

# **Indo-US Counter-terrorism Cooperation Foundations, Dimensions and Limitations**

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Over the last two decades India and the US have succeeded in strengthening their strategic partnership, with counter-terrorism having emerged as a major pillar of the bilateral relation.<sup>1</sup> This is evident from the fact that ever since the establishment of the Joint Working Group on Counter-terrorism in 2000; the two sides have consistently taken a slew of measures to expand counter-terrorism cooperation. During the George W. Bush Administration the two sides signed the Cyber Security Initiative and also accelerated annual joint military exercises, with a focus on understanding and sharing ways of tackling terrorism-related issues, the coming of the Barack Obama Administration to power witnessed the establishment of the India-US Strategic Dialogue, the Counter-terrorism Cooperation Initiative and others. Indian Prime Minister Narendra Modi and US President Donald

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1 Sumit Ganguly et.al. eds., *US-Indian Strategic Cooperation into the 21st Century: More than Words*, Routledge, New Delhi, 2006; Sumit Kumar, "A Strong but Ambiguous Partnership: India-US Ties under Trump," *Asia Trend* (Paris), Spring 2008, pp. 37-44.

Trump have also expressed their resolve to expand bilateral cooperation in this area.<sup>2</sup> At the same time, while India and the US have shared concerns about fighting Al Qaeda, the Taliban and other terrorist organisations in the South Asia Region, the rise of the Islamic State (IS, formerly Islamic State of Iraq and Syria, ISIS) across the globe further necessitated collective and strong efforts by countries, including India and the US, in the sphere of counter-terrorism.

It is, however, equally true that, despite a shared interest in fighting terrorism, the two sides continue to face some important structural and other constraints in deepening their counter-terrorism cooperation. For instance, while India views Pakistan as the main breeding ground for terrorism, asking the US to declare it as a ‘terrorist state’, the US believes that any war against terrorism would be meaningless without Pakistan’s active involvement. Of course, in recent times, the US has blocked some financial assistance to Pakistan on the grounds of Islamabad’s failure to strongly tackle terrorist activities emanating from its soil. The fact remains that Washington has taken a hard approach towards Pakistan not because of New Delhi’s concerns on the continued use of terrorism against India, but because there has been increasing realization in the US administration that Pakistan is not doing enough to dismantle the Taliban and other terrorist organisations which pose security threats in Afghanistan. The US’s demand for India’s compliance with its policies with regard to many countries and issues has also continued to strain the relationship. The nature and direction of counter-terrorism cooperation between the two sides, as well as the outcomes of counter-terrorism

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2 The Joint Statement on Prime Minister Narendra Modi’s Visit to the US, “United States and India: Prosperity through Partnership,” *The White House*, June 26, 2017, <https://www.whitehouse.gov/briefings-statements/united-states-india-prosperity-partnership/>.

engagement between the two countries are of particular interest in this context.

### **FOUNDATION OF INDIA-US COUNTERTERRORISM COOPERATION: AN OVERVIEW**

Terrorism emerged as a one of the major security threats in the 21<sup>st</sup> century, especially after the 9/11 terrorist attacks in the US.<sup>3</sup> This has, in turn, helped develop a consensus among world leaders on the urgent need for initiating collective efforts to effectively deal with the menace. Consequently, most countries supported the US in its war on terrorism in Afghanistan to dismantle the Al Qaeda and other terrorist formations.

The war on terrorism naturally brought South Asia into the limelight, with the presence of the Taliban and Al Qaeda in Afghanistan and in the Pakistani areas adjacent to Afghanistan.<sup>4</sup> At the same time, the emergence of fundamentalists in Pakistan and their collaboration with terrorists, as well as the role of the Pakistani state in encouraging terrorism, further compounded the security challenges in South Asia in particular, and in other parts of the world, in general.<sup>5</sup> Undoubtedly, the situation

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3 The 9/11 Commission Report, <https://www.9-11commission.gov/report/911Report.pdf>, p. 76.

4 B.M. Jain, *India in the New South Asia: Strategic, Military and Economic Concerns in the Age of Nuclear Diplomacy*, Tauris Academic Studies, London, 2010, p. 4; P. R. Chari, *Vijayanti Raghavan, Comparative Security Dynamics in Northeast Asia and South Asia*, Pentagon Press, New Delhi, 2010, p. 20.

5 P.R. Kumaraswamy, "Terrorism in South Asia: The Changing Trends," in P.R. Kumaraswamy and Ian Copland, eds., *South Asia: The Spectre of Terrorism*, Routledge, New Delhi, 2009, p. 19; Col G G Pamid, *Possibility of Nuclear War in Asia: An Indian Perspective*, Vij Books, New Delhi, 2012; V. S. Subrahmanian, Aaron Mannes, Animesh Roul and R. K. Raghavan, *Indian Mujahideen: Computational Analysis and Public Policy*, Springer, London, 2013.

that emerged after the 9/11 terrorist attacks also provided the impetus for India and the US to foster and strengthen their bilateral cooperation on counter-terrorism.

The genesis of counter-terrorism cooperation between the two countries can, in fact, be traced back to the 1980s, when the Reagan administration readily agreed to help India to fight the Khalistan movement in the Indian state of Punjab.<sup>6</sup> This in turn paved the way for the US to provide training to Indian intelligence officers in subjects such as anti-hijacking and hostage negotiation techniques.<sup>7</sup>

When India started facing terrorist activities in the state of Jammu and Kashmir in 1989,<sup>8</sup> the US considered the problem a domestic issue and refused to acknowledge the role of Pakistan in spreading terrorism in the State. The coming of the Bill Clinton Administration to power in 1991 further complicated India's efforts to fight terrorism in Jammu and Kashmir, as top US officials including President Clinton emphasized India's alleged human rights violations in the State. Addressing the UN General Assembly in September 1993, President Clinton described the unrest in Kashmir as an ethnic conflict, speaking of "Bloody ethnic, religious and civil wars from Angola to the

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6 Bahukutumbi Raman, "India-US Counter Terrorism Cooperation: Past, Present and Future," in Sumit Ganguly et. al., eds., *US-Indian Strategic Cooperation into the 21st Century: More than Words*, New, Routledge, New Delhi, 2006, p. 157.

7 Ibid; Susan F. Rasky, "F.B.I. Says It Foiled Plot by Sikhs to Assassinate Gandhi in The US" *The New York Times*, May 14, 1985; Rajshree Jetly, "The Khalistan Movement in India: The Interplay of Politics and State Power," *International Review of Modern Sociology*, Volume 34, Number 1, 2008, p. 69; Mac Leepson, "India Under Authoritarian Rule", *Editorial Research Reports*, Volume 3, Number 22, 1976, p.425.

8 Sumit Ganguly, "Avoiding War in Kashmir," *Foreign Affairs*, Volume 69, Number 5 (Winter, 1990), pp. 57-73; Sumit Ganguly and Kanti Bajpai, "India and the Crisis in Kashmir," *Asian Survey*, Volume 34, Number 5 (May, 1994), pp. 401-416.

Caucasus to Kashmir.”<sup>9</sup> Statements from top officials of the US Administration including President Clinton encouraged Pakistan and boosted terrorist organisations working in Kashmir, resulting in an unprecedented rise in terrorist activities in and around Kashmir.<sup>10</sup>

However, the then Indian Prime Minister Narasimha Rao’s visit to Washington DC in 1994 indicated the beginning of a new phase in the relationship, as the US Administration implicitly acknowledged that the Pakistani government was supporting terrorism in Kashmir.<sup>11</sup> President Clinton also signed a new law in 1996 banning fund-raising in America by named terrorist organisations<sup>12</sup> and India and the US signed an Extradition Treaty in August 1997.<sup>13</sup> The hopes raised by these initiatives, however, were soon dashed to the ground following the 1998 nuclear tests conducted by India.<sup>14</sup>

Surprisingly, the nuclear tests provided a golden opportunity for both the countries to forge a new relationship for various reasons and within a few months, both New Delhi

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9 President Bill Clinton, “Confronting the Challenges of a Broader World,” Speech Before the UN General Assembly, *US Department of State Dispatch*, Volume 4, Number 39, New York, 1993.

10 Ibid.

11 Dilip Bobb, “PM Narasimha Rao Meets President Bill Clinton, Talks Business, Plays Down Kashmir.” *India Today*, July 15, 1994, <https://www.indiatoday.in/magazine/cover-story/story/19940615-pm-narasimha-rao-meets-president-bill-clinton-talks-business-plays-down-kashmir-809248-1994-06-15>.

12 Polly Nayak, “Prospects for US-India Counter-Terrorism Cooperation: An Historical Perspective,” in Sumit Ganguly et.al. eds., *US-Indian Strategic Cooperation into the 21st Century: More than Words*, Routledge, New Delhi, 2006, p. 133.

13 “Treaty between the United States of America and India,” *The US Department of State*, January 24, 1997, <https://www.state.gov/s/l/treaty/tias/1997/>.

14 C. Raja Mohan, *Crossing the Rubicon: The Shaping of India’s New Foreign Policy*, Viking, New Delhi, 2003.

and Washington DC began drawing up a closer relationship. Negotiations between India's then External Affairs Minister, Jaswant Singh, and the then US Assistant Secretary of State for South Asia, Strobe Talbott, earned the appellation "quiet diplomacy". In December 1999 when terrorists belonging to the Pakistan-based Harkat-ul-Mujahideen hijacked the Indian Airlines' Flight 814 soon after it took off from Kathmandu, the capital of Nepal, and forced the pilots to land in Kandahar, Afghanistan, the Clinton Administration extended full support to India and publically acknowledged Pakistan's ties with the hijackers. While the quiet diplomacy between Singh and Talbott played a pivotal role in bringing the relationship back on track, US support to India on the issue of terrorism, among other factors, became a major stepping stone towards breaking new grounds in the bilateral ties.<sup>15</sup>

On the heels of these positive developments, when President Clinton visited India in March 2000, he and the then Indian Prime Minister Atal Bihari Vajpayee signed a "Vision Statement". One important aspect of this statement was the agreement that terrorism was a serious security threat to their respective countries and it was therefore necessary for India and the US to come together to fight this menace. The statement reaffirmed:

In the new century, India and the United States will be partners in peace, with a common interest in a complimentary responsibility for ensuring regional and international security. We will engage in regular consultations on, and work together and with others for strategic stability in Asia and beyond. We will bolster joint efforts to counter terrorism and meet

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15 Chidanand Rajghatta, "US Finally Wakes up to India's Terror," *Indian Express*, January 1, 2000.

other challenges to regional peace. We will strengthen the international security system, including in the United Nations and support the United Nations in its peacekeeping efforts, we acknowledge that tensions in South Asia can only be resolved by the nations of South Asia.<sup>16</sup>

Truly, while Clinton's visit marked a new beginning in the relationship, the two sides' decision to set up a Joint Working Group in April 2000 to coordinate their activities against international terrorism was the first major step towards institutionalising counter-terrorism cooperation between the two countries.

#### **TRANSFORMING COUNTER-TERRORISM: INDIA-US TIES SINCE THE 9/11 ATTACKS**

While the coming of the Georg W. Bush Administration to power further witnessed an upward movement in bilateral ties between the US and India, the 9/11 terrorist attacks brought both the countries even closer, especially in view of India's immediate offer of its full backing to counter terrorism operations by the US in South Asia. Along with the shared aim of fighting terrorism, other factors soon accelerated process of transforming the relationship from 'estranged democracies' to 'strategic partnership'; these factors included: President Bush's strong desire to help India emerged as a potential balancer against China; the strong presence of the Indian community in the US; and economic security, among others. A new initiative post-9/11 was to expand the scope of the India-US Defence Policy Group (DPG) to cover military-to-military

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16 "India-US Relations: A Vision for 21st Century," Press Information Bureau, Government of India, New Delhi, <https://www.mea.gov.in/Portal/LegalTreatiesDoc/US00B0968.pdf>.

cooperation in counterterrorism. The DPG decided to supply certain American sensors for onsite monitoring of India's land borders.<sup>17</sup> In 2004 the two sides entered into the Next Step in Strategic Partnership.<sup>18</sup> In a major boost to security and defence ties New Delhi and Washington DC adopted a New Framework for the US-India Defence relationship in 2005, in which defeating terrorism was one of the major elements of the agreement.<sup>19</sup> While the signing of the Civil Nuclear Agreement between the two countries in 2008 elevated the relationship to an all-time high, the Mumbai terrorist attack in November the same year catalyzed a further intensification in their bilateral engagement.

When President Barrack Obama assumed office in 2009, there were expectations in both the countries that Obama would further consolidate ties. However, his administration's initial foreign policy decisions, including the formation of G-2 (the US and China), Obama's unilateral decision to withdraw US troops from Afghanistan without consulting India, and other steps, raised serious concerns about the future direction of the transforming India-US engagement.<sup>20</sup> However, before the ties could deteriorate further, Prime Minister Manmohan Singh became the first state guest of the Obama Administration in 2009. Singh declared, "We seek to broaden and deepen our

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17 "Indo-U.S Military Talks Revived," *The Hindu*, February 5, 2002.

18 "Next Step in Strategic Partnership with India", <https://2001-2009.state.gov/p/sca/rls/pr/28109.htm>, *White House Office of the Press Secretary*, 12 January 2004.

19 Sridhar Krishnaswami, "India, US Sign Framework for Defence Cooperation," *The Hindu*, June 30, 2015, <https://www.thehindu.com/2005/06/30/stories/2005063004261200.htm>.

20 Nalini Kant Jha and Sumit Kumar, "China under the Obama Administration," in Anupurna Nautiyal and Chintamani Mahapatra, ed., *India-China Relations in the Contemporary Era Opportunities, Obstacles and Outlooks*, Gyan Publication, New Delhi, 2014, pp. 211-228.

strategic partnership, and to work with the United States to meet these challenges of a fast-changing world in this 21st century,”<sup>21</sup> President Obama characterised India as a “rising and responsible global power,” emphasizing that the ties between the two countries would be “one of the defining partnerships of the 21st century”.<sup>22</sup> At the same time, the two sides agreed to strengthen cooperation in counter terrorism, with President Obama asking Pakistan to deal effectively with extremist organisations operating from its soil, to prevent Mumbai-type attacks. Consequently, the two countries established the Strategic Dialogue in five areas, including counter-terrorism. More to the point, while expressing concerns about the increasing terrorist activities in the South Asia region, the 2010 White House National Security Strategy identified Afghanistan and Pakistan as the “epicenter of the violent extremism practiced by Al Qaeda.”<sup>23</sup>

The killing of Osama bin Laden in Abbottabad in 2011 further exposed Pakistan’s dubious stand on fighting terrorism and reaffirmed India’s position that Pakistan was using terrorism as its state policy. This development forced the US Administration to seriously rethink its Pakistan policy and, in turn, led the Obama Administration to suspend USD 800 million in military transfers, including USD 300 million to reimburse Pakistan for expenses incurred in fighting terrorism.<sup>24</sup> On the

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21 “Prime Minister Dr. Manmohan Singh’s Remarks at the White House Welcome Ceremony,” Embassy of India, Washington, D.C., USA, November 24, 2009, [https://www.indianembassy.org/archives\\_details.php?nid=1197](https://www.indianembassy.org/archives_details.php?nid=1197).

22 Hillary Rodham Clinton, “Partnership of Democracies”, *The Times of India*, June 4, 2010.

23 K. Alan Kronstadt, US-India Security Relations: Strategic Issues, *Congress Research Service*, Washington D.C., January 24, 2013, p. 5.

24 Sumit Kumar Jha, “US-Pakistan Relations: Retrospect and Prospect” in Joseph C. Mathew (ed.), *Understanding Pakistan*, Routledge, New Delhi, 2017, pp. 357-378.

other hand, India and the US focused on expanding counter-terrorism ties with the Homeland Security Dialogue of 2011 and also signed the India-US Counter Terrorism Initiative. After this, a Memorandum of Understanding (MoU) was signed in 2011, to promote increased cooperation and exchange of information on cyber security.

In the ensuing years, however, the relationship between India and the US came under a cloud for a number of reasons: the revelation of several scams in India and the failure of the United Progressive Alliance (UPA) government to take effective steps to fix the existing policy parlaying; the Manmohan Singh Government's decision to reject Boeing and Lockheed Martin's bids in its lucrative Medium Multi Role Combat Aircraft competition,<sup>25</sup> among other factors, further negatively impacted ties. Worse, in an unprecedented and unprofessional move, the US authorizers conducted the strip search of Indian Consulate General Devyani Khobragade in New York in December 2013, causing a high-voltage diplomatic crisis.<sup>26</sup>

## INDIA-US TIES UNDER THE MODI GOVERNMENT

The coming of the new BJP- led government after the 2014 Parliamentary Elections raised concerns about the future direction of India-US relations, given the fact that the US administration had, in the past, refused Narendra Modi

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25 K. P. Nayar, "US Jumbo Jet Bids Crash, Envoy Ejects," *The Telegraph* (Calcutta), April 29, 2011. Also see, Paul Beckett, "US Envoy Prods India on Reforms," *Wall Street Journal*, May 18, 2011. Also see, the commentary in Michael Auslin, "The Partnership of the Future," *Wall Street Journal Asia*, May 31, 2011.

26 Gardiner Harris, "Outrage in India, and Retaliation, over a Female Diplomat's Arrest in New York," *New York Times*, December 17, 2013, <https://www.nytimes.com/2013/12/18/world/asia/outrage-in-india-over-female-diplomats-arrest-in-new-york.html>.

a US visa on account of his alleged role in the 2002 Gujarat riots. Surprisingly, however, soon after coming to power in May 2014, Prime Minister Modi decided to redirect his government's efforts to sustain and deepen ties with the US. President Obama warmly reciprocated. Modi visited the US in 2014 and, with President Obama, signed a vision statement titled, "Chalein Saath Saath: Forward Together We Go."<sup>27</sup> President Obama paid a return visit to India in 2015, becoming the first serving US President to visit India twice.

These high-level political visits infused a new momentum in bilateral ties and the relationship was elevated to the height of the India-US Strategic and Commercial Dialogue.<sup>28</sup> The issue of terrorism emerged as a major concern during discussions between Modi and Obama. Sharing each other's views on this issue, they reaffirmed deep concern over the continued threat posed by terrorism, especially in the light of the rise and spread of IS, and underlined the need for continued comprehensive global efforts to combat and defeat terrorism. The leaders stressed the need for joint and concerted efforts, including the dismantling of safe havens for terrorist and criminal networks, to disrupt all financial and tactical support for networks such as Al Qaeda, Lashkar-e-Taiba, Jaish-e-Mohammad, the D-Company, and the Haqqanis.<sup>29</sup> They also

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27 "Vision Statement for the US-India Strategic Partnership - Chalein Saath Saath: Forward Together We Go," *The White House*, September 29, 2014, <https://obamawhitehouse.archives.gov/the-press-office/2014/09/29/vision-statement-us-india-strategic-partnership-chalein-saath-saath-forw>.

28 Sumit Kumar, "India-US Partnership Lifted to New Height, Centre for Land and Warfare Studies," New Delhi, September 14, 2016, <http://www.claws.in/1635/india-us-partnership-lifted-to-new-height-sumit-kumar.html>.

29 "U.S.-India Joint Statement and Fact Sheets", US Embassy in India, September 30, 2014, <https://in.usembassy.gov/u-s-india-joint-statement-and-fact-sheets/>.

reiterated their call for Pakistan to bring the perpetrators of the November 2008 terrorist attack in Mumbai to justice; pledged to enhance criminal law enforcement, security, and military information exchanges; and strengthen cooperation on extradition and mutual legal assistance. Through operational cooperation with the help of their law enforcement agencies, they aimed to prevent the spread of counterfeit currency; inhibit the use of cyberspace by terrorists, criminals, and those who use the internet for unlawful purposes; and to facilitate investigation of criminal and terrorist activities. The leaders also committed to identify modalities to exchange terrorist watch lists. President Obama pledged to help India counter the threat of improvised explosive devices with information and technology. The leaders agreed to pursue supply of US-made mine-resistant ambush-protected vehicles to India.<sup>30</sup>

Subsequently, the two leaders' strong desire to deepen counter-terrorism engagement led to the transformation of their relationship into "a defining counterterrorism partnership for the 21st century" in September 2015.<sup>31</sup> The following year, the annual Yudh Abhyas military exercise was conducted with a focus on counterinsurgency and counterterrorism operations in mountainous regions. In December 2016, Washington DC designated New Delhi, a 'Major Defense Partner', a status unique to India,<sup>32</sup> which was seen as an immense boost to counter-terrorism cooperation. The new designation institutionalises the progress made to facilitate defense trade

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30 Ibid.

31 "US-India Joint Declaration on Combating Terrorism," Press Information Bureau Government of India, Ministry of External Affairs, New Delhi, September 22, 2015, <http://pib.nic.in/newsite/PrintRelease.aspx?relid=127119>.

32 India-United States Joint Statement on the Visit of Secretary of Defense Carter to India, the US Embassy and Consulates in India, New Delhi, December 8, 2016, <https://in.usembassy.gov/india-united-states-joint-statement-visit-secretary-defense-carter-india-december-8-2016/>.

and technology sharing with India to a level at par with that of the United States' closest allies and partners, and ensures enduring cooperation into the future.<sup>33</sup>

Amid the strengthening ties between New Delhi and Washington, India faced the Pathankot and Uri terrorist attacks in January and September 2017 respectively. The investigation into the attacks again brought to the fore Pakistan's continued use of terrorism as state policy against India. Congressman Ted Poe, Chairman of the House Subcommittee on Terrorism, along with Congressman Dana Rohrabacher, introduced HR 6069, the Pakistan State Sponsor of Terrorism Designation Act in the House of Representatives. At the same time, the Indian-American community in the United States launched a White House petition to designate Pakistan a state sponsor of terrorism.<sup>34</sup> However, the Obama Administration did not issue any strong statements on the terrorist attacks in India, let alone support the move to declare Pakistan a terrorist state. Of course, one reason behind Obama's failure to take tough steps against Pakistan at this time might have been guided by the fact that only a few months were left before his administration completed its term.

Be it as it may, there is no denying the fact that at the time of Obama demitting his office, the relationship between India and the US was robust. At the same time, Donald Trump's election as the next American President further emboldened India and the Indian foreign policy establishment. One reason for this was the fact that, during his election campaign, Trump had praised India and Indian origin-people in the US. A large number of Indian-Origin people also voted for Trump in the presidential election. Though it was symbolic, President Trump's call to

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33 Ibid.

34 Sumit Kumar, "Why India Finally Attacked Pakistan," *The National Interest*, October 6, 2016, <https://nationalinterest.org/feature/why-india-finally-attacked-pakistan-17958>.

Prime Minister Modi within five days of taking office, further underscored his desire to enhance engagement with India. During the telephonic conversation, Trump described India as a “true friend” of the US.<sup>35</sup>

While the meeting between Modi and Trump in June 2017 resulted in the signing of a joint statement entitled “Prosperity through Partnership,” the issue of terrorism received significant importance during discussions. Trump’s focus on eradicating the menace of Islamist terrorism was seen as an encouraging sign for India, given the fact that Islamist terrorism is a major threat to India. Trump’s commitment to fight terrorism was also an indication of the fact that his administration would continue to keep US Forces in Afghanistan and would also enhance the pressure on Pakistan to rein in terrorist organisations operating from its soil.

US National Security Advisor, General Michael Flynn’s description of Islamism as a ‘vicious cancer’ confirmed the fact that he would not treat Pakistan differently from other extremist Muslim countries.<sup>36</sup> With regard to Pakistan, the Trump Administration also made it clear that Islamabad had to confront terrorism in its all forms.<sup>37</sup> Realizing that Pakistan was reluctant to cooperate in counter-terrorism operations, the US decided to withhold disbursement of USD 255 million

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35 Chidanand Rajghatta, “Trump Says India is a ”True Friend,” Invites Modi to US”, *The Times of India*, January 16, 2017, <https://timesofindia.indiatimes.com/india/trump-says-india-is-a-true-friend-invites-modi-to-us/articleshow/56787705.cms>.

36 Andrew Kaczynski, “Michael Flynn in August: Islamism a vicious cancer in body of all Muslims that has to be excised”, *CNN*, November 23, 2016, <https://edition.cnn.com/2016/11/22/politics/kfile-michael-flynn-august-speech/index.html>.

37 Sumit Kumar, “The impact of Trump’s South Asia policy on India,” *The DNA*, February 11, 2018 <https://www.dnaindia.com/analysis/column-the-impact-of-trump-s-south-asia-policy-on-india-2583393>.

to Islamabad. While announcing his South Asia Policy in August 2017, President Trump became, perhaps, the first top US leader to declare openly, “Pakistan often gives safe haven to agents of chaos, violence, and terror.” In his first tweet of 2018, President Trump said, “The United States has foolishly given Pakistan more than 33 billion dollars in aid over the last 15 years, and they have given us nothing but lies & deceit, thinking of our leaders as fools.” Consequently, the US State Department announced a freeze on most military aid to Pakistan, amounting up to USD 1.3 billion.<sup>38</sup>

On the issue of promoting peace, security, stability and development in Afghanistan, Trump’s South Asia Policy included the deployment of more US troops in Afghanistan, without fixing a timeline their return. Trump observed,

...from now on victory will have a clear definition: attacking our enemies, obliterating ISIS, crushing Al Qaeda, preventing the Taliban from taking over Afghanistan, and stopping mass terrorist attacks against America before they emerge.

Trump’s South Asia Policy authorized US commanders in the region to take action against terrorists both in Afghanistan and Pakistan. Equally important is the fact that the new US administration did not consider Pakistan its non-NATO ally any longer and that Trump’s preference of India over Pakistan would contribute to stability in Afghanistan. Certainly, given former President George W. Bush’s lukewarm approach to India on the Afghanistan issue and Obama’s flip-flop approach, Trump’s new strategy was a welcome development for India. It was not only a candid acceptance of India as a regional

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38 Zeeshan Aleem, “Trump’s Sudden New Fight with Pakistan, Explained,” *Vox*, January 8, 2018, <https://www.vox.com/world/2018/1/8/16850116/trump-pakistan-suspend-aid>.

and global power, but also envisaged an increase in India's strategic outreach in Afghanistan.

The Trump Administration has approved the sale of 22 Guardian MQ-9B unmanned aircrafts to India, which will enhance India's maritime surveillance capability.<sup>39</sup> During the inaugural meeting of the 2+2 Dialogue, the two sides announced their intent to increase information-sharing efforts on known or suspected terrorists and to implement UN Security Council Resolution 2396 on returning foreign terrorist fighters. They committed to enhancing their ongoing cooperation in multilateral fora such as the UN and FATF.<sup>40</sup>

#### **DIMENSIONS AND OUTCOMES**

The sustained political engagement between the two countries, along with other domestic, regional and global factors, has indeed marked a defining movement between India and the US on counter-terrorism cooperation. Today, while there is sharp change in the American position on Pakistan's role in abetting terrorism; on the other hand, India and the US hold military exercises, share confidential intelligence inputs, and organize regular meetings of their high ranking officials on converging areas of common interest, including counter-terrorism.

Certainly, the Joint Working Group (JWG) agreement signed in 2000 was a major linchpin of counter-terrorism cooperation between the two sides. The focus of this group is to hold regular

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39 Aaron Mehta, "MQ-9B Drone Sale for India to be OK'd", *Defence New*, June 23, 2017, <https://www.defensenews.com/breaking-news/2017/06/23/mq-9b-drone-sale-for-india-to-be-ok-d/>.

40 "Joint Statement on US-India 2+2 Ministerial Dialogue," *US Department of State*, September 6, 2018, <https://www.state.gov/r/pa/prs/ps/2018/09/285729.htm>.

meetings of counterterrorism and legal experts of the two countries.<sup>41</sup> Under its aegis, both countries have expanded their cooperation on information sharing and the assessments of the terrorist situation in South Asia and elsewhere, upgraded anti-terrorism training programs for Indian law enforcement officials, and launched joint military cooperation on counterterrorism. The JWG has also facilitated dialogue on terrorist financing, transportation security, border management and internal security, and has initiated measures to identify and attack organisations and individuals that pose a threat to India and the US.<sup>42</sup>

Another important development is that the knowledge of counter-terrorism cooperation between the two sides has increasingly become public, unlike in the past. This does not, of course, mean that the policy of secrecy has been completely abandoned. Identities of sources of information are protected, as is other sensitive information.<sup>43</sup> The JWG has also helped both the countries to recognize the fact that the campaign against terrorism must be intense and multi-dimensional. This is apparent in the emphasis on the reality that any substantive gain against terrorism would depend heavily on the commitment of individual countries and on international cooperation. Officials of the two countries engaged in the counter-terrorism activities review the training and capability building programmes conducted by the US. India has welcomed the US move to

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41 "Joint US - India Statement on Counter-terrorism Working Group," *Washington, D.C.: The Indian Embassy*, February 8, 2000, [https://www.indianembassy.org/archives\\_details.php?nid=363](https://www.indianembassy.org/archives_details.php?nid=363).

42 Richard Boucher, "US-India Counterterrorism Joint Working Group," *The US Department of State, Washington, D.C.*, July 18, 2002, <http://2001-2009.state.gov/r/pa/prs/ps/2002/11922.htm>.

43 Bahukutumbi Raman, "India-US Counter Terrorism Cooperation: Past, Present and Future," in Sumit Ganguly et. al., eds., *US-Indian Strategic Cooperation into the 21st Century: More than Words*, New, Routledge, New Delhi, 2006, p. 161.

expand bilateral engagement in the counter-terrorism sphere by covering preventive, protective and consequence management capabilities in both conventional and WMD terrorism.<sup>44</sup>

As far back as in October, 2001, India and the US had signed a bilateral treaty on Mutual Legal Assistance in Criminal Matters. The treaty has helped the two countries in securing uncomplicated law enforcement assistance from each other and has improved the ability to investigate and prosecute a plethora of crimes, including terrorism-related offences, drug-trafficking and money laundering. The two countries have also cemented a Maritime Cooperation Framework to enhance security on the seas. Significant aspects of the Maritime Cooperation Framework are the protection of international maritime trade and infrastructure and the reduction of the possibility of shipping containers being used to transport weapon of mass distraction.<sup>45</sup>

In 2017, an MoU on bilateral ‘Counter-terrorism Designations Dialogue’ was signed between the two sides. The joint statement said, “The US and Indian delegations exchanged information on procedures for pursuing designations against terrorist groups and individuals through domestic and international mechanisms” and consequently, in August 2018, the US declared the Pakistan-based Lashkar-e-Taiba (LeT) a terrorist organization and Abdul Rehman al-Dakhil and two terror financiers, Hameed ul Hassan and Abdul Jabbar, as Specially Designated Global Terrorists (SDGT).<sup>46</sup>

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44 Ibid.

45 “India, US to Cooperate in Fighting Terror,” *The Tribune*, March 2, 2006.

46 India Welcome the US Decision to Designate 3 Pak-based Terrorists as ‘Global Terrorists,’ *The Times of India*, August 1, 2018, <https://timesofindia.indiatimes.com/india/india-welcomes-us-blacklisting-of-3-pakistan-based-terrorists/articleshow/65233184.cms>.

Cyber-terrorism has also emerged as a major cause of concern for both the countries. In India's case, despite the Indian Government's claim that "not one attempt has been successful" with respect to the Ghost Net attacks, and that the "government's computer network system, maintained by the National Informatics Centre, is highly efficient," the fact remains that India is certainly not prepared to tackle any direct or covert attack on its information infrastructure.<sup>47</sup> It has also been estimated that cyber crime could cost the world including India and the US, USD 600 billion, a year.<sup>48</sup> *Wikileaks* revelations have further underscored the need for India and the US to strength their cooperation in this area.

The first major effort towards fostering ties in fighting cyber-terrorism was in 2002, when the two sides established the Indo-US Cyber Security Forum. The signing of the Counterterrorism Cooperation Initiative (CCI) in 2010; an MoU to promote increased cooperation and exchange of information on cyber security in 2011; the formation of the US-India Cyber Policy Dialogue in 2013; the creation of a Homeland Security working group under the bilateral High Technology Cooperation Group (HTCG) in 2014, with the aim of facilitating joint access to counterterrorism-related technology; have cumulatively provided platforms for discussions among representatives from the Governments and industries of both the countries.<sup>49</sup> They also aim to promote closer cooperation and the timely

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47 "Researchers Trace Data Theft to Intruders in China," *The New York Times*, April 5, 2010.

48 "Net Losses: Estimating the Global Cost of Cybercrime Report: Economic impact of cybercrime II, Center for Strategic and International Studies, Washington DC, June 2014, <https://www.sbs.ox.ac.uk/cybersecurity-capacity/system/files/McAfee%20and%20CSIS%20-%20Econ%20Cybercrime.pdf>.

49 "India, US to Jointly Fight Cybercrime," March, 2, 2006, <http://www.rediff.com/news/2006/mar/02bush31.htm>.

exchange of information between the organizations of their respective governments responsible for cyber security. There is an increased and effective cooperation on counterterrorism, information-sharing, and capacity-building. The CCI included several projects for enhancing joint counterterrorism capabilities through the sharing of advanced techniques, best practices, and investigative skills. It also promotes bilateral cooperation on law enforcement and cybercrime by creating a mechanism for cooperation, including setting up appropriate sub-groups and affirming common objectives in fighting international cyber crime. These include the application of international law to state behavior in cyberspace, the affirmation of norms of responsible state behavior, and the development of practical confidence-building measures. It commits both countries to promoting international law, public-private partnerships, and appropriate norms of state cyber conduct, promotion of cooperation between forensic science laboratories, establishment of procedures to provide mutual investigative assistance, enhancing capabilities to act against money laundering, counterfeit currency and financing of terrorism, exchanging best practices on mass transit and rail security; increasing exchanges between Coast Guards and Navy on maritime security; exchanging experience and expertise on port and border security; enhancing liaison and training between specialist Counter Terrorism Units including National Security Guard with their US counter parts.<sup>50</sup>

While the Indian Computer Response Team (CERT-IN) has been working with the US National Cyber Security

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50 “India, US Sign to Counter Terrorism,” *The Times of India*, July 24, 2010, <https://timesofindia.indiatimes.com/india/India-US-sign-pact-to-counter-terrorism/articleshow/6206702.cms>.

Division since 2011,<sup>51</sup> India and the US signed a Frame Work for Cyber Relations in 2016, the first such document that the US has signed with any country. This mechanism is intended to foster cooperation between the Computer Response Team of the US and its counterpart in India, with the aim of identifying, coordinating, sharing and implementing cyber security protocols and initiatives. It will also provide for sharing information on a real time or near real time basis about malicious cyber security threats, attacks and activities, and establishing appropriate mechanisms to improve sharing of information.

The US Department of Defence runs a Counter-Terrorism Fellowship Programme (CTFP) designed to educate Indian military officers as part of the US global war on terrorism. Only those Indian military personnel that are assigned to or participate in counter-terrorism units can avail of the benefits of this programme. This programme also supports mobile training teams sent to India from the US to train their counterparts on various issues related to counter-terrorism activities.<sup>52</sup>As part of the CTFP, the US Coast Guard in April 2005 conducted Port Security training in Mumbai for 25 Indian Navy personnel. In September 2005, a Surgical Trauma Response Techniques Mobile Training Team (MTT) program was conducted in New Delhi for about 35 Indian military doctors, and in the same month a Cyber Terrorism MTT program was held in New Delhi for 40 Indian officials and military personnel.<sup>53</sup>

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51 “United States and India Sign Cyber Security Agreement,” Department of Homeland Security, the USA, July 9, 2011, <https://www.dhs.gov/news/2011/07/19/united-states-and-india-sign-cybersecurity-agreement>.

52 D. Scott Denney, *US-India Military Relationship: Matching Expectations*, US Army War College, Carlisle Barracks, 2007, pp. 21-22, <http://webcache.googleusercontent.com/search?q=cache:http://www.dtic.mil/dtic/tr/fulltext/u2/a493752.pdf>.

53 Ibid.

The Federal Bureau of Investigation (FBI) has scaled up cooperation with Indian security agencies, providing inputs and training on how to deal with issues like drug trafficking, cyber-crime and others. It was in this context that the FBI started courses on subjects such as Surveillance and Detection for Indian police officers. India also signed the International Convention for the Suppression of Acts of Nuclear Terrorism, 2005, on July 24, 2006, at the UN Headquarters in New York. This Convention was the first anti-terrorism convention adopted following the 9/11 attacks.

In a significant move, the Indian Government allowed the FBI to join the Indian team in investigating the 26/11 Mumbai attacks, underscoring the enhanced level of accessibility between the two sides. Also, the FBI Quantico laboratory has hosted many senior Indian forensics experts and the agency shared best practices with Indian law enforcement officials. The US Department of State's Anti-Terrorism Assistance (ATA) Country Assistance Plan for India focuses on critical incident response, post-incident investigation, human rights and similar issues. In July, 2018, India and the US signed a key pact for exchange of intelligence on terror on a real time basis that include biographic information of known and suspected terrorists. This pact in turn has led India to formally enter into the US Homeland Security Presidential Directive-6 (HSPD-6), which will enable it to access 'unclassified biographic information of known and suspected terrorists' maintained by the US on a reciprocal basis. The HSPD-6 is a model text agreement for exchange of terrorist screening information between Terrorist Screening Centre (TSC) of the US and an Indian agency.<sup>54</sup>

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54 "India, US Sign Key Pact on Sharing Info on Terror," *The Economic Times*, July 12, 2018, <https://economictimes.indiatimes.com/news/defence/india-us-sign-key-pact-on-sharing-info-on-terror/articleshow/52555612.cms>.

## LIMITATIONS

India and the US have covered a long distance as far as cementing their counter-terrorism engagement is concerned. This cannot blind us towards the factors that limit the further expansion of ties. One such constraint has been the divergent perceptions of both the countries regarding the nature of terrorism and how it is to be contained. India views Pakistan as the main source of terrorist activities taking place in the country. In turn, India strongly believed that any attempt towards addressing the issue of terrorism in South Asia would be meaningless unless actions are taken to pressurize Pakistan into withdrawing support to various terrorist organizations. This is the reason that, time and again, the Indian Government has appealed to the US to initiate the process for declaring Pakistan a 'terrorist state'.

Although, the Trump Administration has taken a tough stand against Pakistan for its failure to take action against terrorists operating from its soil, India has no reason to believe that Trump's actions have been taken to address India's concerns. In fact, the reason behind the US's punitive initiatives against Islamabad are mainly two-fold: first, Pakistan's support to Al Qaeda and the Taliban in Afghanistan, which pose security threats to the US, second, the deepening ties between Pakistan and China. Furthermore, like his predecessors, Trump has not taken any steps to ensure that Pakistan brings the culprits of the 2008 Mumbai attack to justice.<sup>55</sup>

While India recognizes the fact that the US has realized the possible danger which the LeT constitutes to peace and

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55 Ashok Sharma, "Counterterrorism Cooperation in the Context of the Indo-US Strategic Partnership: An Appraisal," *India Quarterly*, Volume 68, Number 4, 2012, p.25; Country Reports on Terrorism: 2008, April 2009, Washington, D.C.: United States Department of State Publication Office of the Coordinator for Counterterrorism, p.151.

security in South Asia, what continues to haunt New Delhi is Washington's failure to treat LeT the way they treat Al Qaeda. India also doubts US sincerity in extending its fullest cooperation in the field of counter-terrorism on account of Washington's flip-flop on the extradition to India of David Headly, who was involved in the 26/11 Mumbai attacks.<sup>56</sup> Pessimism in the Indian establishment about the American desire for genuine counter terrorism cooperation runs high, particularly following the killing of Osama bin Laden, in Abbottabad in a covert US military operation. Indian officials feel that the US does not share information on those aspects of Al Qaeda activities which have potential ties to terrorists in Kashmir.<sup>57</sup>

India and the US also differ in dealing with this menace at the international level. Following the 9/11 attacks, the US conferred upon itself the moral obligation to attack any country where terrorists were engaged in anti-American activities, and also expects all the countries, especially those with whom it has security cooperation agreements, to join it in this endeavour. However, though India has extended full support to the idea that the international community must come together to fight against terrorism, it has reservations over America's unilateral decision to launch attacks in foreign countries in the name of dismantling terrorist outfits. This is evident from the fact that India refused to join the US in its war against Iraq in 2003. India has also not supported US missile attacks in Syria in

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56 Sahibzada Amer Latif, "US-India Counterterrorism Cooperation: Deepening The Partnership" Statement before the House Foreign Affairs Committee, Subcommittee on Terrorism, Nonproliferation, and Trade, Washington, D.C., September 14, 2011.

57 Polly Nayak, "Prospects for US-India Counterterrorism Cooperation: An Historical Perspective," Counterterrorism in South Asia, *The Observer Research Foundation-Heritage Foundation New Delhi Dialogue*, July 2010, p. 27.

2017. In turn, sections of experts and bureaucrats in the US doubt India's sincerity in siding with the US on these critical issues.

India has also refused to toe the US line in dealing with Iran and the Middle East. India has a historical legacy of cordial relations with countries like Iran, Iraq and the Persian Gulf nations. These countries are also India's main source of petroleum products, and New Delhi would not jeopardize its relations in the Middle-East by siding with the US, particularly where the latter's actions are arbitrary and unilateral. Further, as India is home to the third largest Muslim population in the world,<sup>58</sup> there are also concerns in the Indian security and political establishments that adhering to the US line in the Middle East may push India Muslims towards radicalism.

Another reason which has hampered India-US counter terrorism cooperation, according to the US Administration, is the lack of institutional mechanisms in India to deal effectively with terrorist activities. The US has a plethora of laws dealing with counter terrorism, including the Anti-Terrorism and Effective Death Penalty Act of 1996; the Intelligence Reform and Terrorist Prevention Act (IRTPA), USA-Patriot Act of 2001;<sup>59</sup> the Foreign Intelligence Surveillance Act of 1978 (FISA);<sup>60</sup> among others. At the same time, the US has also developed a counter terrorism decision making structure,

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58 World Atlas, "Countries With The Largest Muslim Populations", 2018, <https://www.worldatlas.com/articles/countries-with-the-largest-muslim-populations.html>.

59 Anti Terrorism and Effective Death Penalty Act of 1996, 104th Congress, Public Law: 104-132, April 24, 1996; The Intelligence Reform and Terrorist Prevention Act of 2004, Public Law: 108-458, December 17, 2004.

60 Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008'' or the "FISA Amendments Act of 2008," One Hundred Tenth Congress of the United States of America, H. R. 6304.

which consists of the Central Intelligence Agency (CIA), a National Coordinator for Counter-Terrorism within the National Security Council (NSC), the Department of Health and Human Services, Department of Transportation, the Office of the Director of National Intelligence, the National Security, Divisions of the Department of Justice, the FBI'S National Security Branch and the Treasury's Office of Terrorism and Financial Intelligence (TFI). The formation of these intuitional mechanisms has led the US to closely monitor terrorist activates by integrating intelligence and operations personnel working in this field, and coordinating international cooperation against terrorists.

In comparison, India does not have either sufficient laws, or a proper counter terrorism structure. For instance, some of the laws related to counter terrorism have already ceased to exist such as the Terrorist and Disruptive Activates (Prevention) Act (TADA) and the Prevention of Terrorism Activates Act (POTA). Laws like the Armed Forces (Special Powers) Act of 1995 and Unlawful Activities (Prevention) Act of 1967, which was amended in 2008, are available in India to deal with terrorist activities, but are widely perceived to be inadequate to deal with the challenge.

India also has structural problems in effectively dealing with terrorism. For instance, as law and order comes under the jurisdiction of individual States, any attempt by the Union Government to establish a national counter-terrorism agency is opposed at the provincial level. The argument is that any such movement by the Union Government would damage the essence of the Indian federal structure. In consequence, there is no effective national-level body in India with which the US government can engage and coordinate. India's poorly structured counterterrorism establishment and its hesitation

in sharing information through its intelligence agencies, with other countries, is also viewed as an obstacle to more cooperation between India and the US.<sup>61</sup> India's fight against terrorism has suffered from outdated laws and legal provisions and structures of governance.<sup>62</sup>

While each wing of the US Armed Forces has its own elite unit specifically formed for responding to terrorist acts, such as the Green Berets, Army Rangers, Navy SEALs and others. In the Indian context, there is a significant overlap in India's anti-terrorist operations. Forces are deployed not so much according to their suitability for a particular topography or the nature of operations called for but more according to their availability.<sup>63</sup> For instance, there are intelligence agencies like the Intelligence Bureau, Military Intelligence, Research and Analysis Wing and others; but, they have not in the past been able to perform well or coordinate properly with each other in preventing or responding to terrorist activities. This is evident from the fact that after every major terrorist attack, it has been found that there was confusion in intelligence sharing and response among different agencies.<sup>64</sup>

### CONCLUSION

Increasing terrorist activities in the region, cyber security threats, maritime terrorism and other similar security challenges should provide India and the US all the more reasons to intensively boost counter-terrorism cooperation. In

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61 K. Alan Kronstadt and Sonia Pinto, "India-US Security Relations: Current Engagement", November, Congress Service Report, 13, 2012, p. 16.

62 "Outdated Gear, Systems Hamper India's Fight against Terror: US," *The Economic Times*, May 2, 2009.

63 "Making Security Forces More Effective Legislative Backup Need of the Hour," *The Tribune*, January 05, 2003, <http://www.tribuneindia.com/2003/20030105/spectrum/main10.htm>.

64 Ibid.

particular, as Al Qaeda and the Taliban threaten the interests of both the countries, New Delhi and Washington DC need to realize that they need each other's support to fight this menace, and that Afghanistan is a common cause of concern. The US has invested astronomical amounts in military and stabilization operations, and India has also committed significant resources to projects for the development of infrastructure and institutions of governance, and it is a priority for both the countries to ensure that Afghanistan does not, again, fall under the sway of extremist and terrorist forces. Protecting sea lanes from terrorist attack has also become a vital aspect of India-US concern and potential counter-terrorism cooperation. India plays a significant role in the Indian Ocean Region, and America benefited in the past from cooperation with New Delhi in protecting US supply ships from threats of terrorism and piracy as they moved through the Straits of Malacca.<sup>65</sup>

Though, both the countries have differing perceptions about Pakistan's role in terrorist activities against India, New Delhi realizes that a US role is crucial in controlling Pakistan, and that close engagement with Washington, to put pressure on Pakistan, is imperative.

The information and communications technology (ICT) revolution has transformed the nature of terrorism, and it has become increasingly difficult for any country to protect its people from deadly attacks. India and the US also need to consolidate cooperation against cyber-terrorism.

No efforts towards deepening counter-terrorism cooperation can succeed in the absence of mutual trust and efforts to address

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65 Walter K. Andersen, Testimony before House Committee on Foreign Affairs: Subcommittee on the Middle East and South Asia United States House of Representatives on India and the United States: A Different Kind of Relationship, June 25, 2008.

each other's concerns. What remains to be seen is how the gaps and divergences that have hobbled cooperation in the past can be covered, to establish a more effective architecture of Indo-US cooperation against the rising threat of terror.

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