Pakistan. Furthermore, the media reported that India had 'intentionally' extended the standoff with two gunmen for days so that the event could garner worldwide attention be used as a means to detract Pakistan even more.⁴⁵

The Indian authorities responded similarly in the press through undisclosed sources, firmly contradicting the Pakistani comments. The Indian government insisted on the fact that the Pakistani JIT had been supplied with complete and detailed evidence on the organisation of the attack and was met with the full cooperation of Indian authorities.⁴⁶ In particular, a National Intelligence Agency official was quoted anonymously, denying reports in the Pakistani media that JIT members were allowed to stay at the Pathankot airbase for only 55 minutes. "We gave enough time to the JIT members in the Pathankot airbase. In fact, only they told us that they wanted to leave," said the NIA official.⁴⁷

On June 2, 2016, most of the Pakistani media reported that the director General of India's National Investigation Agency (NIA) Sharad Kumar said there was no proof of Pakistan's involvement in the Pathankot attacks. The Pakistani Ministry of Foreign Affairs said the NIA's statement vindicated Pakistan's longstanding position in the context of Pathankot while a statement by Pakistan's Foreign Office added, "The spirit of cooperation is manifested in the action we (Pakistan) took in the wake of the alleged incident."⁴⁸

The Ministry of External Affairs of India swiftly replied that Mr Sharad Kumar was misquoted. In the statement we can read that "the involvement of Pakistan's nationals in the Pathankot Air Base attack is an accepted fact, and that enough information has also been provided to Pakistani authorities through two "letters rogatory" to conduct investigation in

⁴⁴ Among others, Pakistan today, 4th of April 2016; <http://www.pakistantoday.com.pk/2016/04/04/national/jit-report-pokes-holes-in-indias-pathankot-theories/>

⁴⁵ Roy, Sayantan (2016) Volte Face! Pakistan JIT trashes India for "staging" Pathankot Attack, Parties blame Modi, April 6, Sirg.co, URL: <https://www.sirg.co/politics/volte-face-pakistan-jit-trashes-india-for-staging-pathankot-attack-parties-blame-modi/>.

⁴⁶ Cited in The Pioneer (2016), India trashes Pak media reports on JIT findings, April 6, URL: <http://www.dailypioneer.com/todays-newspaper/india-trashes-pak-media-reports-on-jit-findings.html>.

⁴⁷ Cited in Hindustan Times (2016), Govt junks Pak reports on Pathankot JIT, awaits Islamabad's reaction, April 6, URL: <http://www.hindustantimes.com/india/govt-junks-pak-reports-on-pathankot-jit-awaits-islamabad-s-reaction/story-yk1mrkG4UirtLZtRCmyhI.html>.

⁴⁸ Dawn (2016), No evidence of Pakistan's involvement in Pathankot attack: Indian NIA chief, June 2, URL: <http://www.dawn.com/news/1262304>.

Pakistan so that all those associated in Pakistan with planning, support and execution of the attack were brought to justice”.⁴⁹

3. State Terrorism in contemporary terrorism studies

Walter Laqueur’s –perhaps the most respected living scholar on the field of terrorism studies– landmark book tells us: “Why is it so difficult to find a generally accepted definition [of terrorism]? Nietzsche provided part of the clue when he wrote that only things which have no history can be defined; terrorism, needless to say, has had a very long history”.⁵⁰

Although Laqueur confirms Nietzsche’s point of view, by not giving us an explicit definition of terrorism in this book, he implicitly uses a concise definition such as the one used in the State Department annual reports.⁵¹

Some decades earlier, Walter Laqueur⁵² predicted in the first pages of his encyclopaedic “History of Terrorism”:

“Elsewhere in this study I have commented on the difficulties involved in agreeing on a comprehensive definition of terrorism. Such a definition does not exist nor will it be found in the foreseeable future. To argue that terrorism cannot be studied until such a definition exists is manifestly absurd. Even now, three decades after the end of the Fascist era the controversies about its character continue but the contemporaries had to confront Fascism anyway on both the theoretical and the practical level.”

And further in the book he added:⁵³

“Any definition of political terrorism venturing beyond noting the systematic use of murder, injury and destruction or the threat of such acts towards achieving political ends is bound to lead to endless controversies. (...) It can be predicted with confidence that the disputes about a comprehensive detailed definition will continue for a long time, that they will not result in a consensus and that they will make no notable contribution toward the understanding of terrorism.”

Laqueur’s predictions were absolutely confirmed in the last four decades. Rather than discussing alternative definitions of terrorism, the most adequate way of understanding the vast complexity of the phenomenon might be to return to Laqueur’s captivating writings. Nevertheless, this discussion is unavoidable when we try to have a reasoned and meaningful use of this term to a specific reality.

⁴⁹ Ministry of External Affairs, Government of India (2016), Response to a Query by the Official Spokesperson about the Reported statement of DG NIA absolving Pakistan Government and agencies in Pathankot Air Base attack, June 3, URL: <http://www.mea.gov.in/media-briefings.htm?dtl/26865/Response+to+a+Query+by+the+Official+Spokesperson+about+the+Reported+statement+of+DG+NIA+absolving+Pakistan+Government+and+agencies+in+Pathankot+Air+Base+attack>.

⁵⁰ Laqueur, Walter, “The New Terrorism: Fanaticism and the Arms of Mass Destruction”, Oxford, Oxford University Press, 1999, p. 6. Quoted in ARCHumakind Policy Brief, op. cit.

⁵¹ “The term “terrorism” means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents” (22 U.S. Code § 2656f) The term “premeditated” essential in US criminal doctrine, does not seem to us essential for the definition. Quoted in ARCHumakind Policy Brief, ibidem

⁵² Laqueur, Walter “A History of Terrorism” Transaction Publishers, News Brunswick, London, 2001, first edition 1977. Page 5.

⁵³ Laqueur, op. cit. p.79

In his writings, Laqueur consistently uses the term “systematic” as an imperative condition to qualify political violence as terrorist, he is acknowledging that terrorism is widespread and is by no means a specific attribute of “terrorists”.

However, as Laqueur also acknowledges:⁵⁴

“...“pure terrorism” has so far only succeeded in very specific circumstances”

“Where terrorism has been successful its aims have usually been limited and clearly defined.”
(...) Alternatively, terrorist actions succeeded because they were used within the framework of a wider strategy”

In other words, either we are concerned with the definition of “pure terrorism” – that is, a definition that may be important in an academic perspective, but that may not be adequate to understand effective and meaningful political action – or we are concerned with an effective meaningful political action which has a considerable chance of success. In this case, we would not concentrate our attentions in “pure terrorism”, but rather at comprehensive political strategies that encompass terrorism but are not bound by its theoretical purity.

In no point is this consideration more important than in the case of the so-called “state terrorism”.

As Laqueur’s tell us, terrorism was introduced into our Western vocabulary following the Terror policy of post-revolutionary France.⁵⁵ However, “Systematic terrorism begins in the second half of the nineteenth century and there were several quite distinct categories of it from the very beginning.”⁵⁶

That is, whereas the French terror regime could not be considered as ‘pure terrorism’ since it was integrated in a wider strategy and was not used as a systematic political tool, the several categories which started in the middle of the nineteenth century referred by Laqueur can. While diverse, this “modern terrorism” has a common denominator as it is most likely used against the state, and therefore has opposite characteristic to the definition of terrorism in 1796 France.

Bruce Hoffman – one of the most prominent authors in this field – addresses these issues in his masterpiece “Inside terrorism”⁵⁷; he refers to a distinction between “terror” – which could be considered the state variety – and terrorism – which could be seen as the non-state variety when used internally.⁵⁸

However, when terror is promoted by the state ‘externally’ and it is not part of an assumed violent strategy, Hoffman refers to this concept as “State sponsored terrorism.”

If we adhere to the original French revolution definition of terror, we see it is closer to what can be better described as “tyranny” (although a specific form of tyranny, tyranny, none the less), a concept very much developed throughout history and to which Laqueur makes a very interesting reference.⁵⁹ Tyranny is historically the most commonly used justification by those who use violent means – including terrorism – to justify resisting to it.

Walter Laqueur also tells us⁶⁰:

⁵⁴ Laqueur, op. cit. p.82

⁵⁵ Laqueur, op. cit. pp. 6-7

⁵⁶ Laqueur, op. cit. p.11

⁵⁷ Columbia University Press, 2006, first edited 1998.

⁵⁸ Hoffman, op. cit. pp. 15-16

⁵⁹ Laqueur, op. cit. Pp. 21-23

⁶⁰ Laqueur, op. cit. p.3

“Terrorism has long exercised a great fascination, especially at a safe distance, but it is not an easy topic for discussion and explanation. The fascination it exerts (Shelley’s “tempestuous loveliness of terror”) and the difficulty of interpreting it have the same roots: its unexpected, shocking and outrageous character. War, even civil war, is predictable in many ways; it occurs in the light of day and there is no mystery about the identity of the participants. Even in civil war there are certain rules, whereas the characteristic features of terrorism are anonymity and the violation of established norms”

With these words in mind, the distinction between terrorism and state sponsored violence becomes clearer and independent from internal or external sponsorship of the political violence; insofar a violent political action is anonymous (or tries as much as possible to conceal the real identity of its perpetrators) and in clear violation of established norms – even if these norms are tyrannical – we qualify the act as ‘terrorism’.

That said, should we not limit terrorism as “a form of warfare in which violence is directed primarily against non-combatants (usually unarmed civilians) rather than operational military and police forces or economic assets (public or private)”, as Bard O’Neil suggests?⁶¹

This point of view relates to another terrorism analyst, Yonah Alexander, who defines terrorism as “the use of violence against random civilian targets in order to intimidate or to create generalised pervasive fear for the purpose of achieving political goals.”⁶²

His views also informed the so-called Kofi Anan definition⁶³:

“Any action constitutes terrorism if it is intended to cause death or seriously bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a government or an international organization to do or abstain from doing any act.”

This definition by Mr Anan had precedents within the United Nations. For instance, the UN General Assembly Resolution 49/60 (adopted on December 9, 1994), entitled “Measures to Eliminate International Terrorism,” contains a provision describing terrorism as: “Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them.”⁶⁴

A 2005 UN panel describes terrorism as any act “intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a government or an international organization to do or abstain from doing any act”⁶⁵.

The US Department of State defines “terrorism” as premeditated, politically motivated violence perpetrated against non-combatant targets by sub national groups or clandestine agents; and the term “terrorist group” means any group practicing, or which has significant

⁶¹ O’Neill, Bard (1990), *Insurgency and Terrorism: Inside Modern Revolutionary Warfare*, Dulles VA: Brassey’s; P. 24

⁶² Alexander, Yonah (1976). *International Terrorism: National, Regional and Global Perspectives*. New York: Praeger, p. xiv. SADF had the privilege of being assisted by Professor Yonah Alexander in the first steps we gave concerning the study of terrorism.

⁶³ See for instance: <https://www.cigionline.org/articles/2005/03/annan-proposes-definition-terrorism>

⁶⁴ United Nations (1994), A/RES/49/60 84th plenary meeting 9 December 1994, URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N95/768/19/PDF/N9576819.pdf?OpenElement>

⁶⁵ Diaz – Paniagua, Carlos Fernando (2008), *Negotiating Terrorism: The Negotiation Dynamics of Four UN Counter-terrorism Treaties, 1997 —2005*, Volume 1, UMI: New York

subgroups which practice, international terrorism⁶⁶. Here, instead of civilians, we have non-combatants as target of the violence, which considerably widens the scope of the definition.

The North Atlantic Treaty Organisation (NATO) further widens the scope of the definition to “the unlawful use or threatened use of force or violence against individuals or property in an attempt to coerce or intimidate governments or societies to achieve political, religious or ideological objectives”. Anti-terrorism is defined as defensive measures used to reduce the vulnerability of forces, individuals and property to terrorism, to include limited response and containment by military forces and civil agencies.⁶⁷

The European Union’s approach is more ambivalent and wide and is supported in two different legal acts: the Common position 2001/931/CFSP and Framework Decision of 13 June 2002 on combatting terrorism⁶⁸. The first is the standard legal basis for the vast majority of the EU decisions on terrorism. It classifies terrorism and its consequences in a very vague way, independently of their violent character if only they are seen as (i) seriously intimidating a population, or (ii) unduly compelling a government or an international organisation to perform or abstain from performing any act.

This definition was corrected in the 2002 legal act.⁶⁹ However, this new law -contrary to popular belief- did not replace the former definition, which remains in force, and is actually the most widely used.

The Convention on Combating International Terrorism adopted by the OIC in 1999 also includes a broad definition of terrorism: “any act of violence or threat thereof notwithstanding its motives or intentions perpetrated to carry out an individual or collective criminal plan with the aim of terrorising people or threatening to harm them or imperilling their lives, honour, freedoms, security or rights or exposing the environment or any facility or public or private property to hazards or occupying or seizing them, or endangering a national resource, or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independent State.”⁷⁰

These excerpts clearly show the differing and growing scope of the terrorism definition, ranging from those who consider only civilians, non-combatants or those who do not make distinctions on the type of targets.

Over the past three to four decades, a wide consensus emerged on the existence of a “new”, “contemporary” “postmodern” or simply “modern” version of terrorism, which is more brutal – as it shows a clear disdain for human lives and does not hesitate to target women, children or any other sort of unprotected people – than what societies faced in the past. It is hard however to find other defining traits to it.

Some authors believe that the increased destructive capacity of terrorism is simply due to globalisation. As terrorism has a global reach by means of technology and communication networks, the terrorist’s job is facilitated and the results are more powerful. With the dramatic

⁶⁶ Sinai Joshua, “How to Define Terrorism, Perspectives on Terrorism”, Vol 2(4), 2008, URL: <http://www.terrorismanalysts.com/pt/articles/issues/PTv2i4.pdf>

⁶⁷ NATO (2003), “NATO’s military concept for defence against terrorism”, URL: <http://www.nato.int/ims/docu/terrorism-annex.htm>.

⁶⁸ Common Position 2001/931/CFSP and Framework Decision of 13 June 2002 on combatting terrorism (2002/475/JHA)

⁶⁹ European Commission, Council Framework Decision of 13 June 2002 on combating terrorism, Official Journal of the European Communities, L 164/3, URL: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=%20CELEX:32002F0475&from=EN>.

⁷⁰ OIC, Convention of The Organisation of The Islamic Conference on Combating International Terrorism, 1999, URL: http://www.oic-oci.org/english/convention/terrorism_convention.htm.

progress in communications and information processing, terrorist groups have greater opportunities to divert non-weaponised technologies, such as cell phones, the internet, and websites – all off-the-shelf technologies – to underscore their destructive goals. Whereas terrorists are obviously using the opportunities provided by the modern world, the anti-terrorism struggle can equally put these to good use. We are not aware of anyone convincingly making the point that there has been any asymmetry in this regard. Other authors conclude that the increasingly lethal nature of terrorism is due to their new way of organisation and networking. For example, terrorist organisations could use sleeper cells and amateur terrorists. The lack of any discernible organizational structure with a clear chain of command means these groups avoid easy identification and detection.

No convincing evidence has been put forward in this regard either; studies of terrorist organisations have shown that this plasticity and their ability to adapt to new circumstances, ultimately recurring to the improvisation of lone wolves, is nothing new.

It is unquestionable, however, that modern day terrorism has reached a new level of fanaticism that tends to be overwhelmingly religious, and the vast majority is Islamist terrorism. Notwithstanding, we have observed how terrorism also developed within others religions and that some of the most extreme and ruthless terrorist groups are non-religious.

Regarding Pathankot, we think these considerations allow us to underline five key traits of the attack:

1. It is a terrorism act in its purist form, following Laqueur description of “anonymity and violation of established norms”;
2. It also clearly fits the definition of state-sponsored terrorism as provided in the academic literature or in the definition of the US State Department, as it is a concealed act of violence promoted by a state apparatus;
3. It does not clearly fit the most restrictive definitions of terrorism, as there was only one civilian casualty: a taxi driver. Moreover, the civilian casualty can be considered as “collateral damage” in an action targeting military objectives, all the other casualties being members of the Indian security forces.
4. As far as the attack appears aimed at conventional war objectives, the attack is more closely related to a non-declared act of war than to a ‘typical’ act of terrorism. In comparison with past terrorist attacks, this one blurs the lines between state sponsored terrorism and acts of classical war.
5. From the point of view of a communication strategy, the Pathankot attack was also atypical in its early developments, as the civil institutions in appeared to break with their usual attitude of denial and the farcical “binary of bilateral terror”. While this did not last, the fact it occurred in the first place is a very positive point and should not be ignored.

4. How to react to the Pathankot attacks. Policy Recommendations

The initial reactions of the Pakistani government to the Pathankot attack were very encouraging and indicated that Pakistan was finally taking responsibility in dealing with such incidents and cooperating with India in its investigations. This stance was equally accepted and applauded by mainstream Pakistani media and the international community. Unfortunately, Pakistan’s civilian government finally succumbed to the pressure tactics of the military, and returned to its old rhetoric, aimed at concealing the JeM’s involvement in the incident, as well as the way in which Pakistani territory was used to organize the attack. The

fact that the military engages in a proxy war against India severely undermines both the civilian government in Pakistan and peace in the region and the world.

Pakistan's history shows that intermittent military rule makes it that much harder to abandon its power; this does not bode well for the country in particular and the region in general. The military establishment, especially during the rule of General Zia ul Haq, paved the way for religious interventions and a 'cold war strategy' against India. This strategy was first implemented in Punjab and then in Jammu & Kashmir. It seems that most of the country's establishment – the military, the intelligence as well as the bureaucratic and political elites – strongly believe that cross-border terrorism is the best way to protect Pakistan's interests.

In international fora, especially in the UN General Assembly, India and Pakistan have continuously accused each other of cease fire violations on its borders. The Indian side blames Pakistan for resorting to cross border firings to assist infiltration of Pakistani trained militants into India, while Pakistan tries to counter these allegations with accusations of cease fire violations and cross border firing by the Indian Army.

Pakistan's rulers often describe themselves as a victim of terrorism. India retorts by calling Pakistan a victim of its own policies of breeding and sponsoring terrorism, whether it is along the western border with Afghanistan or on its eastern border with India. A major terrorist threat for Pakistan is emanating from Tehrik-e-Taliban-e-Pakistan (TTP), an organization which is a by-product of the Taliban, an organization created- and supported by the Pakistani authorities with the goal to exert political control over Afghanistan. Experience tells us that there is a moment when these groups outgrow their initial purposes and refuse to obey their initial masters. Be it Lashkar-e-Toiba, Jeish-e-Mohammed (JeM) or any other group funded and trained by Pakistan's intelligence services, sooner or later these groups turn against their own creators.

The heart of the matter is a state that uses terrorism as a legitimate instrument of statecraft. The world watches with concern as the consequences of such a policy have spread beyond its immediate neighbourhood. This problem requires serious consideration from both India and the international community.

One of the pressing questions raised by Indian foreign policy practitioners in the aftermath of the Pathankot terror attacks is whether the current Narendra Modi led "National Democratic Alliance" government should continue peace initiatives and talks with Pakistan, or to follow a hawkish approach, opting for a more aggressive foreign policy.

The timing of the Pathankot attacks is significant as it came just about a week after Indian Prime Minister Narendra Modi's surprise visit to Lahore for a meeting with his counterpart. Without a doubt, the impromptu visit was a diplomatic move intended to break the stalemate in India-Pakistan relations and make genuine efforts towards a more peaceful relationship.

More significantly, it build on earlier Indian peace efforts. After the collapse of India-Pakistan talks in August 2015, there was the initiative in November 2015 when the Prime Ministers of the two countries had an impromptu meeting in Paris on the side-lines of the global climate change conference⁷¹. Diplomatic observers at the summit said there was great warmth between the two leaders. The Wall Street Journal blog described the meeting as "...Modi gets upper hand over Pakistan's Nawaz Sharif..." because of the Indian premier's "double handshake."⁷²

⁷¹ Haider, Irfan (2015), Nawaz, Modi meet on side-lines of Paris climate summit, 30 November, Dawn, URL: <http://www.dawn.com/news/1223309>.

⁷² Mandhana, Niharika (2015), India's Narendra Modi Gets Upper Hand Over Pakistan's Nawaz Sharif at COP21, November 30, The Wall Street Journal, URL:

This was followed by a meeting of the National Security Advisors of the two countries in early December 2015 in Bangkok, with both governments committing to further dialogue⁷³. The meeting covered the sensitive issues like terrorism and peace along the Line of Control.

India's External Affairs Minister Sushma Swaraj then made a trip to Islamabad to attend a conference on the future of Afghanistan, where he continued the momentum towards greater dialogue between the two countries. In the "Heart of Asia Summit", Swaraj said it was time that India and Pakistan displayed "maturity" in doing business with each other. Mrs Swaraj also pushed for Pakistan to allow the transit of goods from Afghanistan to India using its territory. She added that India is prepared to engage in further cooperation initiatives.⁷⁴

Mrs Swaraj's visit was the first ministerial-level visit to Pakistan since the Indian Foreign Affairs Minister at the time, Somanahalli Mallaiiah Krishna, travelled to Islamabad in 2012. Mr Modi's surprise visit to Lahore was thus meant to build on this approach, confirming the notion that the current Indian leadership is willing to undertake every possible step to promote peace with Pakistan. However, it appears that whereas the civil society and polity want an atmosphere of peace in Pakistan, the army has resolved to continue its dubious attacks by religiously fervent groups to incite an Indian counter-reaction.

As far as India's future course of action, since the Pathankot attacks security analysts have suggested that India should continue engaging Pakistan's civilian government.⁷⁵

C. Raja Mohan -one of India's foremost security analysts- has suggested building on the Bangkok Mechanism to strengthen the engagement with security agencies in Pakistan. Raja Mohan remarks: "Modi has successfully established his leadership on foreign policy. This has been quite visible, for example, in the manner in which he has dealt with the United States. A similar effort will be more demanding in the case of Pakistan, but Modi appears prepared to take his chances"⁷⁶.

India should also build leverage within Pakistan so that eventually those elements within the Pakistani establishment that continuously encourage attempts to destabilise India, realise that India can respond in kind and that they will have to bear the costs their actions.

According to the former Indian diplomat, Ashok Sajjanhar,⁷⁷ "India needs to focus on its own economic development and enhance its overall national strength, including its military prowess and infrastructure. This will ensure that it can respond effectively to attacks from Pakistan. To prevail, India will need a multipronged, nimble-footed approach. It will need to ensure that its foreign policy is not held hostage by its difficult relations with Pakistan. Steps taken by the government recently have been in the right direction. They need to be pursued with vigour and single-minded determination".

<http://blogs.wsj.com/indiarealtime/2015/11/30/indias-narendra-modi-gets-upper-hand-over-pakistans-nawaz-sharif-at-cop21/>

⁷³ Shubhajit Roy , Praveen Swami , Sheela Bhatt (2015), India, Pakistan break the ice off camera in Bangkok, December 7, The Indian Express, URL: <http://indianexpress.com/?s=India%2C+Pakistan+break+the+ice+off+camera+in+Bangkok>

⁷⁴ NDTV (2015), Sushma Swaraj Meets Pakistan PM Nawaz Sharif in Islamabad, December 9, URL: <http://www.ndtv.com/india-news/sushma-swaraj-invites-foreignministers-of-pakistan-other-asian-countries-to-india-1252765>.

⁷⁵ Tripathy, Siddhartha (2016), Path Ahead From Pathankot, January 16, India First, URL: <http://www.indiafirstpaper.com/userfiles/file/1452866873-20160116.pdf>

⁷⁶ Raja Mohan, C (2016), How Prime Minister Modi Can Sustain India's Pakistan Dialogue, February, Carnegie India, URL: http://carnegieendowment.org/files/Mohan_Modis_India_Pakistan_Dialogue.pdf

⁷⁷ Sajjanhar, Ashok (2016), India: Dealing With Pakistan, January 13, The Diplomat, URL: <http://thediplomat.com/2016/01/india-dealing-with-pakistan/>

It should be pointed out that avoiding a dialogue with Pakistan will not make India more secure; to the contrary, it will deny New Delhi the opportunity of establishing contacts and exercising leverage with the liberal sections of the Pakistani establishment. A dialogue with Pakistan will also enhance the capacity of India to exercise the dual process of communicating terror threats, and at the same time offer incentives to the Pakistan leadership to cooperate in anti-terror activities. A diplomatic freeze on the other hand will further delay and impede the peace process, which is the primary objective of the Jihadis.

That said; India cannot sort out the difficult challenges it is facing without the help of the international community. Pakistan's military establishment commands a Jihadi machine of its own creation and there are numerous examples that show how these groups eventually become a major threat to Pakistan itself and to the world at large. The most cogent evidence of this was the continued unhindered presence of Osama Bin Laden in Pakistan and the fact that those who helped capture the terrorist leader faced persecution, while none of Bin Laden's accomplices ended up in prison.

In 2008, Barack Obama - then a US presidential candidate- bluntly articulated what was being said discreetly in Bush administration audits: US aid to Pakistan, ostensibly meant for the war on terror, has been used by Islamabad's military rulers to increase their offensive capabilities for a possible confrontation with India. In retrospect, it can be said that considering the massive aid Pakistan receives for countering terrorism, its counter-terrorism policy has been a complete sham.

Terrorist groups have been allowed to endure in Pakistan as "strategic assets". International organizations, such as the EU, that provide massive aid to Pakistan and give the country a privileged trade status must hold the Pakistani authorities accountable for the privileges received, applying the European authorities own commitments as they are mandated under its own European legislation.⁷⁸

International organizations support to Pakistan development must also be conditional on it accepting international norms regarding terrorism; there is an overall lack of cohesiveness in its actions against terrorism. In the Pathankot affair, China thwarted an attempt to blacklist the JeM chief Maulana Masood Azhar by the UN.⁷⁹ It seems likely it acted so in line with a request from Pakistan.

⁷⁸ The reform of existing European trade regulations in order to allow Pakistan to be eligible to the highest privileged trade position under GSP Plus required also Pakistan to subscribe with 27 core international conventions which compliance the European institutions are legally bound to monitor.

⁷⁹ See for instance in the Pakistani press: <http://tribune.com.pk/story/1077537/india-furious-as-china-blocks-un-blacklisting-of-jem-chief-masood-azhar/> China has, itself, been a victim of terrorism by Uyghur militants, who are also getting train in Pakistan. China may be victim in the future of this lack of coherence regarding the fight against terrorism.

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