

Counter-Terror Cooperation between India and Myanmar

A Thesis Submitted

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Sikkim University



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Degree of Doctor of Philosophy

By

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Date: 31.12.2020

DECLARATION

I, **Pema Tseten Lachungpa**, hereby declare that the research work embodied in the thesis titled "**Counter-Terror Cooperation between India and Myanmar**" submitted to Sikkim University for the award degree of Doctor of Philosophy, is my original work. The Thesis has not been submitted for any other degree of this University or any other University.



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CERTIFICATE

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All the assistance and help received during the course of the investigation have been duly acknowledged by him.

We recommend this thesis to be placed before the examiners for evaluation.

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ABBREVIATIONS USED

AFSPA	Armed Forces Special Power Acts
ALM	Army Border Liaison Meetings
ALP	Arakan Liberation Party
APG	Asia Pacific Group on Money Laundering
ARF	ASEAN Regional Forum
ARSA	Arakan Rohingya Salvation Army
ASEAN	Association of Southeast Asian Nations
ASEM	Asia-Europe Meeting
ATTF	All Tripura Tiger Force
AU	African Union
BCIM	Bangladesh, China, India, and Myanmar
BIMSTEC	Bay of Bengal Initiative for Multisectoral Technical and Economic Cooperation
BIST-EC	Bangladesh, India, Sri-Lanka, Thailand-Economic Cooperation
BSF	Border Security Forces
CLMV	Cambodia, Laos, PDR, Myanmar, Vietnam
COIN	Counter-Insurgency
CORPAT	Coordinated Patrol Exercise
CRPF	Central Reserve Police Force
CSF	Central Security Forces
CTC	Counter-Terrorism Committee
CTED	Counter-Terrorism Committee Executive Directorate
CTITF	Counter-Terrorism Implementation Task Force
DESA	United Nations Department for Economic and Social Affairs
DPA	Department of Political Affairs

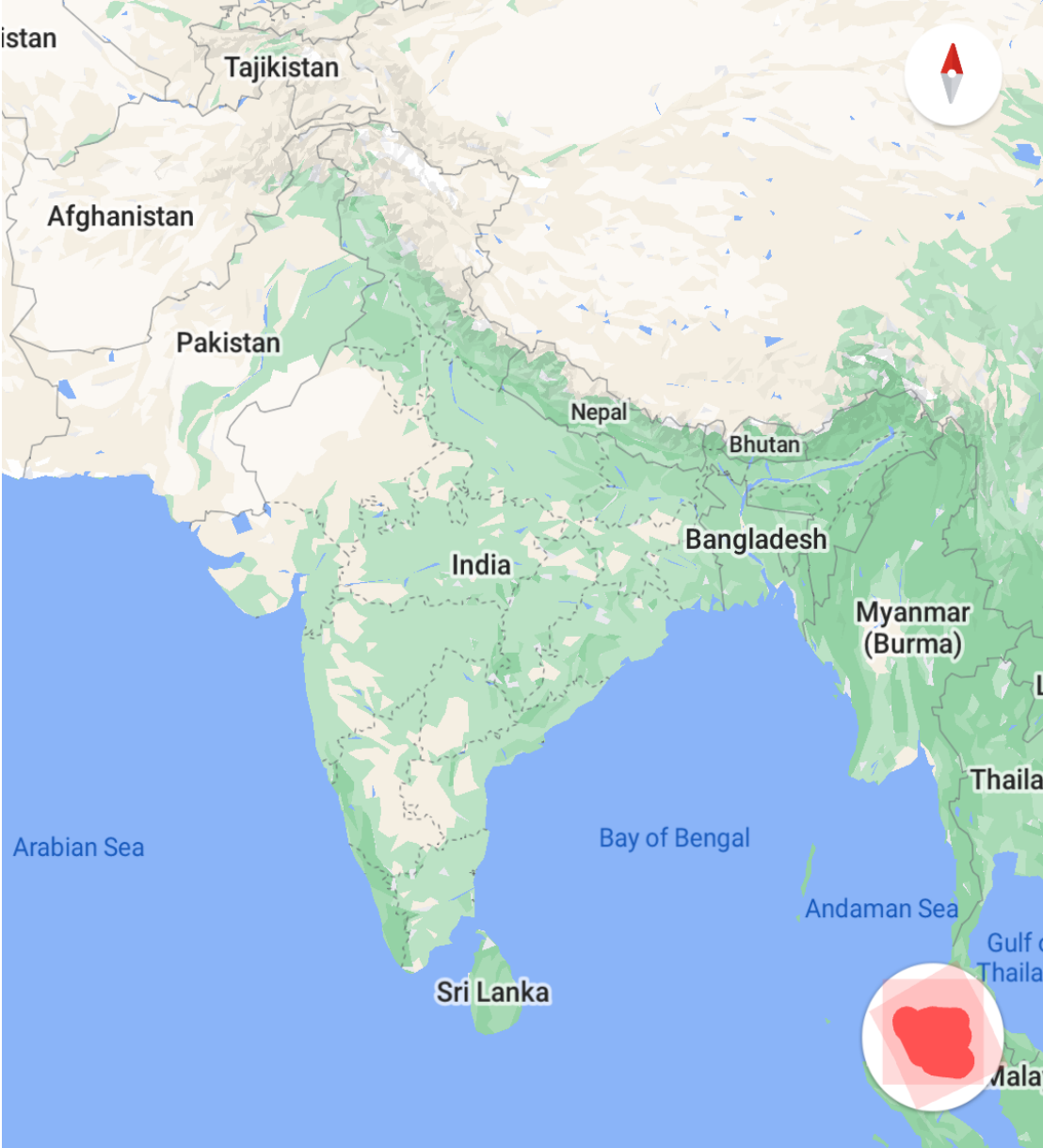
DPI	Department of Public Information
DPKO	Department of Peacekeeping Operations
DSS	Department of Safety and Security
EU	European Union
FARC	Revolutionary Armed Forces of Colombia
FICN	Fake Indian Currency Notes
FMLN	Farabundo Marti National Liberation Front
FMR	Free Movement Regime
FOC	Foreign Office Consultations
GoC	General Officer Commanding
HuJI	Harkat-ul-Jihad ul-Islami
HuM	Harkat-ul-Mujahideen
IAEA	International Atomic Energy Agency
IB	Intelligence Bureau
ICAO	International Civil Aviation Organization
IED	Improvised Explosive Devices
IMBEX	India-Myanmar Bilateral Military Exercise
IMF	International Monetary Fund
IMNEX	India-Myanmar Naval Exercise
IMO	International Maritime Organization
INTERPOL	International Criminal Police Organization
IOM	International Organization for Migration
IONS	Indian Ocean Naval Symposium
IORA	Indian Ocean Rim Association
ISI	Inter-Service Intelligence
ISS	Islamic Sewak Sanha
JCC	Joint Consultative Commission

JMB	Jamaat-ul-Mujadideen
KCOCA	Karnataka Control of Organised Crime Act
KCP	Kangleipak Communist Party
KIA	Kachin Independent Army
KIO	Kachin Independence Organization
KLO	Kamatapur Liberation Organization
KNU	Karen National Union
KYKL	Kanglei Yawol Kanna Lup
LAC	Line of Actual Control
MCOCA	Maharashtra Control of Organised Crime Act
MEA	Ministry of External Affairs of India
MGC	Mekong-Ganga Cooperation
MIEC	Mekong-India Economic Corridor
MNRF	Manipur Naga Revolutionary Front
NDFB	National Democratic Front of Bodoland
NIA	National Investigation Agency
NLD	National League for Democracy
NLM	National Level Meetings
NSAB	National Security Advisory Board
NSCN-IM	National Socialist Council of Nagaland-Isac Muivah
NSCN-K	National Socialist Council of Nagaland- Khaplang
NSG	National Security Guards
NSI	National Security Intelligence
NUPA	National Unity Party of Arakan
OCHA	Office of the Coordinator for Humanitarian Affairs
ODA	Office for Disarmament Affairs
OHCHR	Office of the High Commissioner for Human Rights

OLA	Office of Legal Affairs
OPCW	Organization for the Prohibition of Chemical Weapons
OSAA	Office of the Special Adviser on Africa
OSG	Office of the Secretary-General
PLA	People Liberation Army
PMO	Prime Minister's Office
POTA	Prevention of Terrorism Act
RAW	Research and Analysis Wing
RBC	Regional Border Committee Meetings
RPG	Rocket Propelled Guns
SAARC	South Asian Association for Regional Cooperation
SIPRI	Stockholm International Peace Research Institute
SPDC	State Peace and Development Council
SPG	Special Protection Groups
SSA	Shan State Army
TADA	Terrorist and Disruptive Activities (Prevention) Act
UAPA	Unlawful Activities (Prevention) Act
ULFA	United Liberation Front of Assam
UN	United Nations
UNA	United Nations Alliance of Civilizations
UNCHR	United Nations High Commissioner for Refugees
UNCLOS	United Nations Convention on the Law of the Sea
UNCRI	United Nations Interregional Crime and Justice Research Institute
UNDOC	United Nations Office on Drugs and Crime
UNDOC	United Nations on Drugs and Crime
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization

UNLF	United National Liberation Front
UNLFWSEA	United National Liberation Front of Western South East Asia
UNWTO	United Nations World Tourism Organization
WCO	World Customs Organization
WHAM	Win the Heart and Mind
WHO	World Health Organization

Map 1: Map of India and Myanmar



Source: https://www.reddit.com/r/india_country/comments/isfvvj/map_of_india_google_maps/

Chapter 1

Introduction

This thesis explores the concept of counter-terror cooperation in India-Myanmar relations. In doing so, the thesis tries to look at the applicability of the concept of counter-terror cooperation by referring to two case studies, i.e. the Operation Golden Bird of 1995 and the Hot Pursuit Operation of 2015. These two case studies explore and locate the core objective in studying the employability of the tools and approaches of counter-terror cooperation. Such an approach is underexplored when it comes to an understanding the relation between two structurally asymmetrical nations which is plagued by negligence.

India and Myanmar share a unique and a cordial relation due to its history (Burma¹, was a part of British India from 1885 to 1937), cultural linkages and shared political experience bounded by geographical proximity. Such a multi-facet relationship provides India and Myanmar with a strategic nudge in calibrating its foreign policy outreach. In the context of India, the geostrategic location of Myanmar at the cusp of South Asia and Southeast Asia gives New Delhi a vital push in building an array of linkages via its Look East² and Act East policy. Similarly, New Delhi also takes the opportunity of using the location of Myanmar as a strategic asset in keeping China

¹ Prior to 1989, Myanmar was known as Burma. However, the military government decided to change the name from Burma to Myanmar.

² 'Look East' is a policy of India that was formulated in order to cultivate extensive economic and strategic relations with the nations of Southeast Asia to bolster its standing as a regional power and a counterweight to the strategic influence of China. The policy was initiated in 1991 by then Prime Minister P.V Narshima Rao. Under the leadership of Prime Minister Narendra Modi it proposed in bringing a new outlook to the policy by rechristening the Look East to Act East policy with focus oriented towards the extended neighbourhood in the Asia-Pacific region.

and their increasing influence in the Southeast Asian and beyond at bay since Myanmar constitute a strategic nucleus between India, China and Southeast Asia.

In the context of Myanmar, the strategic position of India gives Myanmar a positive nudge in recalibrating its foreign relations to new heights. Myanmar looks upon India as a critical element in its foreign relations discourse mainly due to India's fast-growing economy, democratic model-based governance and Nyapidaw's stance of getting out of Beijing's proximity (Bhatia 2016:2).

In the light of such multi-facet relation where the role of each other plays a significant factor in foreign policy formulation, India takes the opportunity in raising the importance of counter-terror cooperation with Myanmar in order to remain sensitive to each other's strategic interests and concerns. Such an opportunity arises when states unilateral response have either failed or created a condition conducive for the terrorism threat to prosper (Lutz & Lutz 2013:3, Wilkinson 2007:61). India has been a victim of terrorism with many low-intensity conflicts and proxy-wars in several states since its independence. In most of the case, the state response has faired well with regard to countering terror threats. However, the increasing terrorism tactics and warfare methods under appealing ideology and cross-border affiliations have pushed a concern towards states unilateral response. India and Myanmar share a long 1640 km porous land border that runs along militancy affected areas with inextricable cross-border ethnic ties and network. Many of armed militant groups in the region, therefore, exploit these inextricable factors to its advantage in pushing the threat threshold to a newer height. The groups like the United Liberation Front of Assam (ULFA), National Democratic Front of Bodoland (NDFB), Khaplang factions of National Socialist Council of Nagaland (NSCN-K) of Northeast India have

inextricable linkages to the western part of Myanmar especially the parts of Sagaing Division, Kachin, Chin and Rakhine states. Such inextricable factors have therefore created a political and security engagement pattern between India and Myanmar in pushing the objective for a joint counter-terror operation and to build foundations for mutually beneficial relations. The first successful joint operation came in 1995 under the codename 'Operation Golden Bird' The operation was conducted to disintegrate the columns of militants from Northeast India who were delivering huge consignments of weapons from Wyakung beach south of Cox Bazar, Bangladesh to Northeast India. The success of this operation ignited hope and aspiration within the security nomenclature of India and Myanmar in initiating such kind of bilateral engagement on the security front. However, the intensity of cooperation has varied concerning the progress of the overall bilateral relationship. Keeping the intensity and the success of the cooperation, India conducted the 'Hot Pursuit Operation' in 2015 to neutralise the militants responsible for the attack on Indian security forces in Manipur. The operation was conducted, keeping in view the shared commitment and agreements between India and Myanmar to fight the scourge of terrorism and security threats.

1.1 Defining Counter-Terrorism

The counter-terrorism concept can be best understood by referring to the meaning of terrorism-the unlawful use of violence as a means of an instrument by the adversaries to meet political objectives. In this sense, counter-terrorism is the preemptive actions taken by the government to thwart the use of violence by adversaries against the state and societies. Such actions consist of proactive policies and strategies of the state machinery and focused on reacting to terror acts, its networks and organisation in

order to render them incapable of using violence to achieve their goals. Such actions are genuinely tactical and specific and seek to remove the physical threat either through the use of force or legal measures. They are implemented through the use of increased intelligence network operations and coordination between different departments and states institutions.

While discussing the concept, Jenny Hocking states that counter-terrorism is at base a military doctrine. It focuses on the development of military responses, the introduction of exceptional legislative measures, and pre-emptive intelligence collection (Hocking 1986:299). Such strategy is codified as a preemptive action of the state institution that uses military tactics, techniques and strategy to combat or prevent the threat of terrorism. On a similar line, Mariya Omelicheva states that counter-terrorism can considered as a mix of public and foreign policies designed to limit the actions of terrorist groups and individuals associated with terrorist organisations in an attempt to protect the public from terrorist violence (Omelicheva 2007). George W. Bush also discusses in his book 'National Strategy for combating Terrorism' that the role of counter-terrorism is to fight terrorist networks and all those who support their efforts to spread fear around the world, using every instrument of national power— diplomatic, economic, law enforcement, financial, information, intelligence, and military (Bush 2006:1-2). Similarly, the Joint Doctrine Manual prepared by the Chairman of the Joint Chiefs of Staff of the United States articulate that counter-terrorism aims to neutralise terrorists, their organisation, and networks to render them incapable of using violence to instil fear and coerce governments or societies (Goldfein 2014:7).

Such a definition helps to exhibit explanatory research in the area of counter-terrorism. However, explanatory research does not justify the exact meaning of the concept for various reasons. Firstly, counter-terrorism literature has been complicated by the elusiveness and variability of the phenomenon it seeks to present. The array of discussion on the wide range of counter-terrorism policy choices sidesteps conceptualising what counter-terrorism means bringing a dichotomy to the usefulness of the term. In most cases, the definition refers to the importance of legitimacy and objective of the operation than describing the empirical manifestation of the concept.

Secondly, the in-concrete conceptualisation of the term corresponds to the changing nature and the meaning of terrorism. The conceptual ambiguity and the exploitation of language surrounding the usage of the terms of terrorism with other concepts like insurgency and militancy have failed to lend seriousness in obtaining a concrete definition to the term. Such complexity in defining the term arises out of various aspects including the fact that the term is highly subjective, emotionally and politically charged whose meaning is relative to one's political ideology and agenda and even one's culture (Best & Nocella II 2004:3).

Thirdly, the application and usage of counter-terrorism with Counter-Insurgency (COIN) in the elimination of the asymmetrical threat subdue the counter-terrorism literature from gaining conceptual clarity. In recent year, counter-terrorism occupies an essential component in counter-insurgency. In most of the COIN operation, states institution employs counter-terrorism tactics of defeat, deny, diminish, and defend within the COIN model (Rineheart 2010:41, Pechenkina & Bennett 2017). Michael Boyle, while questioning the compatibility of counter-terrorism and counter-insurgency, states that both the strategies are fully compatible and mutually

reinforcing (Boyle 2010:342). Such conceptual overlap is nothing new. The British COIN strategy in Malaya was conducted purely following the manual of counter-terrorism. Both the concept shares similar goals of employing violent action not as a means to compel but as a method of communication in gaining legitimacy for their ideas amongst the targeted audience.

Despite the reasons, the similarity and usefulness classification of counter-terrorism policy choices provide suboptimal usefulness in knowing counter-terrorism. Such classification of counter-terrorism policy choice of states and organisation adds a useful analysis to the construction of a comprehensive conceptualisation of counter-terrorism. However, basing from the limited conceptual discussion, counter-terrorism employs some fundamental core principle which acts as a contour in the deliberation of a successful operation. Such principles are taken from the existing typologies and take into account the policy responses attuned to counter-terrorism.

1.2 Fundamental Principles of Counter-Terrorism

The orientation of counter-terrorism action is formed around some fundamental principles. These fundamental principles act as a contour in the deliberation of counter-terror operation.

a) Legitimacy

One of the main principles of counter-terrorism constitutes the legitimacy of the specific audience in considering the legality, morality, or rightness of its action. Such legitimate counter-terrorism operation provides an accountability mechanism in its action within the public authorities, which in course supplements and strengthens the

goals of counter-terrorism in isolating the threat. Moshe Yaalon, in his address at the intelligence Summit in Virginia, refers that:

In the war against terror, a nation's ability to operate depends on the legitimacy of its cause. Democratic societies are particularly sensitive to the use of force. When force becomes necessary, it is, therefore, crucial that it be utilised wisely to maintain its legitimacy (Yaalon 2006).

In the course of maintaining legitimacy, a high level of creativity, flexibility, and accountability are very much vital. Such accountability within the action of the public authorities increases the efficiency and effectiveness of counter-terrorism action. Similarly, the lack of significant legitimacy of the public audience increases the ineffectiveness of the counter-terrorism action. It brings counter-productive action by violating human rights. Furthermore, the lack of accountability also undermines the audience confidence in the counter-terrorism action, thereby enabling impunity of the states actors for unlawful actions.

b) Objectives

A clearly defined, decisive, and achievable goal constitutes another vital principle in counter-terrorism action. Such objective directs counter-terrorism operation towards a clearly defined and achievable goal. Indeed, the preemptive action against terrorism lies at the heart of the operational concept of counter-terrorism. Such a clearly defined goal helps in building collaboration and unity of effort during a counter-terrorism operation.

c) Collaboration

The third vital principle of counter-terrorism involves the collaboration between different departments and agencies in ensuring the unity of effort via coordination, cooperation, and information sharing. Such an effort helps in increasing a better understanding of the operational environment and the operational capabilities of forces conducting the counter-terrorism operation. Similarly, as terrorism often transcends national boundaries, counter-terrorism action also includes the involvement of interagency and states partners. Such involvement creates a better understanding of the nature of threats and solution to address these threats through significant intelligence and information sharing and capacity building programs.

d) Balance and Precision

The fourth vital principle of counter-terrorism is providing a balance and precision to the type and scale of operations. Such action creates the appropriate type, scale, and effectiveness of the operation, thereby preventing the risk of eroding the other three fundamental principles of counter-terrorism. The fundamental of balance and precision plays a scalable, significant, and critical part in any counter-terrorism operation (Romaniuk 2010:13-14). Balance, for instance, plays a critical role in justifying the effectiveness of the counter-terrorism action since overly offensive action risks eroding the legitimacy of its audience, and overly defensive action might cede time and space to terrorists to grow into vulnerable threats. On the other hand, precision helps to limit unnecessary collateral damage during counter-terrorism operations.

1.3 Goals of Counter-Terrorism

At the backdrop of the fundamental principle of Counter-terrorism intending to neutralise terror acts, its networks and organisation, state institution objectifies four essential counter-terrorism goals. These four goals or the so-called 4 D's, i.e. Defeat, Deny, Diminish and Defend, helps states to strive a common platform in combating terrorism and secure its national interests. These goals indicate the preemptive options of the state institution against the terrorists from rendering them incapable of using violence to achieve their goals while using all available means at its disposal.

a) Defeat

The first goal of the 4 D's involves defeating terror organisation through the direct or indirect use of the states available instrument of power. The strategy encourages the state to use all its resources to defeat networks and prevent the spread of violence. An analysis of the defeating terrorism confirms that the options like isolation of the terror activities, political pressure, economic sanction have somewhat succeeded in containing the scope and capability of the terror groups from using violence. However, the broad expansion of the terror group and their network has curtailed the state's capability in containing the violence. It calls for an effort to identify the terror groups and their sanctuaries, locate their organisation, and the ability of the state's forces to plan and destroy their capacity to conduct any acts of terror.

b) Deny

The second goal of counter-terrorism constitutes denying sponsorship, support and sanctuary to the terror organisation that enables them to gain strength in executing their motives. Such moves help in choking off the lifeblood of terrorist groups and

their access to equipment, funds, and training. Subsequently, the action weakens the organisation and their ability to conduct any terror operations. The U.S. National Strategy for combating terrorism stresses that the strategy to deny such actions consist of three-fold. First, the strategy focuses on the state's responsibilities to fulfil their obligations concerning combating the terror threat domestically and internationally. Second, it helps in assisting states who are willing to combat terrorism but may not have the means to do it. Third, it help in convincing the reluctant states that fail to meet the obligation to deny support and sanctuary to the terrorists by proving cooperation and assistance.

c) Diminish

The third goal of counter-terrorism comprises of the collective efforts at all level to diminish conditions that are favourable to the terrorists in sustaining their objectives of causing violence. Such action is possible by enlisting the international community to focus its efforts and resources in combating the threats through the channel of engagement and cooperation with partners and allies who are at the forefront of the list. Focus is also be given to the weaker states where the chance of reemergence of terrorism is high possible.

d) Defend

Nation collective efforts to defend its sovereignty and national interests constitute the final goals of the counter-terrorism. In the age of interconnected technological world wherein distance and border provide minimum protection, one should be ready and prepared to defend its national interest at all cost from any vulnerable threats. Such action encompasses the capacity of the state to identify the threat, enhance

coordination between various departments, detect any threats before they mature. Such a complex mission encompasses the involvement of Law enforcement, intelligence network, coordination, and focused effort from the society to reduce the threat vulnerability.

1.4 Approaches to Counter-Terrorism

Under the fundamental principles of counter-terrorism manual and the goal of securing direct and continuous action against the terror threat, state institution employs various approaches at its disposal in conducting counter-terrorism operation. Such approaches can be categorised into hard policy approach, soft policy approach or a blend of both in some cases (Martin 2016:375).

1.4.a Hard Policy Approach

The hard-line policy of counter-terrorism is the most appropriate counter-terrorism strategy known to us to date. It involves the use of forces as a tactical strategy in combating the use of violence with no compromise and negotiation acknowledged. The policy is often hailed as ‘war model’ and sticks purely with the military terms of an enemy centric doctrine wherein the security forces of the states are primarily in charge of developing counter-terrorism policy (Rineheart 2010:37). Such policy as Grattan calls ‘the best first response to terrorists’ offers the military, security forces and law enforcement agencies an active part to disrupt terror plots by employing offensive and defensive measures (such as suppression and covert operations) in rendering terrorist off balance, disrupting and destabilising the threat of use of violence (Grattan 2018). Similarly, Graeme and Gunaratna also highlight that:

The hard policy model place a stronger emphasis on restraining or countering terrorism rather than upholding liberal democratic rights. Viewing terrorism as an act of revolutionary warfare, the onus for response is placed on the military, ranging from using elite Special Forces, retaliatory strikes, and large troop deployment. The reasoning behind this is that because terrorists are waging war, the state must deploy its war-fighting capability in order to counter the problem effectively (Steven & Gunaratna 2004:101).

However, not diminishing the positive side of the hard-line policy, there are also drawbacks to this strategy. More than being an ideal choice, the policy presents more incapacitating than being beneficial (Rineheart 2010:38, Ejime 2017:6). The military engagements in counter-terrorism have tended to be more unsuccessful and even counter-productive, causing collateral damage and civilian casualties in return. There are issues of the legal use of force, the protection of civil liberties, the legal ramification of forces taking policing role and a large expenditure of military budget.

1.4.b Soft Policy Approach

On the other hand, the soft policy approach presents an alternative to counter-terrorism literature, which is more flexible and idealistic. The approach includes the effective use of diplomacy, capacity building, economic development programs, intelligence sharing and cooperation among states as a conceivable option viz-a-viz the tactical option of using the military means. The soft policy option prioritises the preservation of democratic principles as being the fundamental premise in facilitating disengagement and rehabilitation process and resolving the underlying problems leading to the use of violence. In this strategy, the application of the use of force or

any repressive methods is very much limited. Instead, the focus is given to the initiative like engagement, capacity building program and legal measures which might have some influence on terror groups from turning themselves into community engagement. The case of Lebanon providing political engagement initiative to the group like Hezbollah, Central American initiative in decommissioning the Farabundo Marti National Liberation Front (FMLN) militia in the 1990s or the signing of a peace deal between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) in 2016 sets few examples of the success of the soft policy approach to counter-terrorism. Such approach pushes terrorist to overcome their isolation and involves in a discussion process (Frey 2017:32).

Similarly, the legal measures like the United States National Strategy for combating Terrorism Report of 2003, U.S. Anti-Terror Strategy and the 9/11 Commission Report of 2004, European Union Counter-Terrorism Strategy 2005, the United National Global Counter-Terrorism Strategy 2006 reflects the importance of legal measures in countering the rising threat of terrorism (Perl 2005, Abrahamsson 2012:31). These measures pledge the states to use the soft policy options to frame strategy and operational approach in its fight with terrorism. However, the soft approach to counter-terrorism also suffers from various setbacks and criticism. This include infringement of individual rights, discordant with human rights on the ground of being discriminatory, non-compliance in sharing resources and data between the states and lack of commitment in cooperation between the states.

In the recent year, the hard and the soft approaches of counter-terrorism have only been a useful way to characterise and analyse counter-terrorism initiative. With terrorism assuming a complex and sophisticated dimension, the sole approach to

counter-terrorism does not culminate or provide the ultimate response against terrorism. Although military action looks attractive as the primary source to counter-terrorism, however, it has caused more damage than repair. On the other hand, capacity building and cooperation alone become an empty initiative without military means in counter-terrorism. Therefore, a blend of responses employing a combination of hard and soft responses are yielding a better result (Rineheart 2010:38, Ejime 2017:13). Acknowledging the importance of a multidimensional approach to counter-terrorism, Rohan Gunaratna and Graeme C. S. Steven state that:

The response needed is a multidimensional counter-terrorism capability—including preventative economic, military, legal, political, punitive, social, psychological, and communication measures. These measures must deal with every possible aspect of terrorism and means to counter it. A mechanic would not respond to a call of a car breakdown with only a wrench but would take a whole toolbox in preparedness for any situation or possibility causing the problem (Steven & Gunaratna 2004:122).

Presently, countries are diplomatically engaging and cooperating with military mean acting as the short-run response dealing with the immediate problems created by a terrorist attack.

1.5 Counter-Terror Cooperation

Keeping aside the effectiveness and drawback of the doctrine of counter-terrorism, the point to consider here is counter-terrorism as an essential component of counter-insurgency provides a useful framework in the fight against terrorism. This short and

swift tactic of dismantling, denying, disrupting, and defeating terror organisation gives counter-terrorism a legitimate objective of being a direct operational strategy toward a clearly defined, decisive, and achievable goal. The employment of such a tactic using effective collaboration and unity of effort with a focus on using the scarce resources efficiently has aided our better understanding of the concept of counter-terrorism and its underlying practical tools and policies. Moreover, with the advent and the effective use of varying counter-terrorism policies by different states, it has enriched our research literature in studying state responses and methods of identifying the threats and responses. However, the changing nature and character of terrorism where groups takes the advantage of cross-border and transnational linkages, it endeavours the state institutions in harnessing the importance of cooperation and engagement of different actors and institutions in the field of counter-terrorism.

1.6 Importance of Counter-Terror Cooperation

The rise in the growing threat of terrorism associated with links beyond the borders of the affected states has pushed the counter-terrorism research literature in search of new approaches that can pose a severe challenge to the rising yoke of terrorism. In this regard, the need to strengthen engagement and cooperation between states and institutions at all levels has emerged as an ultimate objective of the current counter-terrorism efforts. Such option comes in the frame of the shifting nature of the threat from conventional warfare (war between states) to irregular warfare whose state of engagement is very complex and inimitable and bringing severe challenge on the part of the state machinery to deal with such nature of threats. In this regard, the need for cooperation at all levels becomes the central tenant to counter-terrorism efforts.

Conceptually, in the field of international relations, Cooperation has always been a cause of disagreement between different theoretical foundations, particularly between Realism and Liberalism. The Realist school of thought, theoretically formalising the 'Realpolitik of Statesmanship' projects conflict over cooperation in the existing state of anarchy. They believe that the world politics in which we live is always and necessarily a field of conflict among the actors pursuing power. As such, in the pursuit of power and survival, the reluctance to achieve cooperation with any other states is very complicated. On the other hand, Liberalism, the anti-dote to realism works on the assumption that there is potential to cooperation despite actors vying for power. They are of the view that war or the pursuit of power can be contained if the anarchical condition is reduced. It can be done by creating international organisation and institutions, which can promote rule and laws for the advancement of cooperation between actors.

Exemplifying more on the concept, Robert Keohane states that cooperation occurs 'when actors adjust their behaviour to the actual or anticipated preferences of others, through the process of policy coordination' (Keohane 1984:51). Indeed, Keohane claims that cooperation should not be viewed in the absence of conflict, as without the spectre of conflict, there is no need to cooperate. In this regard, cooperation takes place only in the situation in which actors perceive that their policies are actually or potentially in conflict bringing rewards and benefit for all the states. Following Keohane, several academic efforts have sparked a common interest in defining cooperation on the accepted common denomination of the phenomenon .i.e. actor adjusting one's behaviour to the preferences of others, through a process of policy coordination. Such effort has created a subject of interest amongst the states to organise cooperation in economic and security affairs.

In the security context, Cooperation is covering an increasing amount of transnational activity, and scholars are positively acknowledging it. The fact that counter-terrorism policy drawn on the national or the unilateral basis has failed to deliver the results in the event of the cross-border and transnational linkages have uptick the element of cooperation as a new approach in the counter-terrorism literature. Romaniuk, while discussing the importance of cooperation in counter-terrorism states that despite the unilateral response to terrorism characterised by national policies and processes, multilateral cooperation plays a prominent part in counter-terrorism (Romaniuk 2010:591). With the rise in nature and activity of terrorism associating with motivation, financing, and support mechanism, it brings a compounding challenge on the unilateral response and strategy. Such factor encourages states to harness cooperation as a framework of uniting states against fighting terrorism. Under cooperation, states preferred grouping of like-minded states to such threat operating at international, regional, and bilateral levels. These states recognise the shared principle of engagement derived from cooperation as an element in building a robust framework between nations against terrorism that otherwise looked unfeasible.

Expressing on this line, Cordesman while studying the importance of cooperation in counter-terrorism states that the nation cannot deal with terrorism unilaterally unless they cooperate. Terrorist groups have shown that they can quickly move across national lines, can find sanctuaries in the nation that has the weakest link and exploit the differences between nations and cultures as weapons (Cordesman 2006). As such, the culture of unilateral counter-terrorism response with sole reliance on national defence and response capabilities (although critical) does not provide enough response mechanisms in fighting a battle that has span the globe. Cooperation that cuts across cultural, ethnic and religious lines brings an effort on the part of different

states to institutionalise their approaches in their fight against terrorism. Similarly, Omelicheva, while studying the prominence of counter-terrorism in the context of the broader scholarship on terrorism also expresses that counter-terrorism should not stop at borders. As the threat of terrorism blurs the boundaries between internal and international security, the concept of counter-terrorism should also blur the distinction between foreign and domestic policy (Omelicheva 2007). In this regard, the act of imagining for effective counter-terror policies drawn on a unilateral level viz-a-viz the growing definition of terrorism is difficult to imagine.

Similarly, in recent times state institutions have also emphasised the importance of cooperation in combating the rise of terrorism. The 2004 U.S Department Annual Terrorism Report and the 2006 National Strategy for Countering Terrorism stresses the importance of cooperation as an integral aspect of a national strategy for combating, defeating, and eliminating terrorism. It lays the foundation in building necessary institutions and structures which can ensure success in its fight against terrorism. Such sheer volume of norms and capacity building activities surrounding counter-terrorism cooperation through wide-ranging institutions and agencies has created an actual fabric in fostering counter-terrorism efforts backed by cooperation, assistance, military and law enforcement and economic ties.

1.7 Levels of Counter-Terror Cooperation

Cooperation as a new approach in counter-terrorism gives states a functional nudge in building institution and agencies at different levels that can help in building common interests on the matter of combating terrorism threat. Such levels of cooperation in counter-terrorism offer an excellent window of opportunity to the engaging states in delegating greater responsibility towards a networked dynamic of agencies and

institutions affairs in its fight against terrorism. The synchronisation of such dynamic institutions adopting cooperative strategy enables coordination and trust amongst the engaging states in its fight against terrorism. At the outset, counter-terrorism cooperation takes at two levels. These include:

1.7.a Counter-Terror Cooperation at the Diplomatic Level

Diplomacy, a tool of International Relations, has emerged as an essential discipline after the First World War in extending interstate relations. Since then it has become a useful tool in conducting negotiations, holding discussions between or amongst the representatives of different countries and inter-governmental organisation. Diplomacy, in this regard, is the conduct of international relations by negotiation and dialogue or by any other means to promote peaceful relations among states (Cornago 2008:574). It consists of a set of practices and institutions, which plays a crucial role in understanding the functional and normative needs of the states and in building political will and strengthening international cooperation. In the field of international relations, diplomacy plays a vital role in conducting discussion and exchange of ideas between the representatives of the states to build confidence and political rapprochement. It is the main instrument of the foreign policy of a nation. It represents the decision, goals and strategies of the states conveyed through the medium of dialogue, negotiations and other non-violent means.

Diplomacy has played a vital role in promoting counter-terrorism cooperation between states serving mutual interests. It has occupied the most central tool to ensure cooperation in fighting the war on terrorism. It has build capacity that bolsters the capabilities of their allies in the event of any emanating threats. In fact, in the post-cold war period wherein the nature of the threat has shifted to asymmetrical warfare,

diplomacy is primarily considered as a vital postmodern tool of statecraft (Fatima & Khan 2018:9). Such tool offers new opportunities for interaction at a larger audience by adopting a multi-centric global system of interdependence between states. It involved not just the responsibility of professional diplomats in foreign ministries, but officials performing other specialised and counterterrorist-related functions (Pillar 2001:10).

Almost most of the states have harnessed the capacity of diplomacy in their fight against terrorism. Such diplomatic capacity has provided a basis for practical cooperation on matters where national jurisdictions have overlapped. Most of this diplomatic cooperation occurred at the multilateral, regional, and bilateral forums.

1.7.a.(i) Multilateral Level Counter-Terror Cooperation

The multilateral cooperation on counter-terrorism constitutes the first institutional form that offers the states to coordinate and cooperate in its fight against terrorism based on the generalised principle of ‘coordination’ and ‘conduct’. These principles drive its member states to cooperate and coordinate as professional peers in its fight against terrorism. According to Millar, multilateral cooperation on counter-terrorism has gained a new strategic framework that offers its member states respective roles of agenda-setters at the top political levels of government and the working-level experts whose command of intricate practicalities is so essential to implementation (Millar 2010). Post 9/11 incident, there has been an unprecedented uptick in multilateral counter-terrorism cooperation with the United Nations at the centre adopting new rules and norms. The embracing of the Resolution 1373, adopted in the aftermath of the 9/11 incident wherein the United Nations promptly adopted for the creation of Counter-Terrorism Committee (CTC) requiring all the member states to frame steps

necessary in countering terrorism provide the finest example in this regard. Furthermore, in 2006, the United Nations, in continuation with its fight against terrorism, adopted the Global Counter-terrorism Strategy enhancing the importance of national, regional, and international efforts in countering the threat. The strategy urged all the member states to take individual and collective effort to build a common strategy and operational approach concerning terrorism.

Such step provides the importance of the multilateral initiative towards countering terrorism in the present situation. The adoption of a global counter-terrorism strategy articulating the importance of different stakeholders and expertise provides the finest example of 'global multilateral counter-terrorism umbrella' (Millar 2010).

1.7.a.(ii) Regional level Counter-Terror Cooperation

The regional counter-terrorism cooperation constitutes the second level that delivers the objective of harnessing shared responsibility and shared commitment in countering the threat of terrorism. Lined up on the substantive understanding of the region and the knowledge of the contextual issues it reflects the importance of the regional cooperation to counter-terrorism (Romanuik 2010:110). Indeed, regionalism implies the initiative of meeting the security needs of the region via the modicum of regional cooperation. Such content creates a regional security complex defined in terms of security interdependence where positive interdependencies among its member states make it inconceivable for terrorism to prosper. Regional organisations like the European Union (E.U.), African Union (A.U.), South Asian Association for Regional Cooperation (SAARC), Association of Southeast Asian Nations (ASEAN), lined up on its robust counter-terrorism structure, law authorisation, and political

organisation puts a great deal of emphasis on augmenting regional cooperation to counter-terrorism.

However, the role and the effectiveness of the regional organisation in forging interdependence have been slow to materialise on the issue of mutual interests. Although numerous declarations regarding the need for greater collaboration among states on the terrorism-related issue, the presence of the paired antagonist amongst the member states have failed to guarantee sound cooperation (Gordon 2009:75, Rosand, Fink & Ipe 2009:8). Gordon in his article while examining cooperation against transnational crime and terrorism in two regional bodies, i.e. ASEAN and SAARC argues that despite the presence of cooperation, there are still raw antagonism and lack of confidence in their cooperative mechanism (Gordon 2009:78). Similarly, Millar in his article highlights that despite the end number of declarations explaining the need for greater collaboration among states in the region on the issue related to security, however, the actions have been minimal (Millar 2009:18). Despite the criticism, regional counter-terrorism cooperation plays a strong force in countering the threat of terrorism under the advent coordination of multilateralism, which acts as a foundation.

1.7.a.(iii) *Bilateral Level Counter-Terror Cooperation*

Bilateralism, the third level of cooperation is the most established platform in promoting direct engagement on the issue of mutual interests. Indeed, bilateralism provides a helpful and healthy working relationship between two nations on the principle of trust. In the realm of terrorism, bilateralism significantly takes the onus of being the functioning channel amongst the three-level of cooperation. This is because the bilateralism provides a broad-based approach that works to establish a standard set

of objectives as a basis for cooperation. It results in the creation of networks based on a spirit of partnership, and equal terms wherein the participating nation meet consistently, hold respective gatherings at regular interval with its partner in a conciliatory and careful channel.

1.7.b *Counter-Terrorism Cooperation at the Military Level*

The military role also occupies an important place in counter-terror cooperation. It induces operational and tactical efficiency in handling threat situation through interaction between security forces. It enhances in building nation interest and capacity through military-to-military relationship and exchange programs. It generates the practical goodwill gesture between the security forces and fosters greater interoperability for various contingencies. Such an approach involves cooperative initiatives by national defence establishments and military practitioners to achieve positive outcomes in the development of bilateral and multilateral relationships (Murray & Blannin 2017:6).

Military cooperation with allies takes different forms. It consists of training security forces of other states, the supply of military equipment, exchanges, sharing information related to intelligence network, capacity building programs, and launching joint counter-terror operations. Such form helps to rationalise the development of a particular military capability between the states to achieve significant results. However, such form requires an extensive network of communication channels, knowledge and field experience. It also demands a continuous and active pursuit of possibilities in retaining military capabilities.

In the conduct of the counter-terror cooperation at the military level, few factors cover the cooperation pattern. These include:

a) Trust and Confidence

One of the foremost factors that define successful military cooperation or any joint military operation is trust, confidence, and solidarity amongst the partners. Such factor helps in building confidence amongst its allies in the conduct of the operation. Partners must be sure that they can rely on each other without any hidden agenda since confidence and solidarity is the crucial ingredient in any joint operation.

b) Similar Strategic Interest

It constitutes one of the primary factors in the development of counter-terror cooperation between any nations. A nation extends joint security operation based on similar interests and expedition mentality. Such interest builds trust and confidence among the partner. Countries enhancing counter-terrorism cooperation should have the same intentions and interests led by open and transparent goals with realistic objectives. Subsequently, partners should also have seriousness in their approach to accepting the risks and losses that the result of the cooperation entails.

c) Strong Leadership and Commitment

Another essential factor that covers military cooperation is the presence of strong leadership at the political and military level. The presence of strong leadership quality along with personal relations between the head of the states play an essential part in building an effective cooperation mechanism between partners. Similarly, the states

may lose good personal relations due to the outcome of elections or sudden changes. Such changes lead to reversing or ending the cooperation model.

1.8 Survey of Literature

The focus of the proposed work is to understand counter-terror cooperation in India-Myanmar relations. On the broader level, there are many available pieces of literature on the general understanding of counter-terror cooperation and its importance in countering the threat of terrorism. However, at a specific level, there is still a knowledgeable gap in constructing and presenting the concept of counter-terror cooperation between India and Myanmar. Therefore, under the proposed study, several pieces of literature have been reviewed to find out the knowledgeable gap. The study is divided into two themes: the first theme will cover the general understanding of the concept of counter-terrorism and counter-terror cooperation. This is done to bring conceptual clarity and build a framework for the proceeding chapters. The second theme covers the India-Myanmar security situation (particularly the rising terror activity) along the borders marked by porous boundaries and cross-border activity. In this regard, the theme will cover the case of urgency for counter-terror cooperation between the two nations. By doing this, the following will try to give a direction to the flow of the chapters.

In Gus Martin's book *Understanding Terrorism: Challenges, Perspectives, and Issues*, 5th edition (2016) he provides a useful appraisal to the proper meaning of terrorism by engaging and exploring the opinion of nations, institutions and individual experts. He makes a genuine exploration of the study by bringing in new perspectives on counter-terrorism strategies and policies to combat the threat of terrorism. Martha Crenshaw's book *Explaining Terrorism: Processes and Consequences* (2011) tries to

integrate the discussion on contemporary development in the study of terrorism. The book tries to explore the development of Crenshaw's thought in the areas of defining terrorism by producing a useful categorisation of terror and violence through a comparative and historical analysis. It also identifies the causes, methods, approaches and counter-effective measures concerning countering the terrorism threat.

Similarly, Walter Laqueur's book *A History of Terrorism* 3rd edition (2002) tries to show that the study of the history of terrorism was not an idle pursuit but helped to shed some light on specific problems such as the conditions under which terrorism tends to occur and the circumstances in which it prospered or failed. Indeed, Laqueur brought forward his statement that the history of terrorism does not offer a clear cut lesson in studying the phenomenon as the conditions that surround the development of terrorism differs with time and place. Alex Schmid's article *Terrorism-The Definitional Problem* (2004) and Bruce Hoffman's book *Inside Terrorism* (2006) also proposes that the case to define terrorism is not so easy as each definition of terrorism contains particular views and vested interests followed by historical analysis for the use of violence. In this regard, there is an ambiguity over the lack of universal acceptance to the term.

Within the mainstream debate, there are emerging works of literature in the establishment to look terrorism from the point of tactical strategy in the rising asymmetrical warfare wherein variety of actors uses terrorism as a tactic in achieving their specific goals. Ekaterina Stepanova's report *Terrorism in Asymmetrical Conflict: Ideological and Structural Aspects* (2008) comments that terrorism should not be considered as a political goal in itself. Instead, terrorism should be looked upon as a specific strategy or tactic of actors in achieving their political goals. David Galula's

work *Counterinsurgency Warfare: Theory and Practice* (1964) states that in the event of getting publicity for the insurgency movement, terrorism occupies the most commonly and systematically employed tactics to the insurgents. Such a strategy, therefore, gives terrorism a strategic variation to the asymmetrical warfare in instilling fear and achieving their goals. Seth G. Jones and Patrick B. Johnston's article *The Future of Insurgency* (2012) makes an argument based on their quantitative and qualitative data examination that insurgent groups exploit a range of asymmetrical strategies and tactics like terrorism since they are a useful tool against their adversaries when vital interests are at stake. Ashley Jackson's article *Global Insurgency and the New Foreign Policy* (2010) assess a similar problem with the ways we view the present insurgency threats. He is of the view that the most significant security threat of the present time emerges from insurgency with terrorism as its unique tactics.

Therefore, as the terrorism threat evolves from ideology-driven political violence to tactic or strategy of asymmetrical warfare, the response mechanism of the state institution also need an alteration. Bruce Hoffman's article *Terrorism and Counter-Terrorism Since 9/11* (2002) comments that the real patterns of terrorism in contemporary times have unfurled lately influencing the future course of political viciousness. In this respect, Hoffman insisted on staying one step ahead of the counter-terrorism response so that it can compel the modus operandi of terrorism. Similarly, Eric Rosand's article *Security Council Resolution 1373, the Counter-Terrorism Committee and the fight against Terrorism* (2003) denounce the rising terrorism threats. It identifies the responsibility of the United Nations and the Security Council to fight such menace. Indeed, Rosand expresses that with a specific end goal to counter and combat the terrorism threat, the United Nations adopted the Resolution

1373 under which it encouraged all its member states to create uniform obligations to the United Nations to abide by the international counter-terrorism conventions and protocols. Following the counter-terrorism model, state institution employs different means including the hard strategy(military means) or the soft strategy(policy coordination, engagement and coordination) to tackle the menace. Works like David Ochmanek research report *Military Operations against Terrorist Groups Abroad: Implications for the United States Air Force* (2003), Raphael Ejime's article *Countering Modern Terrorism: Military and other Options* (2017) incorporate the importance of hard strategy in counter-terrorism wherein the use of force is considered as the most appropriate strategy in combating terrorism. Such a strategy is best suited to accomplish the objective of eliminating much of the terrorism dilemma.

On the other hand, works like Raphael Perl's *U.S. Anti-Terror Strategy and the 9/11 Commission Report* (2005), Michael G. Findley and Joseph K. Young *Fighting Fire with Fire? How (Not) to Neutralise an Insurgency* (2007), Bruno Frey's *Countering Terrorism: Deterrence vs More Effective Alternatives* (2018), presents soft strategy as an alternative to the traditional counter-terrorism strategy. Such policy is flexible and idealistic and includes the effective use of diplomacy, capacity building and development programs and cooperation and engagement formulae.

However, in the globalised world of interconnectedness marked by the changing nature and character of terrorism in the period of irregular warfare wherein groups are plotting the advantage of different means including the cross-border and transnational linkages it has enriched our literature in harnessing the importance of cooperation and engagement of different actors and institutions at different levels in the field of counter-terrorism. Such levels of cooperation bring a functional push between states

in instigating trust and shared interests and offer an acceptable window for the states towards building a network of affairs against terrorism. At the multilateral level, works like Peter Romanuik's *Multilateral Counter-Terrorism: The Global Politics of Cooperation and Contestation* (2010), Alistair Millar's *Multilateral Counterterrorism: Harmonizing Political Direction and Technical Expertise* (2010), John Karlsrud's *Towards UN counter-terrorism operations?* (2017), Peter Romaniuk's *Institutions as swords and shields: multilateral counter-terrorism since 9/11* (2010) provides an assessment of multilateral responses to the threat of terrorism. Such effort focuses on devising a clear and effective collaboration between its member states in developing counter-terrorism standards and practices. Next to the multilateral counter-terrorism response is regional. It is driven by the initiative of meeting the security needs of the region based on having an immense understanding of the region. The work like Arabinda Acharya's *India and Southeast Asia in the Age of Terror: Building Partnerships for Peace* (2006), Xiaohui (Anne) WU's *A Regional-Global Paradigm for Implementing the United Nations Global Counter-Terrorism Strategy* (2009), Eric Rosand, Naureen Chowdhury Fink, and Jason Ipe paper, *Countering Terrorism in South Asia: Strengthening Multilateral Engagement* (2009), Sumit Ganguly's *Counter-Terrorism Cooperation in South Asia: History and Prospects* (2009), Alistair Millar's *Developing Regional Counterterrorism Cooperation in South Asia* (2009), Gen. V.P. Malik's *The Need for Enhanced Regional Responses to Terrorism in South Asia* (2009), Md. Nasir Uddin, Maksuda Khatun, Dr Faizer Rahman and Dr Kazi Wazir Hyder's *BIMSTEC for Countering Terrorism and Transnational Crime: An Insight from Bangladesh Perspectives* (2015) reflect the importance of regional cooperation in counter-terrorism. Such regional interdependence based on its robust counterterrorism structure and

legislations puts a great emphasis in augmenting the importance of regional initiative against terrorism. Bilateral constitute the third tier in the counter-terrorism cooperation. It provides the best working relationship between the states working on the issue of mutual importance. Arie Perliger and Daniel Milton's article *Fighting together? Understanding bilateral cooperation in the realm of counterterrorism* (2018) highlights that there has been very little focus on when and why nations cooperate in counter-terrorism. Indeed, through the article, the authors try to develop a conceptual framework in identifying different ways and means in which the states cooperate in counter-terrorism. Richard Walton's article *The Importance of Bilateral Collaboration in International Counter-Terrorism Investigations* (2017) also highlight the importance of the state to state cooperation in upstreaming counter-terrorism. Walton projects that the terrorist organisation of today (for, e.g. Al Qaeda and ISIS) continues to morph and evolve in the fragile and ungoverned spaces occupying a loosely networked organisation with global reach and influence. Under such circumstances, the dependence on the bilateral cooperation network occupies a central position in responding with its speed and efficient network.

The second theme covers the India-Myanmar security situation (particularly the rising terror activity) along the borders marked by porous boundaries and cross-border activity. In this regard, the theme will cover the case of urgency for security cooperation between the two nations. By doing this, the following will try to give a direction to the flow of the chapters.

On the context, the study focuses the attention of situating the concept of counter-terrorism cooperation in broader India-Myanmar relations. India and Myanmar share a unique and cordial relation due to the presence of historical relations wherein

Myanmar was part of India from 1885 to 1937, the presence of significant cultural bonds bounded by the geographical closeness. Rajiv Bhatia's work *India-Myanmar Relations: Changing Contours* (2016) provides a comprehensive evaluation of India's multi-facet relationship with Myanmar. It traces the historical backdrop of Myanmar, the substance of respective relations and the effect of an India-China problem on Myanmar as well as the future course of India-Myanmar relations. Bhatia likewise also comment that Myanmar is an underrated neighbour with the possibility to impact India's crucial key and financial interests. It is India's nearest Southeast Asian neighbour that has significant untapped potential. Preet Malik's book *My Myanmar Years: A Diplomat's Account of India's Relations with the Region* (2016) brings an account of India's relations with Myanmar bounded on cultural, historical and political consciousness. The book provides an in-depth analysis of the geostrategic importance of Myanmar to India and the Look East policy in particular. Thant Myint-U book *Where China meets India: Burma and the New Crossroads of Asia* (2011) gives a vivid illustration of Burma (Myanmar) that has become the geopolitical centre of the world. The book portrays that in the changing world affairs, the region has received a significant reorientation from India and China who have changed with time towards the military Junta.

Similarly, Thin Thin Aung & Soe Myint's article *India-Burma relations* (2001) brings the history of Indian influence in Burma since ancient times. The article projects the presence of mutual contact between India and Myanmar in terms of trade, commerce, religion and culture before independence. In doing so, the author attempts to map out policies and bring out factors behind the policies of New Delhi towards Myanmar during British rule to the post-independence period.

Behind the trust-building relationship between India and Myanmar, there emerges a need to calibrate the bilateral relationship to a new height in the shifting nature of world politics and the rise of new security threats that requires a collaborative effort from different actors. Brahma Chellaney's article *India: Regional Security Challenges* (2010) brings a discussion on the rapidly changing strategic landscape of Asia and the various security challenges that India perceives in the regional context. Chellaney is of the view that Asia's changing landscape is accentuated by China's transforming role in the region supported by the presence of weak security mechanisms, increasingly fervent nationalism and diverse cross-boundary trends (like terrorism and illicit drugs and refugee flow) in the region. Renaud Egreteau's article *India's Ambitions in Burma: More Frustration Than Success?* (2008) brings the case of India's regional security concern with regard to Myanmar. Egreteau's paper highlights the frustration of New Delhi in achieving its strategic objective in Myanmar despite its pursuance of 'new Burmese Policy'. Egreteau states that India has failed to achieve its objective of gaining strategic and economic benefits from Myanmar. In return, it has faced significant resistance from Myanmar in achieving its foreign policy objective. Bibhu Prasad Routray's article *India-Myanmar Relations: Triumph of Pragmatism* (2011) brings the case of regional security concern to Myanmar-the physical gateway to Southeast Asia. Routray comments that it is in the interest of New Delhi to maintain cordial relations with Myanmar to extend its influence in Southeast Asia and the emerging security concern of Northeastern states. In doing so, the article tries to bring a critical analysis of India's Myanmar policy from being an idealist in the initial period to pragmatism driven by the changing regional security scenario. Similarly, Gareth Price's paper *India's Policy towards Burma* (2013) considers India's internal stability and development as the key

objective of its foreign policy towards Burma. Price is of the view that since Burma's strategic location has attracted several regional competition in gaining a foothold, India's engagement drive in Myanmar, therefore becomes a necessity. Such engagement drive emerges out of several factors, including the direct economic opportunities, China's growing interest in the region and the ambivalent role of Myanmar in relations to militant activity in India's northeast in particular. This engagement drive comes in contact with Myanmar's search for security partnerships with regional neighbours. Helen James article *Myanmar's International Relations Strategy: The Search for Security* (2004) contextualises this analysis. The article examines Myanmar to search for international relations strategy in the context of its domestic reform programme that can accelerate the opening up of its economy and its search for security in the view of changing international environment.

India and Myanmar share a 1640 km long porous border which is under the influence of the militants having cross border connection. Archana Upadhyay book, *The Dynamic of Terrorism in Northeast: India's Fragile Borderland* (2009) gives a dynamic nature of terrorism prevalent in Northeast India. She claims that the birth of terrorism in Northeast India remains fostered by multiple reasons from post-colonial resentment to an increasing sense of cultural identity and perceived discrimination and exclusion by the Indian state. The author hints that these problems have cultivated in the development of small militant groups into an internationally connected and financed organisation in the wave of sharing international borders with China, Myanmar, Bangladesh, Nepal, and Bhutan. On the same context, Rajeev Bhattacharyya's book, *Rendezvous with Rebels: Journey To Meet India's Most Wanted Men* (2014) throws light on the complex history of India's Northeast insurgency, especially the major ones in Assam and Nagaland, their principal leaders

and the shifting alliances between themselves and the governments of our immediate neighbours — Bangladesh, Bhutan, Myanmar, Pakistan and China — who have provided them shelter, arms, and training. Bhattacharyya's inaccessible and dangerous terrain journey to eastern Nagaland in Myanmar gives us a critical assessment of Indian border guards that patrols the India-Myanmar border. Sushil Kumar Sharma's article, *Insurgency in North-East India: External Dynamics* (2014) gives an account of various external power elements in India's neighbourhood supporting the insurgency of India's North-East to weaken the Indian state. The author mentions that the insurgent groups, mainly the Naga rebels, had received moral and material support from China.

Similarly, the sanctuaries in Bhutan and Myanmar have emerged out of the inability of the governments to adequately administer the border areas or deal effectively with the hostile activities of the Indian militants inside their respective territories. The role of the external players in sustaining militancy and the changing external dynamic provides the rebel groups with a road map for the future. Pradeep Kumar Rai article, *Insurgency in North-East India: Cross-Border Connection* (2009) states that the survival of militancy of Northeast India rests directly or indirectly to the cross-border connection with the foreign nations, especially Myanmar, China, Bangladesh and Bhutan due to its geographical proximity with these countries. The author claims that various ethnic factors, forest cover, hilly terrain, networking among militant groups, availability of the porous international border and involvement of foreign power have made the situation more complicated. Othman's article *Myanmar, Illicit Drug Trafficking and Security Implication* (2004) surveys the illicit drug trafficking in Myanmar and its implications on Myanmar's greater security and the Southeast Asian region as a whole. He states that in the event of the permeable border, the illicit drug

trafficking in Myanmar is growing in magnitude and has seriously threatened Myanmar's national security as well as the entire Southeast Asia.

In the face of an effective engagement between India and Myanmar driven by its pragmatic policy orientation in its foreign policy course, cooperation in countering the terror threats become the critical driver to this objective. Pierre Gottschlich article *New Development in India-Myanmar Bilateral Relations?* (2015) argues whether the current transformation processes in India and Myanmar will provide any unique opportunity for the readjustment in New Delhi policy towards Myanmar. Gottschlich states that India-Myanmar relations at present are at a crossroad. The Political transformation in Myanmar, coupled with an apparent desire to diversify its foreign policy reach, could bring new opportunities to India to pursue its interests that have plagued for many years. On the other hand, he is also of the view that the political transformation in India could also benefit Myanmar in the long run. Pushpita Das article *Security Challenges and the Management of the India-Myanmar Border* (2019) highlights that the border region of India and Myanmar is a highly porous, poorly guarded and militant prone region. The region constitutes one of the world's largest opium-producing areas, the vulnerability of insurgents and arms traffickers is at high risks. Despite New Delhi's adequate success response, Das claims that there is an imperative need for India to strengthen its engagement effort with Myanmar for the effective management of its border. Furthermore, Pushpita Das paper *Drug Trafficking in India: A Case for Border Security* (2002) bring out the juxtaposing fact that nexus between the drug traffickers, organised crime network and terrorism have created a powerful mechanism in creating instability in the country. Such nexus has helped in generating the money needed to fund various organisation and movements. In this regard, Das comments that seeking cooperation with its neighbours alongside

enacting stringent laws and physical security of its borders is the most effective suggestion to deal with the problem. Bibhu Prasad Routray paper *Defence Diplomacy between India and Myanmar: State of Play* (2009) seeks New Delhi to go beyond its rhetoric and put more emphasis at the deliverance level. Routray feels that there is undoubtedly a need for more significant efforts from New Delhi's side to formulate a sustained policy of engagement with Myanmar if it wants to remain an important actor in Myanmar vis-a-vis China. Such efforts, therefore, helps in strengthening the bilateral relations to new heights.

On the other hand, the works like Murray and Blannin's *Diplomacy and the War on Terror* (2017), John Blaxland's *Defending Defence Diplomacy* (2014), Goran Swistek's *The nexus between Public Diplomacy and Military Diplomacy in Foreign Affairs and defense Policy* (2012) highlights the importance of military as an essential tool in the foreign policy establishment alongside public diplomacy. They are of the view that military diplomacy induces operational and tactical proficiency against any threat and reinforces the perception of common interests with its allies. Similarly, C. Raja Mohan's paper *Security Cooperation with Myanmar: Prospect and Retrospect* highlight that there has been a phenomenal the heightening of the India-Myanmar relationship in the political and security sphere since New Delhi's reversed policy of constructive engagement with Myanmar military.

1.9 Scope of the Study

The scope of the study is limited in understanding the concept of counter-terror cooperation in India-Myanmar relations. While doing so, the study will look at two case studies, i.e. Operation Golden Bird of 1995 and the Hot Pursuit Operation of 2015 as an instrument in exploring the employability of counter-terror cooperation

concept in India-Myanmar relations. As known, India and Myanmar share a common history, culture and religious tie connected by geographical land and maritime boundary. Such affinity has created a significant factor in building trust and synergy in the changing world and regional affairs. In India's context, the geostrategic location of Myanmar on the cusp of South Asia and Southeast Asia gives a strategic nudge to India in building an array of linkages via its Look East (now rechristened as Act East) policy. Besides, India also looks for an opportunity to keep China at bay in Myanmar as India is well aware of the Chinese presence in Myanmar which has enabled to 'zero-sum game' bringing grim security implications for India. In the Myanmar context, it looks upon India as a decisive factor in its effort to maintain its independent foreign policy posture. Naypyidaw sees India as a significant balancer and a reliable factor in the event of any rising security paralysis viz-a-viz China. The presence of a large number of Indian diasporas and ethnic and religious similarities given its age-old links also gives India a critical position in Myanmar foreign policy perspective.

However, the strategic landscape of the region bordering India and Myanmar constitutes an arc of failing or troubled states characterised by the indigenous uprising with terrorism as its defining feature (Chellaney 2010:158). The location creates a context in which multiple uprising achieves political salience since political boundaries do not coincide with the social boundaries. Many of the armed militant groups in the region have inextricable cross-border linkages to the other side of the borders. The militants take advantage in exploiting these cross-border ethnic ties and global networks factor in fulfilling their objective. The militant groups like the United Liberation Front of Assam (ULFA), National Democratic Front of Bodoland (NDFB), Khaplang factions of National Socialist Council of Nagaland (NSCN-K) from

Northeast India have inextricable cross-border linkages to the western part of Myanmar especially parts of Sagaing Division, Kachin, Chin and Rakhine state of Myanmar.

Considering the elusiveness of India's unilateral response, cooperation in the domain of counter-terrorism have emerged as a fundamental factor in driving the bilateral relations forward. India and Myanmar emphasise the need for enhanced political and security engagement to address and prevent instability in their contiguous areas for the overall development of bilateral relations. Based on the shared commitment, India and Myanmar have conducted two successful joint operations. The first operation was conducted in 1995 under the codenamed 'Operation Golden Bird'. The operation led to the successful disintegration of a large column of militants of Northeast India who were moving huge consignment of weapons to Northeast India. Similarly, the second operation, i.e. Hot Pursuit Operation, was conducted in 2015 in response to the attack on the security forces in Manipur by the militants, thereby pre-empting further terror attack.

1.10 Objectives

- To understand counter-terror cooperation in broader India-Myanmar relations.
- To understand the 'instruments' of counter-terrorism cooperation between India and Myanmar relations.
- To understand 'Operation Golden Bird of 1995' as counter-terror cooperation between India and Myanmar.
- To understand 'Operation Hot Pursuit of 2015' as counter-terror cooperation between India and Myanmar.

1.11 Research Questions

- What explains India's new interest in Myanmar post-Cold War period?
- Where does the counter-terror cooperation fit in the broader new India-Myanmar relations?
- What are the counter-terror strategies and mechanisms between India and Myanmar?
- How successful is the Operation Golden Bird of 1995 in counter-terror cooperation between India and Myanmar?
- How successful is the Operation Hot Pursuit of 2015 in counter-terror cooperation between India and Myanmar?
- What are the successes and failures of India-Myanmar counter-terror cooperation?

1.12 Methodology and Chapters

The study is primarily exploratory, where a historical-analytical method is followed to understand and position the idea of counter-terror cooperation in India-Myanmar relations. In this regard, the study probes into two case studies namely the Operation Golden Bird of 1995 and the Hot Pursuit Operation of 2015 and provides a derivative understanding of the employability of the concept of counter-terror cooperation in broader India-Myanmar relations. The case studies will be analysed, and inferences will be drawn to locate counter-terror cooperation framework in India-Myanmar relations. The study will draw its resources from both primary and secondary sources. Primary sources consist of various reports, treaties, archives and government documents. Likewise, secondary sources like books, journal articles, issue briefs, and online articles have been used to build an assessment of the realness of the research.

The proposed study is divided into five chapters. The introductory chapter lays out the conceptual framework of counter-terrorism and counter-terrorism cooperation in building synergy to the study. The second chapters delineate on the different levels of counter-terror cooperation engagement between India and Myanmar. The third and fourth chapter lays out the two case studies, i.e. Operation Golden Bird of 1995 and Hot Pursuit Operation of 2015. These two case studies will be studied in the context of counter-terror cooperation framework. The last chapter focuses on the challenges and difficulties that India and Myanmar have countered in the realm of security cooperation and more precisely in counter-terror operation. Subsequently, the chapters also highlight the strategies and mechanisms in addressing the situation.

Chapter 2

India-Myanmar Counter-Terror Cooperation

Terrorism is one of the biggest challenges the world is facing today.

The World needs to unite to defeat the menace of terrorism. Narendra

Modi during his visit to France in 2017

Introduction

This chapter outlines the need for enhancing counter-terror cooperation for the overall development of India-Myanmar bilateral relations. In doing so, the chapter looks into the different level of a counter-terror cooperation framework that exists between India and Myanmar. This includes the diplomatic level counter-terror cooperation and the military level counter-terror cooperation, which works in close tandem for significant results. As far as the counter-terror cooperation at the diplomatic level is concerned, it takes place at three levels. Multilateral constitute the first level wherein a group of states (which includes India and Myanmar) based on their normative principle dictates the cooperative activity without any hinge to particularistic interests. Regional constitute the second level wherein India and Myanmar necessitate building synergy in matters related to peace and security of the region. Bilateral constitute the third level that helps in establishing a direct, coordinated approach between India and Myanmar in promoting counter-terror cooperation effort.

On the other hand, the military level of counter-terror cooperation runs its course from the diplomatic engagement between the states with a focus on a standard set of goals and responsibilities. Such cooperation constitutes a set of non-combat activities carried out by the nation's armed forces to advance its national interests through the

various form of joint military exercises and high-level military dialogues. Indeed, military level cooperation provides a substantial boost in the expression of bilateral activities at various levels, thereby offering both the nation with opportunities to improve its relations and extend its diplomatic agenda while simultaneously enhancing its military operational capabilities.

The chapter is divided into three sections. The first section of the chapter provides a historical overview of India-Myanmar relations. The section portrays the close political, social, and geography as a significant factor in the development of bilateral relations. For India, the location of Myanmar presents a strategic bridge for overhauling its foreign policy objectives. Similarly, Myanmar looks upon India as viable options in extending its foreign policy outreach. The second section of the chapter explores the need for counter-terror cooperation between India and Myanmar in the plight of mutual attractiveness and the importance of each other in the changing world politics. In the plight of the expansion of the bilateral relationship through various developmental frameworks and agreements, India feels vulnerable by the strategic landscape bordering Myanmar which constitutes an arc of troubled states characterized by indigenous uprising with terrorism as its defining feature. Such features have overtime created challenging conditions for both the nation in reckoning their mutual importance. Lastly, the third section of the chapter looks into the different levels of counter-terror cooperation that exist between India and Myanmar. In doing so, the chapter outline the existence of counter-terror cooperation effort at two levels, i.e. diplomatic levels counter-terror cooperation and the military level counter-terror cooperation.

Section-I

2.1 Historical Overview of India-Myanmar Relations

India and Myanmar share a history of a common culture, history, ethnic and religious ties. Historically speaking, India and Myanmar relations can be traced back to the 1930s when Myanmar (then Burma)³ was annexed and incorporated as a part of the Indian empire operating under British rule till 1937 (Myint-U 2011:231). The incorporation of two countries under one administration helped in creating a common struggle for independence wherein leaders supported each other's nationalist campaign against British imperialism. Such reasonable effort and close contacts between the leaders of the independence struggle helped in establishing diplomatic relations between India and Myanmar in the post-independence phase. Under the guidance of the personal friendship that existed between Jawaharlal Nehru and U Nu, India and Myanmar remained a close ally particularly under the string of the Non-Alignment Movement (NAM)⁴ when the world was divided into two power blocs, i.e. The Union of Soviet Socialist Republics (USSR) and the United States (US). Geographically, India and Myanmar share a long stretch of the land border (over 1600km comprising of India's four Northeast states, i.e. Arunachal Pradesh, Manipur, Mizoram, and Nagaland shares a boundary with Myanmar) and a maritime boundary in the Bay of Bengal. This significant land and the maritime boundary between India

³ Prior to 1989, Myanmar was known as Burma. However, in 1989 the military Junta decided to change the name from Burma to Myanmar.

⁴ The Non-Aligned Movement (NAM) founded in 1956 is a group of states that did not align with the major power bloc of USSR and the US. The founding nations were Yugoslavia, India, Indonesia, Egypt and Ghana. The organization reiterates to ensure independence, territorial integrity, sovereignty and security of the member states against imperialism and all form of foreign aggression and interference. Myanmar joined the NAM in 1961.

and Myanmar helped in establishing mutual contact and enhancement between the two nations in the realm of trade, commerce, religion, and culture.

While decrypting India and Myanmar relations, it never had a static posture. The post-independence period saw India politically supporting Myanmar's democratic step led by Aung San (father of Aung Sang Suu Kyi) (Price 2013:2). However, the changing political landscape of Myanmar at the later stage of the 1960s wherein Myanmar fell prey to the military coup, India was perennially caught in the dilemma between its democratic conscience and strategic configuration especially Myanmar falling prey to China's sphere of influence.⁵ Such changing configurations brought a policy consideration within the New Delhi circle in basing their options on active engagement and persuasion with the regime rather than on human rights and democracy. Accepting the realities, India brought changes in its foreign policy stand towards Myanmar and initiated a 'constructive role' to engage with the Myanmar Junta despite wide criticism.

2.2 Mutual Importance

In recognition of historical importance and the geographical proximity between India and Myanmar, both nations hold significant importance towards each other. For India, Myanmar accorded significant importance in the event of the collapse of the Soviet Union in the 1990s and the event of domestic uncertainties at home. The collapse gradually left India with no availing political, economic, and security provider. In the event of such uncertainties intensified by the political situation at home, persistent

⁵ Myanmar and China share an inextricable relation linked by close geographical proximity, similar culture, ethnic and historical affinity. Both the nations enjoyed a cordial relation in all sphere of mutual interests including economy, developmental assistance, military equipments and training. China has also helped Myanmar to offset the economic effects of western sanction. Such deep bonding has therefore led Myanmar to term its relation with China as 'Pauk-Phaw' or big brother.

fiscal imbalance, and Gulf crisis, India decided to make a strategic rapprochement with Southeast Asian nation via its market-oriented 'Look East Policy' since the region was enjoying phenomenal economic success with the emergence of an autonomous regional body, the Association of Southeast Asian Nations (ASEAN) (Wadhva 2004:259, Naidu 2004:336).

In this regard, Myanmar emerged as a vital factor. The strategic location of Myanmar bordering India's four Northeast States act as a physical bridge for India in formulating its market-oriented policy with Southeast Asian nations. Second, in the event of Myanmar's geostrategic dimension sharing a border with India's four Northeastern states- Arunachal Pradesh (520kms), Nagaland (215kms), Manipur (398kms), and Mizoram (510kms), New Delhi felt that such factor could act as a significant driving force in alleviating the volatile, unstable and sensitive Northeast region of India from becoming an essential factor in India's foreign policy establishment. Third, the increasing presence of China in the region and more particularly in Myanmar backed by its soft power and multiple engagement tools have created major hiccups within the security establishment in New Delhi. In such an event, New Delhi felt that the presence of good working relations with the neighbouring state of Myanmar who was accorded the Observer Status of the ASEAN in 1996 and a member of the ASEAN since 1997 could help and cultivate New Delhi's strategic objective.

As for Myanmar, it looks upon India as a decisive factor in its foreign policy formulation due to India's fast-developing economy, which is growing every year. Myanmar feels that India's growing economy can help boost the reeling Myanmar economy, which is lurching under slower economic growth, widening account

deficits, high inflation, falling exports, and slowing foreign investment inflows (Myanmar Economic Monitor 2016:4). Besides, the cross-border cultural affinity endorsed between India and Myanmar (the ethnic tribes such as Tangkhuls, Nagas, Mizos, Kukis, Paites shares a close family, linguistic and cultural tie across the borders) further creates a cordial atmosphere for Myanmar to spool India's activity and employment opportunities. On the geostrategic calculus, Myanmar feels that its strategic location embedded between India and China gives Nay Pyi Daw a choice to budge away from China's sphere of influence and further strengthens its choices of engagement with other states including India. A compounding of all these factors encourages Myanmar to recognize the high relevance of India in its national interests.

Section-II

2.3 Need for Counter-Terror Cooperation

In the event of India and Myanmar's mutual attractiveness and importance, there is a significant expansion of the working of the bilateral relationship. Such expansion was coincided not by accident, but with the launch of India's Look East Policy and induction of Myanmar into the ASEAN community in 1997 which helped India in broadening its relations with Myanmar through various regional agreements and frameworks including the signing of ASEAN-India Framework Agreement on Comprehensive Economic Cooperation in 2003; ASEAN- India trades in Goods Agreement in 2009; India's support for building an ASEAN Community by 2015; and New Delhi's assistance to the CLMV (Cambodia, Lao PDR, Myanmar, Vietnam) countries (Deigracia & Bhattacharjee 2016:39). Similarly, on the sub-regional issues, there is a significant outreach between India and Myanmar in setting various forums including the BIMSTEC (Bay of Bengal Initiative for Multisectoral Technical and

Economic Cooperation) and the MGC (Mekong-Ganga Cooperation). India, on its part, played a vital role in getting an entry to Myanmar in SAARC (South Asian Association for Regional Cooperation) as an Observer in August 2008. These efforts contextualise the extent and the significant outreach of India and Myanmar relations. Some of these projects undertaken by India and ASEAN including Myanmar include:

- a) The Trilateral Highway proposal which links India's Northeast Region, Myanmar, and Thailand;
- b) Bangladesh, China, India, and Myanmar (BCIM) Economic corridor which connects South Asia with Southeast Asia and East Asia;
- c) Kaladan Multi-Modal Transport Project a combined land, river and sea route that connects Kolkata, Northeast Region and Myanmar;
- d) Asian Highway I which seek to link Japan in the Far East to Europe passing through China, Cambodia, Laos, Vietnam, Thailand, Myanmar, India, Pakistan, Afghanistan, Iran, and Turkey;
- e) Asian Highway II seeks to connect Iran with Indonesia via Iraq, Pakistan, India, Bangladesh, Myanmar, Thailand, Malaysia, and Singapore;
- f) Mekong-India Economic Corridor (MIEC) and the Greater Mekong Sub-region (GMS) which links to connect India, Myanmar, Thailand, Cambodia, Laos, Vietnam, and China;
- g) Trans Asian Railway Network Proposal which aims to build and connect Northeast India railway with the rail network of Myanmar and to link with ambitious Trans Asian Railway Network that connects Thailand and Bulgaria.

However, the strategic landscape bordering India and Myanmar constitutes an arc of troubled states characterized by the indigenous uprising with terrorism as its defining features (Chellaney 2010:158). The region almost runs along the militancy affected areas having cross border linkages and uses violence and terror threat, radicalisation, spillover phenomenon, arms, and drugs smuggling as its available advantage to supplementing its growth and terror intensification. Many of the ethnic militant groups in the region like the United Liberation Front of Assam (ULFA), National Democratic Front of Bodoland (NDFB), Khaplang Faction of National Socialist Council of Nagaland (NSCN) from Northeast India have inextricable cross-border militant linkages with the Kachin Independent Army (KIA), Shan State Army (SSA) from Myanmar and extending their bases in the parts of Sagaing Division, Kachin, Chin and Rakhine states of Myanmar (Rai 2009:169). These groups seek assistance and support from steady supply and flow of arms and ammunition to other logistical support of safe-haven and training facilities. The 2014 terror gun attack at Bodoland, The Manipur ambush of 2015, Kokrajhar terror attack of 2016 are some of the excerpts that give an analysis of the rise of a terror attack in the region.

India has handled the terrorism subject on a fair note by adopting multi-pronged strategy such as the Ceasefire talk, Memorandum of Talk, Reimbursement of security-related expenditure, surrender and rehabilitation policy with force as its last resort (Malik 2012:17-18). However, as the definition of terrorism blurs between physical and social boundary, it becomes hard for one state to counter the threats, notably when the terrorism has widened its scope, contents, and direction. The border region of India and Myanmar is no exception. In this situation, India raised the common challenges of combating terrorism in the region with Myanmar in order to remain

sensitive to each other's strategic interests and concerns and prevent instability in contiguous areas for all-round development of the bilateral relations.

Section-III

2.4 Level of Counter-Terror Cooperation between India and Myanmar

For a long time, approaches towards counter-terror cooperation efforts incorporated intensive coordination of intelligence, police, judicial and legislative activity. However, the changing nature of the terror threats like the 9/11 coordinated attack with sheer enormity, well-coordinated and synchronized using sophisticated methods brought new discourse in the study of the counter-terrorism approach (Hoffman 2002:304). Such nature has encouraged the states to extend their approach beyond the traditional measures and adopt counter-terror means and strategies that can articulate the role of cooperation and coordination.

India and Myanmar have affirmed their shared commitment in fighting the scourge of terror activity in all its forms and manifestations. The ethnic militants in the border region of India and Myanmar carry out an act of violence mostly as sponsored large-scale operations surpassing the national boundaries using sophisticated weapons and technology. Moreover, with social boundaries surpassing the national boundaries, sustenance of terror activity in the region has become more significant as the groups find the border eminently suitable for their free movement and in receiving support (both material and non-material) across the frontiers (Sharma 2014:112).

Considering the rising threat of militant activity in the region to its national and regional interests with cross-border sanctuaries playing as a crucial force multiplier, India and Myanmar have emphasized the need for enhanced counter-terror

cooperation in order to prevent the rising terror threats and instability in the contagious areas for the overall development of bilateral relations. At the outset, counter-terror cooperation between India and Myanmar works at two levels:

1. Counter-terror cooperation at the diplomatic level
2. Counter-terror cooperation at the military level

2.5 India-Myanmar Counter-Terror Cooperation at the Diplomatic Level

Diplomatic cooperation is a form of conducting negotiations between representatives of the states that allows for an exchange of people and ideas in order to build confidence and political rapprochement. It is the main instrument of foreign policy and represents the decision, goals and strategies of the states conveyed through the medium of dialogue, negotiations and other non-violent means. India-Myanmar diplomatic engagement goes back to 1948 when Myanmar gained its independence from the British rule. Ever since then, India and Myanmar have extended their diplomatic cooperation in various fields of economy, security, social and political levels. As far as the India-Myanmar counter-terror cooperation at the diplomatic level is concerned, it takes place at three stages:

- a. Cooperation at the Multilateral Stage;
- b. Cooperation at the Regional Stage;
- c. Cooperation at the Bilateral Stage

2.5.a Cooperation at the Multilateral Stage

In the period of the changing nature of terrorism where states face a variety of terror threats, the unilateral approach to countering terror threat proved to be an ineffective

one. Different states posit a different self-conception and institutional practices in the development of counter-terror strategy and as such, failed to garner much emphasis on the significant threat posed by terrorism (Romaniuk 2010:592). This failing mechanism corresponds to the Anne-Marie Slaughter's 'burgeoning New World Order' where people and their governments around the world need global institutions to solve collective problems since the traditional role of the states as a unitary actor is being disaggregated and replaced by a network of trans-governmental multilateralism (Slaughter 2004:8). There emerged a need for multilateral institutions covering an increasing amount of cooperation and coordination amongst the parties concerning counter-terrorism policy. Multilateralism, in the words of John Ruggie, constitutes an institutional form that coordinates relations among three or more states based on the generalized principle of conduct, without regard to any particularistic interests or strategic exigencies that may exist in any specific occurrence (Ruggie 1992:571). Similarly, James A. Caporaso also defines multilateralism as an organizing principle or simply an activity that combines normative principles and existential belief in the cooperative activity among many countries (Caporaso 1992:603). As such from the definition, it becomes pertinent that multilateralism plays a crucial role in the collaboration and implementation of the roles of the respective states in setting the agenda and providing legitimacy on the principle of three C's-Cooperation, Coordination, and Conduct.

Indeed the fact that it is difficult to imagine effective counter-terrorism policies pursued on a national or unilateral basis gives the multilateral approach a thrust in strengthening the capacities of counter-terrorism structure and institutions with concerted efforts to identify and address the root causes. Amongst the multilateral institutions, the United Nations (UN) constitutes the first such institution that has long

reacted and condemned the act of terrorism and terror activity in all forms although the intensity varies with different phases.⁶ However, in the Post 9/11 phase, the volume of multilateral activity has increased, and counter-terrorism was more institutionalized beyond what Peter Romaniuk termed as ‘piecemeal approach’ (Romaniuk 2010:65).

In this regard, the study will prioritise its focus more on the multilateral institutions where India and Myanmar have jointly condemned the very act of terrorism and abide to provide cooperation, coordination and conduct in dealing with terrorism.

2.5.a.(i) *The United Nations*

In the phase of the dynamic nature of the terror threats and violence, the United Nations became a prominent and vital institution in waging war against terror. The member states seek collective analysis, coordination and comprehensive action on behalf of the world-wide community and attend upon the United Nations as a key actor in providing the leadership, coordination and support in implementing counter-terrorism policies and schemes. India and Myanmar are the member states of the United Nations. India was the founding member of the United Nations and joined the institution in October 1945.⁷ On the other hand, Myanmar became the 58th Member State of the United Nations in 1948 after achieving its independence in the same year.

⁶ In the early phase of the United Nations, terrorism subject was never a significant concern as there were other emerging challenges that needed an immediate resolution. Moreover, terrorism was felt to be more of a criminal matter than national security concern and prompted a diverse range of responses from the states over some fundamental issues including as to how to define terrorism. However, it doesn’t mean that cooperation never existed between the members states of the United Nations in dealing with terrorism. It just that the views and approaches of states towards terrorism were distinct and less coalesced.

⁷ India was one of the original members of the United Nations, the forerunner to League of Nations. It signed the ‘Declaration by United Nations’- a basis of the modern United Nation in 1942 and after three years it signed the United Nations Charter during the United Nations Conferences of International Organization held in San Francisco on 26th June, 1945.

As the member states of the United Nations, India and Myanmar abide by the United Nations Rule of Law. The United Nations Rule of Law fosters the development of norms, social practices, independence of governance that is central to peace and security.

Some of the characters of the rule of law include:

- 1) It fosters all its member states to be subjected to the rule of law and apply them in its relation to other states;
- 2) Ensures a basic working principle;
- 3) Strengthen the decision making processes of the leaders of the member states;
- 4) Ensures mechanism that enforces and protect human rights;
- 5) Create a better condition for broader responsibilities of member states and the United Nations (<https://unchronicle.un.org/article/role-un-promoting-rule-law-challenges-and-new-approaches>).

Under the United Nations Rule of Law, the member commits to consolidate its political will in building synergy and strengthening the counter-terrorism framework and plan of action. Since 9/11, counter-terrorism has evolved from a focused effort dictated by the Security Council to system-wide effort uniting all the United Nations entities under a single framework to improve coordination, broadened international support and legitimacy. Some of the essential policies, resolutions, amendment and plan of action of the United Nations that its member states, including India and Myanmar, abide by in combating the menace of terrorism include:

Security Council Resolution 1373: In the aftermath of 9/11, there emerged urgency for collective responses to terrorism at the worldwide stage. In this respect, the United

Nations under Chapter VII⁸ of the United Nations unanimously adopted Security Council Resolution 1373 in 2001 under which the member states embrace the need for counter-terrorism measures. The resolution had a signature from all its member states and imposed a binding obligation on member states to protect, prevent and suppress the act of terror and terrorism through all legitimate means. The resolution affirms the unequivocal condemnation of the terror attack and recognizes the need for states to complement cooperation through bilateral and multilateral arrangements and become parties to the relevant international conventions and protocols relating to terrorism. Some of the excerpts of the resolution include:

1) It encourages the States to:

- a) Prevent and suppress all the terror acts by any means, directly or indirectly or in the best knowledge available to them;
- b) Prohibits any person and entities from making funds, financial resources that facilitate in the commission of the terror acts;

2) The state shall decide:

- a) To refrain from providing any active or passive support to any entities or persons involved in the terror acts;
- b) Take necessary steps to prevent the commission and the early warning of the terror acts;
- c) Ensures to establish serious laws and measures against the terror acts and ensure any person involved in such an action is brought to justice.

2) Calls states to:

⁸ The Chapter VII of the United Nations sets out the power of the Security Council to determine the existential threats, act of aggression and the maintenance of peace and security.

- a) Find a way to accelerate and intensify the exchanges of information regarding the movements or network of the terrorist and vulnerable groups;
- b) Cooperate through bilateral and multilateral levels to prevent and suppress terror attacks;
- c) Increase cooperation and implement relevant international conventions and protocols relating to terrorism. (See Appendix 1)

Security Council Resolution 1377: After adopting Security Council Resolution 1373, the Council adopted yet another resolution- Security Council Resolution 1377 on 12 November 2001 to combat and eliminate the threat of global network of terrorism. The resolution had a positive response declaring terrorism as a grave menace to international peace and security. Some of the excerpts of the resolution include:

- 1) Declares the act of terrorism as one of the serious threat to international peace and security;
- 2) Condemns all acts, methods and practices of terrorism as criminal and unjustifiable;
- 3) Stresses that the act of terrorism contradicts the principle of the United Nations;
- 4) Underlines that terrorism endangers the lives and security of human beings and undermine the global stability and prosperity;
- 5) Stresses the efforts at all levels to fight the scourge of terrorism and encourages states to become parties to the relevant international conventions and protocols relating to terrorism. (See Appendix 2)

Security Council Resolution 1455, 1456, 1465 The resolution 1455, 1456 and 1465 were unanimously passed in 2003 declaring all its member states to prevent and suppress all support for terrorism. The resolution spotlighted the rising concern over the role of sophisticated weapons of mass destruction in the form of nuclear, chemical and biological weapons. The resolution calls for immediate means and steps to prevent money laundering, funding of terrorism, arms trafficking and other such offences. Furthermore, the resolutions also highlight the importance of cooperation following the charter of the United Nations. Some of the excerpts of the resolutions include:

- 1) The need to combat terror acts by all means following the charter of the United Nations;
- 2) Unequivocal condemnation of all forms of terrorism and terror acts;
- 3) Need for improved coordination and increased exchange of information;
- 4) Take urgent steps to enforce and strengthen the legislative enactments and administrative measures to prevent and punish terror acts;
- 5) Emphasize the international efforts to enhance cooperation and dialogue in order to prevent the indiscriminate targeting and also strengthen the campaign against terrorism;
- 6) Calls member states to submit an updated report to the committee at regular interval from its adoption to all steps taken to implement the measure referred to in the resolutions (<https://www.un.org/press/en/2014/sc11717.doc.htm>).

(See Appendix 3, 4, 5)

Security Council Resolution 1631: The Resolution 1631 was unanimously passed by the Security Council in 2005 to address cooperation and coordination between the

United Nations and regional organizations in the maintenance of global peace and security. It complemented the importance of the regional organisation in the development of a peaceful future of the world and urges all the states to increase the capacity of cooperation in tackling and preventing all forms of terror activity. Some of the excerpts of the resolution include:

- 1) Expresses its determination to take appropriate means to strengthen cooperation between the United Nations and regional organisation in maintaining global security;
- 2) Backs for the contribution of all states and organizations in strengthening the capacity of cooperation and coordination in conflict prevention and crisis management;
- 3) Stresses the potential role of regional organization in curbing the illicit trade in arms and weapons;
- 4) Acknowledges the effort undertaken by organisational bodies in enhancing the effectiveness of counter-terrorism. (See appendix 6)

Security Council Resolution 2322: In order to strengthen multilateral cooperation in counter-terrorism, the Security Council passed the Resolution 2322 in 2016. The resolution seeks its member states to enhance the efficacy of international legal and judicial system through cooperation in their fight against terrorism and their transnational networks. The resolution gives prominence to Mutual Legal Assistance and Extradition treaty; highlights the issue of foreign fighters and returnee; emphasize the importance of information and communication technology in gathering and sharing knowledge; highlights the role of multilateral agencies such as the United

Nations on Drugs and Crime (UNDOC) and INTERPOL in combating terror activities. Some of the excerpts of the resolution are:

The resolution:

- 1) Highlights that terrorism is one of the serious threat to peace and security in the world;
- 2) Expresses concern over the flow of recruits and foreign fighters joining the terror networks, the continuous usage of sophisticated weapons and technology in facilitating the terror networks;
- 3) Affirms that a comprehensive and coordinated approach involving the cooperation of the international community is the ultimate key to defeat terrorism;
- 4) Calls for development and maintenance of criminal and judicial system, counter-terror and transnational network strategy to curb the menace of terror threat;
- 5) Expresses the member states at all levels to provide 24/7 networks to counter-terrorism and identify gaps or trends in facilitating a good and robust network of counter-terrorism strategy. (See Appendix 7)

The United Nations Counter-Terrorism Implementation Task Force (CTITF):

Apart from the various resolutions, the United Nations also emphasised in the development of a coordinated and comprehensive vision plan that directs the UN efforts to combat the global rise of terrorism. In this regard, the Counter-Terrorism Implementation Task Force (CTITF) was created in 2005 by the United Nations to bring coordination and cooperation in the UN Counter-terrorism strategy at international, regional and national levels. The CTITF consists of 38 entities and five

observer entities that help the task force to contribute a balance implementation to global peace and security. In 2009, the CTITF was institutionalized within the Department of Political Affairs by the General Assembly with small core staff and a broadened mandate.

The 38 entities include:

- 1) Al Qaida/Taliban Monitoring Team
- 2) Counter-terrorism Committee Executive Directorate (CTED)
- 3) Department of Peacekeeping Operations (DPKO)
- 4) Department of Political Affairs (DPA)
- 5) Department of Public Information (DPI)
- 6) Department of Safety and Security (DSS)
- 7) Group of Experts of 1540 Committees
- 8) International Atomic Energy Agency (IAEA)
- 9) International Civil Aviation Organization (ICAO)
- 10) International Maritime Organization (IMO)
- 11) International Monetary Fund (IMF)
- 12) International Criminal Police Organization (INTERPOL)
- 13) Office for Disarmament Affairs (ODA)
- 14) Office of the High Commissioner for Human Rights (OHCHR)
- 15) Office of Legal Affairs (OLA)
- 16) Office of the Secretary-General (OSG)
- 17) Office of The Special Adviser on The Prevention of Genocide
- 18) Office of the Special Representative of the Secretary-General on Children and Armed Conflict (CAC)
- 19) Office of the Secretary-General's Envoy on Youth

- 20) Organization for the Prohibition of Chemical Weapons (OPCW)
- 21) Special Rapporteur on the promotion and protection of human rights while countering terrorism
- 22) United Nations Development Programme (UNDP)
- 23) United Nations Educational, Scientific and Cultural Organization (UNESCO)
- 24) United Nations Interregional Crime and Justice Research Institute (UNICRI)
- 25) United Nations Office on Drugs and Crime (UNODC)
- 26) United Nations Office of the Special Adviser on Africa (OSAA)
- 27) United Nations Rule of Law Unit
- 28) UN Women
- 29) United Nations World Tourism Organization (UNWTO)
- 30) World Customs Organization (WCO)
- 31) World Bank
- 32) World Health Organization (WHO)
- 33) Sexual violence in Conflict
 ((<https://www.un.org/counterterrorism/ctitf/en/structure>)
 Observers Entities
- 34) International Organization for Migration (IOM)
- 35) Office of the Coordinator for Humanitarian Affairs (OCHA)
- 36) United Nations Department for Economic and Social Affairs (DESA)
- 37) United Nations High Commissioner for Refugees (UNHCR)
- 38) United Nations Alliance of Civilizations (UNA)
 (<https://www.un.org/counterterrorism/ctitf/en/structure>)

The United Nations Global Counter Counter-Terrorism Strategy: The UN General Assembly adopted the Global Counter-terrorism strategy in 2006 on the context and

principle of Counter Terror Implementation Task Force. Adopted by the UN member states, the Global Counter-Terrorism Strategy is a unique blend of a global strategy to enhance cooperation at the national, regional and international level to counter-terrorism. The strategy is reviewed after every two years. The strategy incorporates the blend of strategic and operational tactics, capacity building and strengthening the role of UN while respecting human rights and the rule of law along with the traditional security and law enforcement priorities (Xiaohui 2009:86).

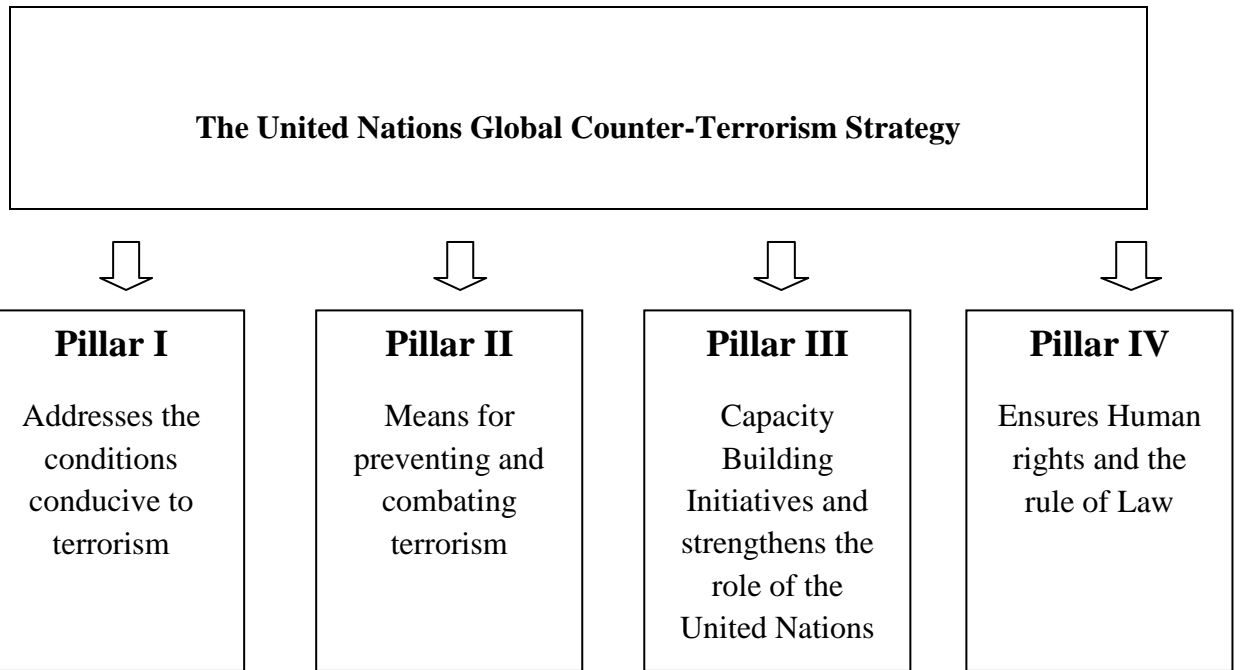
The Global Counter-Terrorism Strategy is composed of four pillars, and each pillar underlines the need for collective actions and implementation framework at all levels in strengthening counter-terrorism mechanisms and policies. These four pillars include:

Pillar I- addresses the conditions conducive to the spread of terrorism;

Pillar II- means for preventing and combating terrorism;

Pillar III- Capacity building initiatives and strengthening the role of the United Nations;

Pillar IV- Ensuring Human Rights and the Rule of Law (Rosand, Fink & Ipe 2009:6-7).



Source: <https://www.un.org/counterterrorism/ctitf/en/un-global-counter-terrorism-strategy>

Some excerpts of the resolution of the United Nations Global Counter-Terrorism strategy includes:

- 1) Condemns all acts and forms of terrorism;
- 2) Reaffirms the Declaration on means and measures to eliminate the global network of terrorism and make every effort to reach agreements and conventions on terrorism;
- 3) Formulate conducive conditions in dealing with terrorism given the inter-linkages between development, peace and security and human rights;
- 4) Encourages the entities of the Counter-Terrorism Implementation Task Force to play a decisive role in the implementation of the UN Global counter-Terror Strategy;

- 5) Endorses its member states to mainstream counter-terrorism efforts into the UN counter-terror strategy;
- 6) Recognizes the importance of international cooperation and international law in preventing and combating terrorism;
- 7) In order to address these measures, the Global Counter-Terrorism Strategy devised four pillars that help in addressing the conditions, combating methods, capacity building initiatives and ensuring human rights and the rule of law related to terrorism. (See Appendix 8)

2.5.a.(ii) *European Union*

With the wage increase in terror actions, cooperation in the area of counterterrorism became an essential target to all the institutions with policies, amendments and strategies moving beyond the traditional state boundaries. The European Union cause to counter-terrorism was born out of this box. A political and economic union, the European Union is a union of 28 European countries that aims to secure the free movement of people, commodities and services within an integrated and standardized single market.⁹

In the form of the changing nature of terrorism with newer vulnerable threats, the European Union staked its claim as a significant international actor in the battle against global terrorism (Brattberg & Rhinard 2012:557). It initiated regressive action plans and strategies to counter terrorism by following the United Nations sustained

⁹ The European Union has its origin in the European Coal and Steel Community (ESC) and the European Economic Community (EEC) which was established by the Paris treaty of 1951 and treaty of Rome of 1957. Originally at the time of formation the body had just six members which include Belgium, France, Luxemburg, Italy, West Germany and Netherlands. Under Maastricht Treaty of 1993, a single body called the European Union was established. As of today, European Union consists of 28 European nations.

and comprehensive approach. In this backdrop, the European Union adopted the EU counterterrorism strategy in 2005 to fight the scourge of terrorism and its networks.

The strategy focuses on four pillars of counter-terrorism, which includes:

Pillar I- Prevent and tackle the factors leading to terrorism;

Pillar II-Protect citizens and improve the security of the infrastructure and borders;

Pillar III- Pursue and investigate funding, planning and travel of terror networks across borders;

Pillar IV- Respond to manage and minimize the consequences of terror attacks.

THE EU COUNTER-TERRORISM STRATEGY

PREVENT

To prevent terrorism by tackling the factors and its root cause

PROTECT

To protect its citizens and provide improved security

PURSUE

To pursue and investigate terror networks across the borders

RESPOND

To respond to the consequences of terror attack by improving facilities, enhancing

Source:

<https://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014469%202005%20REV%204>

Across the four pillars, the European Union set its strategy in combating terrorism at the national, European and international levels. This is done by adding value in four main ways:

1. Strengthen and improve national capabilities to respond to terrorism;

2. Facilitate a proper mechanism towards cooperation;
3. Develop a collective capability to understand the threat;
4. Promote international partnership beyond the EU to deepen the global consensus in building and strengthening counter-terror cooperation (Council of the European Union 2005:7).

India and Myanmar correspond, coordinate and cooperate with the EU in combating the menace of terrorism. In the case of the EU and India, both nations have come together to cooperate in combating international terrorism. The India-EU Joint Declaration on International Terrorism of 2001, 2010, and 2017 states that it condemns terrorism in all forms and manifestations as a threat to peace and security and commits to enhance counter-terrorism cooperation. Both the parties pledge the urgency to establish a comprehensive international legal framework to address the issue of global terrorism and its network with all relevant United Nations conventions and protocols related to terrorism. (See Appendix 9, 10, 11)

As far as the EU and Myanmar are concerned, both the nations abide to cooperate in the matter related to terrorism at different forums including ASEAN Regional Forum (ARF) and the Asia-Europe Meeting (ASEM). The first forum, i.e. the ASEAN Regional Forum (ARF) consists of participating members from the European Union, and Myanmar subscribes to work and cooperate in achieving a cooperative action on counter-terrorism. Some of the excerpts of the statement of the ARF include:

- 1) Recognizes terrorism as a grave threat to stability, peace and stability in the Asia-Pacific and beyond;
- 2) Stresses for a comprehensive and unprecedented approach toward cooperation at levels to fight the scourge of terrorism;

- 3) The forum also declares a statement which states that ‘the threat of international terrorism to international peace and security requires concerted action to protect and defend all peoples and the peace and security of the world;
- 4) The forum also acknowledges the role of the United Nations against terrorism;
- 5) Call upon the member states to become parties to the international conventions and protocols relating to terrorism and support the work of the UN Counter-Terrorism committee;
- 6) It acknowledges that terrorism, including its links with a trans-national organized crime such money laundering, arms trafficking in illicit drugs, illegal movement of nuclear, chemical, biological as a part of security challenges that require an urgent address.

The second forum, i.e. the Asia- Europe Meeting (ASEM), set up in 1996, is a multilateral channel of communication for dialogue and cooperation between Europe and Asia. The forum provides a platform that addresses issues related to politics, economics and security of the world. The participant members of the ASEM include the EU member states including Switzerland and Norway and countries of Asia and Oceania- Australia, Bangladesh, Brunei Darussalam, Myanmar, Japan, Laos, Cambodia, China, Indonesia, India, Pakistan, New Zealand, Malaysia, Mongolia, the Philippines, Russia, Singapore, South Korea, Thailand, and Vietnam (Eurostat 2014:6). In the matter related to terrorism, peace and security, the forum strictly condemned the act of terrorism, thereby formulating and signing many declarations against international terrorism. One of the most significant declarations of ASEM against global terrorism came through Copenhagen Declaration on Cooperation

against international terrorism in 2001. Through this declaration, the ASEM leaders declare that:

- 1) terrorism constitutes a threat to global peace and security;
- 2) all acts of terrorism are criminal and unjustifiable before the law;
- 3) Emphasize the importance of cooperation at all levels, including the UN in its fight against terrorism;
- 4) Pledge to fully implement the UN-related resolutions on terrorism, cooperate with the UN counter-terrorism committee, implement international conventions and protocols on terrorism and transnational organized crime;
- 5) Enhance cross-cultural understanding and confidence by building an ASEM dialogue centre. (See Appendix 12)

From the above context, it is clear that cooperation on counter-terrorism holds a significant place at the multilateral institutions. Multilateral institutions like the United Nations and European Union encourage its member states to actively work to ensure that they pursue issues that are important to the global community. India and Myanmar being the signatories to these two institutions accommodate the guidelines and commitments in building a practical counter-terror cooperation framework.

2.6 India-Myanmar Counter-Terror Cooperation at the Regional Stage

With the changing profile of terrorism from being a vehicle of violence to a transnational phenomenon transcending the global network, the regional level of cooperation has become a necessity (Kantha 2000:1835). Regional cooperation necessitates in building synergy between the member states in the matters related to peace and security of the region since the strength of the organisation lies in their

substantive understanding of the region. Indeed, in a globalised world of interconnectedness where threats travel more easily across borders, comprehending it unilaterally without entering into broader regional dynamic is difficult to think of (Xiaohui 2009:84). Furthermore, the UN Security Council Resolution 1631 adopted in 2005 and the United Nations Global Counter-Terrorism strategy of 2006 acknowledges the importance of regional organizations and their contribution to the maintenance of global peace and security. It seeks enhanced cooperation and coordination role from regional organizations in making and institutionalizing peace and security.

India and Myanmar have used the available regional forums in discussing and delivering the challenges emanating from terrorism. These forums include the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), Association of Southeast Asian Nations (ASEAN), ASEAN Regional Forum (ARF).

2.6.a Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)

The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) is an organisation comprising of India, Myanmar, Bhutan, Bangladesh, Nepal, Sri-Lanka and Thailand. The Organization was initially formed in 1997 through the Bangkok Declaration as BIST-EC (Bangladesh, India, Sri-Lanka, Thailand-Economic Cooperation) which later changed to BIMSTEC with the inclusion of Myanmar in 1997 and Nepal and Bhutan in 2004. The organisation comprising of nations from South Asia and Southeast Asia represents a dynamic and multi-purpose engagement institution that focuses on building cooperation between its

partners in areas of mutual interest by using available regional resources. The objective of the organisation includes:

- 1) creating an environment for rapid development of cooperation;
- 2) to accelerate the economic growth and progress through joint endeavours in the spirit of equality and friendship;
- 3) To promote active collaboration and mutual assistance on a matter of common interests;
- 4) To assist in training and research facilities in education and technical sectors;
- 5) To cooperate and support in the development plans of the member states;
- 6) To maintain close and beneficial relations with international and regional organizations. (<http://bimstec.org/overview/>)

The organisation started with six sectors in its initial phase that includes trade, transport, tourism, energy, fisheries and technology. However, in the changing dynamic with the onslaught of globalisation, the organisation embraced nine more sectors- agriculture, poverty alleviation, health, environment, culture, people to people contact, climate change and counter-terrorism and transnational organized crime (https://bimstec.org/?page_id=189).

In the first BIMSTEC Joint Working Group in 2004, the member states unanimously adopted the BIMSTEC Summit Declaration which focused on coordinating and cooperating with its member states in sharing intelligence networks and capacity building and to strengthen joint efforts on counter-terrorism and transnational organized crime (<https://mea.gov.in/press-releases.htm?dtl/7347/First+Meeting+of+the+BIMSTEC+Joint+Working+Group+on+Counter+Terrorism+and+Transnational+Crime+New+Delhi+December+9+10+2004>).

The Declaration proposed to serve as a platform for cooperation among the member states to:

- 1) Enhance the sharing of information and intelligence sources regarding terrorism and transnational organized crime;
- 2) Deny sanctuary and transit facilities, facilitate measures against individuals and groups involved with the terror activities;
- 3) Prevent the illicit trade and trafficking in arms and other weapons of mass destructions;
- 4) Exchange experiences in dealing with terrorism and violence;
- 5) Frame suitable domestic laws and legislation concerning terrorism and organized crime;
- 6) Promote capacity building program to develop effective counter-terrorism measures;
- 7) Enhance cooperation at all levels with the member states to counter all forms of terrorism and organized crime. (See: <http://www.mea.gov.in/press-releases.htm?dtl/7347/First+Meeting+of+the+BIMSTEC+Joint+Working+Group+on+Counter+Terrorism+and+Transnational+Crime+New+Delhi+December+9+2004>)

The declaration decided to include Counter-Terrorism and Transnational Crime (CTTC) as a new area of engagement. Furthermore, the declaration also decided to divide the CTTC into four sub-groups-

- 1) Combating the Financing of Terrorism to be led by Thailand;
- 2) Intelligence Sharing to be led by Sri-Lanka;
- 3) Legal and Enforcement issues to be led by India;

- 4) Prevention of illicit trafficking in narcotic drugs and psychotropic substances and precursor to led by Myanmar.

https://www.mea.gov.in/Uploads/PublicationDocs/23022_BIMSTEC_Brief_February_2014.pdf

At the 12th BIMSTEC ministerial meeting held in Myanmar in 2009, the member states signed a Convention on Cooperation in combating international terrorism, transnational organized crime and illicit drug trafficking (<https://mea.gov.in/bilateral-documents.htm?dtl/5050/Joint+Statement+of+the+Twelfth+BIMSTEC+Ministerial+Meeting+Myanmar>). The convention contained 15 articles and reaffirmed to contribute to the development of cooperation related to terrorism, organized crime and illicit drug trafficking (See Appendix 13). In the meeting, Myanmar Prime Minister, Thein Sein in his inaugural address stressed that terrorism has become a hot issue and encouraged the member states on cooperation in combating terrorism and transnational organized crime (The Hindu 2009).

2.6.b Association of Southeast Asian Nations (ASEAN)

The Association of Southeast Asian Nations or ASEAN is a regional organisation comprising of ten Southeast Asian nations- Myanmar, Thailand, Cambodia, Malaysia, Laos, Vietnam, Singapore, Brunei, Philippines and Indonesia. The organisation was formed in 1967 with the signing of the ASEAN Declaration, also known as the Bangkok Declaration¹⁰ and aims to:

- 1) Accelerate the economic growth of the Southeast Asian Nations;

¹⁰ The Bangkok Declaration or the ASEAN Declaration is the founding document of the ASEAN which was signed in Bangkok in 1967 by five founding members of the ASEAN- Malaysia, Indonesia, Singapore, Philippines and Thailand. The organization was formed with the aims to accelerate the economic growth, promote regional peace, stability and mutual cooperation.

- 2) Promote regional peace and stability in the region and adheres to the principles of the UN charter;
- 3) Promote active and mutual cooperation on the matters of common interests;
- 4) To maintain close adherence and cooperation with the existing international and regional organizations.

India, under the aegis of Look East policy, has forged a closer tie with the ASEAN nations marked by close cultural, political, civilization and economic tie. India began as a Sectoral Dialogue Partner in 1992, became a full Dialogue Partner in 1995, a member of the ASEAN Regional Forum in 1996, a Summit Level Partner in 2002, a member of the East Asia Summit in 2005, a member in ASEAN Business Forum in 2011 and a Strategic Partner of ASEAN in 2012 (Gaffar 2016:25). This greater engagement of India with the ASEAN has led India to play an increasing role at different ASEAN forums in matters of security and peace of the region. Indeed on the subject related to terrorism, transnational crime and illicit trafficking of arms and drugs, India has an increasing level of cooperation with the ASEAN nations. India and ASEAN stress that in the changing nature of terrorism that has assumed a transnational dimension with the advancement of time and technology, enhanced cooperation and coordination should gain utmost importance. In this regard, India and ASEAN have adopted some significant convention on the matter related to terrorism. In 2003, India acceded to the ASEAN Treaty of Amity and Cooperation, which provided a thrust and framework between the participating states in combating terrorism. Following this, India also signed the Joint Declaration for Cooperation with ASEAN to combat the rising threat of terrorism. Some of the excerpts of the declaration include:

- 1) Terrorism is a threat to peace and security;
- 2) Reaffirms its commitment to counter, prevent and suppress all forms of terror acts following the United Nations principles and related resolutions on international terrorism;
- 3) Recognize and respect the principle of sovereign equality and the integrity of the member states;
- 4) Acknowledge the value of cooperation at all levels;
- 5) Enhance counter-terrorism cooperation between the member states. (See Appendix 14)

The following year in 2004 ASEAN – India concluded the Partnership for Peace, Progress and Shared Prosperity whereby they proposed a Joint Declaration on cooperation in combating the menace of international terrorism and other transnational organized crime and recall the need for greater cooperation and partnership between ASEAN and India in fostering peace and prosperity in the region. Besides this, India also participates in a series of meetings, dialogue, summit and ministerial meetings with the ASEAN and its multilateral forums such as the ASEAN Regional Forum (ARF), East Asia Summit (EAS), ASEAN-India Summit, ASEAN Defence Ministers’ Meeting Plus (ADMM-Plus)¹¹ and the ASEAN- India Plan of Action¹² on matters related to terrorism.

¹¹ ASEAN Defence Ministers’ Meeting Plus (ADMM-Plus) comprising of ASEAN member states and eight Plus countries-China, New Zealand, India, Russia, Japan, Korea, USA and Australia is an extension of ASEAN Defence Ministers’ Meeting which was adopted in 2010. The platform was set up to strengthen security and defence cooperation between the participating states in promoting peace, stability and development of the region.

¹² ASEAN- India Plan of Action is a joint initiative to create a roadmap for ASEAN- India relations. The Plan aims to enhance ASEAN-India relation in the area of common interests and helps in implementing the ASEAN-India Partnership for Peace, Progress and Shared Prosperity. The first Plan

As such, the regional counter-terrorism cooperation initiative has increased in recent years alongside multilateralism. It has adopted a comprehensive approach to the problem, thereby addressing the root causes and issue of terrorism by employing effective measures and strategies through sustainable regional integration amongst its member states. In the case of India and Myanmar, they have effectively used the regional institutions to their advantage.

2.7 India-Myanmar Counter-Terror Cooperation at the Bi-Lateral Stage

State to state cooperation is another significant stage in dealing with counter-terrorism as it represents one of the most established forums in the conduct of working relationship. The bi-lateral forum helps to establish a direct, coordinated approach between the two states in promoting cooperation in the matter of mutual interests. The member states use conciliatory and careful channels to discuss the issue and hold frequent meetings and gatherings with its partners. However, bilateral counter-terrorism cooperation is not a new phenomenon. It dates its existence before the US Global War on Terror when the bilateral level of cooperation often proved successful. For instance, in 1973, a Memorandum of Understanding (MOU) on Hijacking of Aircraft and Vessels and Other Offenses was signed between the United States and Cuba (Rosesal 2014:4). The MOU accepted the hijacking as a form of terrorism and agreed to extradite or prosecute offenders in all forms, which led to the significant reduction of the hijacking of US planes.¹³

of Action was adopted for the period of 2010-2015. Following the successful implementation, they adopted second Plan of Action of 2016-2020.

¹³ Plane hijacking between the United States and Cuba occurred in between 1960's and 1970's.

India and Myanmar have used the bilateral channel of communication in building an effective counter-terror cooperation framework. Backed by the geo-strategic importance of each other in the globalised world, India and Myanmar closely recognize the long porous border and the growing threat of terror activity to their security interests and other strategic concerns. In this regard, India and Myanmar reiterate their shared commitment to cooperate and work together to combat the common challenge of terror activity in the region. Some of its shared commitment includes:

2.7.a Memorandum of Understanding (MOU) on Cooperation between Civilian Border Authorities of India and Myanmar

In the event of the constructive engagement between India and Myanmar, a Memorandum of Understanding on Co-Operation between the Civilian Border Authorities was signed between India and Myanmar in 1994 in order to increase cooperation and prevent illegal and militant groups from using its territories. The agreement came into force when Myanmar's Deputy Foreign Minister made his official visit to India in 1994 (Engh 2016:38). The agreement was signed in addition to the signing of the Border Trade Agreement in 1994. The MOU reflected first cooperative statement between India and Myanmar in a decade on the issue related to militancy and the varied forms of arms and drug trafficking. The agreement demonstrated the cooperation and coordination capacity of both the nations in their fight against armed militant groups in the border region. Similarly, the agreement also reaffirmed that it would not allow any of the groups in all its forms and manifestations to use its soil against each other (Kangujam 2013).

2.7.b Mutual Legal Assistance Treaty

To curb the terror and illegal activities along its porous border, India and Myanmar ratified the Mutual Legal Assistance Treaty in 2010. The treaty was signed by then Union Home Secretary, Gopal K. Pillai and Myanmar Deputy Minister for Home Affairs, U Phone Swe at the 16th India-Myanmar Home Secretary-level meeting in New Delhi. The treaty contained 24 articles and stressed on taking action against the militant groups operating along the international border, raising the effectiveness of both countries in the prevention, investigation and prosecution of crime related to terrorism, terror financing, arms smuggling and drug trafficking. Few essential excerpts from the treaty include:

- 1) Mutual assistance will be provided without regard to whether the conduct subject to prosecution and investigation in the requesting state would constitute an offence in the requested state;
- 2) Provide necessary information and intelligence sharing related to direct or indirect financing the act of terrorism in all its forms and manifestations;
- 3) criminal matters are punishable offence under the domestic law of either contracting state with imprisonment for a term of one year and above;
- 4) Uphold the confidentiality of the furnished information or evidence;
- 5) The Central Authorities is vested with the power to transmit and receive all requests concerning the treaty. The Central Authority for India is the Ministry of Home Affairs and the Central Authority for Myanmar is the Ministry of Home Affairs (See Appendix 15).

2.7.c Memorandum Of Understanding (MOU) on Border Cooperation

In providing the desire for security cooperation in combating the rising security threats, India and Myanmar signed a Memorandum of Understanding (MOU) on Border Cooperation in 2014. The MOU was signed in Nay Pyi Taw, Myanmar by then India's ambassador to Myanmar, Gautam Mukhopadhaya and Myanmar Deputy Defence minister, Major General Kyaw Nyunt. Under the agreement, both the nations agreed to provide a framework for security cooperation, exchange of information and intelligence between the security agencies of both nations. The agreement agreed to combat the rising terror threats from militancy, arms and drug smuggling, human trafficking and helps in ensuring tangible cooperation between the security forces of India and Myanmar in guaranteeing peace and stability across the borders (Ministry of External Affairs 2014). The agreement also lay the provision of conducting coordinated patrols on the respective side of the borders.

2.7.d India-Myanmar Joint Consultative Commission (JJC)

India-Myanmar Joint Consultation Commission (JJC) was constituted in 2003 under the Protocol of consultation between the Ministry of External Affairs of India (MEA) and the Ministry of Foreign Affairs of Myanmar to discuss views and exchange information related to mutual interests (Asia Tribune 2003). The first India-Myanmar Joint Consultation Commission was held in 2015 in New Delhi and was co-chaired by then India's External Affairs Minister, Sushma Swaraj and Minister for Foreign Affairs of Myanmar led by U Wunna Maung Lwin. The meeting saw a discussion over a host of bilateral issues, including the greater cooperation between India and Myanmar in promoting peace and prosperity in the region. One section of the meeting solely emphasized on the defence and security cooperation between India and Myanmar which includes:

- 1) The commission reaffirms their shared commitment to combat terror activity in all forms and manifestation;
- 2) Assured that either territory will not be used for any criminal activities that pose serious threats;
- 3) Both the nations stress out the need for security cooperation between their security forces and border guard agencies in maintaining peace and stability in the border areas;
- 4) Calls for a regular meeting of the bilateral Regional Border Committee in order to better understand the border management system and promote cooperation;
- 5) Emphasised in the maintenance of sound border management and to have negotiation to the bilateral MOU on the movement of people across the land border;
- 6) India pledge to help Myanmar in the modernization of its armed forces;
- 7) Constituted India-Myanmar Joint Border Working Groups to address the issues related to the boundary;
- 8) Emphasized on maintaining maritime security cooperation in Bay of Bengal
(<https://www.mea.gov.in/bilateral-documents.htm?dtl/25485/joint+statement+by+india+and+myanmar+on+first+meeting+of+the+indiamyanmar+joint+consultative+commission>, The Pioneer 2015)

Besides, terrorism-related issues occupied a significant point of discussion during the visit of high-level dignitaries to India and Myanmar. Indian Prime Minister Narendra Modi during his first maiden visit to Myanmar to attend the 12th ASEAN-India Summit and 9th East Asia Summit in 2014 underscored the importance of cooperation from Myanmar given the escalating terror threats, arms and drug trafficking in the

region (Ministry of External Affairs 2014). He emphasised that India and Myanmar should prioritise in strengthening the existing mechanisms in order to maintain peace and stability in the region for a healthy relationship. Simultaneously during the visit of President of Myanmar, U Htin Kyaw and State Counsellor of Myanmar, Aung Sang Suu Kyi to India, both the nations condemned terrorism in all its forms and manifestations as well as all acts, methods and practices of terrorism a threat to peace and security. The leaders of both the nations also expressed their commitment to not allow militant groups to use their territory for hostile activities and pledge to abide by the convention on international terrorism in conducting counter-terrorism measures (Ministry of External Affairs 2016). Apart from the high-level visits, secretary level and joint secretary level meetings which include Foreign Office Consultations (FOC), National Level Meetings (NLM), Regional Border Committee Meetings (RBC), Army Border Liaison Meetings (ALM) which are held at regular intervals also discusses the issues related to terror threats, security and peace along the borders of India and Myanmar.

2.8 India-Myanmar Counter-Terror Cooperation at the Military Level

In the event of comprehensive and enhanced changing perception of security, the role of the military has occupied an important position in conducting counter-terrorism operation. It has allowed military to act as an essential tool in the foreign policy establishment in order to dispel hostility, build and maintain trust, create a sustainable cooperative relationship, facilitate conflict prevention and reinforce the perception of common interests since it hones the tactical proficiency and the strategic and security awareness of the overall relationship between any nations (Swistek 2012:81-82). John Blaxland claims that if the diplomacy professes the activity and the skill management

of international relations by countries representatives abroad, then military generates the considerable practical goodwill designed to foster mutual understanding and greater interoperability for a range of contingencies (Blaxland: 2014:7). Military diplomacy induces operational and tactical level in handling situation through interaction between military forces. It involves the flow of information and enhances in building states' capacities and interests through the military to military relationships, personal exchanges and humanitarian exchanges. However, in the phase of a complex and interdependent approach towards security issues, diplomacy and military have developed overlapping responsibilities where both aims at achieving common objectives. Together, they aim to inform and influence foreign audiences by the use of cooperation, information and trust-building programs (Swistek 2012:83).

Military level of cooperation between India and Myanmar has witnessed considerable progress signifying the geo-strategic significance of each other in the present world system. Backed by public diplomacy initiative at the multilateral, regional and bilateral level in bolstering mutual understanding, military level of cooperation has remained a key position in reinforcing the diplomatic initiative between the two neighbouring states at the operational level by offering opportunity to expand nation's capabilities while simultaneously enhancing its military operational capabilities and potential contingencies. Such a level of cooperation has induced India and Myanmar to build synergy between its security forces and helps in pursuing their strategic objectives. Ever since New Delhi's reversed policy of constructive involvement with the Military junta of Myanmar in the 1990s, the heightening of the India-Myanmar relationship in the political and security spheres have been phenomenal (Mohan 2013:7). The flurry of visits between the security officials of India and Myanmar

marked by various joint military exercises and capacity building programs has encouraged the engagement patterns between the two nations.

2.8.a India-Myanmar Bilateral Military Exercise (IMBEX)

It is the first of its kind joint exercise between India and Myanmar military personnel to learn the experiences of both the nations in the field of security and peace-keeping operations. The primary aim of conducting the exercise is to provide training to the Myanmar Army to participate in the United Nations peace-keeping operations based on the rich experience of the Indian Army of serving the United Nations Peacekeeping operations. The training curriculum provides the participants with the requisite knowledge and skills on tactics, procedure, expertise and methodology to meet the evolving challenges of peacekeeping operations following the principles, policies and guidelines of the United Nations (The Economic Times 2018). The first joint military exercise between India and Myanmar or IMBEX was held in 2017 in Umroi in Meghalaya. The exercise included the participation of 15 officers from the Myanmar Army and 16 officers from the Indian Army who jointly took the training for six days. Similarly, the second edition of the IMBEX was held in Chandi Mandir military station, Haryana.

Such Joint exercise or the IMBEX adds a spotlight on the budding defence relationship between the two neighbouring states as part of their broader foreign policy objectives (Parameswaran 2017). Moreover, Myanmar's participation is also viewed as an acknowledgement of the conversations between the two nations around boosting security cooperation in areas like training and capacity-building programs.

2.8.b *India-Myanmar Coordinated Patrol Exercise (CORPAT)*

As a mark to increase cooperation and interoperability between the security forces of two nations underpinned by the strategic logic of expanding foreign policies, India is also engaged in joint patrol exercise with Myanmar in addressing the issues of terrorism, drug trafficking and other illegal activities inimical to the interest of both nations. Such exercises are conducted in order to enhance mutual understanding and foster improved professional interaction between the two navies for maritime interoperability and awareness. Moreover, the exercise also characterizes the continuing defence ties between India and Myanmar over the past few years and the broader engagement in the bilateral relationship. The first India-Myanmar Coordinated Patrol Exercise started in 2013, and the 8th edition recently concluded in 2019 at Andaman and Nicobar Island, the home to India's first tri-service strategic command.

2.8.c *India-Myanmar Naval Exercise (IMNEX)*

Apart from the CORPAT exercise, India and Myanmar are also engaged in another naval exercise called IMNEX or India-Myanmar Naval Exercise. It is a new joint exercise and depicts the broader trends underway in the bilateral relationship between the two neighbouring states. The first IMNEX was held in 2018 and the second edition was held in 2019 at the Bay of Bengal. The exercise includes briefing, practical demonstrations, cross-check visits, fleet manoeuvring, gun firing and coordinated submarine exercises and is aimed at strengthening professional interaction and interoperability between the militaries of the two nations. Despite being a basic engagement, the exercise is underpinned as an effective foreign policy strategy of both the nations, with New Delhi looking to operationalize its 'Act East'

policy and Nyapidaw seeking better ties with a range of regional powers including India.

Likewise, India's is also committed to enhancing security cooperation with Myanmar through its multilateral groupings such as the Indian Ocean Rim Association (IORA) and the Indian Ocean Naval Symposium (IONS). The MILAN naval exercise, a multilateral naval exercise hosted by the Indian Navy under the aegis of the Andaman and Nicobar Command is one such grouping wherein Myanmar is a regular participant. The participation of Myanmar in the exercise, therefore represents the growing presence of defence cooperation between India and Myanmar on areas of mutual interests. Also, such exercise provides additional benefits for Myanmar in gaining valuable experience in interacting with several significant strategic actors.

Apart from the joint exercise drills, the flurry of a visit made by the defence officials followed by a memorandum of understanding in assisting and upgrading Myanmar's defence forces with weapons and logistics have further injected the defence cooperation as a tool for better border management and capacity building exercise between the two neighbouring states. Asrar, in his report, states that the Stockholm International Peace Research Institute (SIPRI) has identified India as one of the five top sellers for weapons for the Myanmar military forces (Asrar 2017). India has been at the forefront in assisting Myanmar defence forces in terms of weapons and logistics which includes Islander maritime patrol aircraft, naval gunboats, light artillery guns, armoured vehicles, mortars, grenade launchers, lightweight torpedoes, communication gears, night vision devices, sonars and directing gears (Routray 2019:3).

As such the diplomatic initiative at various levels backed by the military engagement at the operational level generates the operational goodwill in understanding the complexity, difference, networks and the importance of security and stability between India and Myanmar. The operation golden bird of 1995 and the hot pursuit operation of 2015 represent the finest example. These two operations present the finest initiative of counter-terror cooperation between India and Myanmar in finding a niche towards expanding the scope and substance of cooperation towards security through its diplomatic and military channel.

Conclusion

Cooperation has emerged as one of the new discourse in the literature of counter-terrorism. It has acted as a new organizing principle for strategy in garnering broader institutional support and perceived legitimacy at all levels. Its means and strategy have sought to unite all the entities under a single framework to improve coordination and cooperation and accelerate the effort to broaden the window of counter-terrorism measures. The two layers of cooperation, i.e. Diplomatic level and the military level, have intrinsically set a newness of war strategies in fighting against global terrorism and its threats.

India and Myanmar critically look at cooperation as an essential instrument in safeguarding their mutual interests. Both nations hold significant importance to each other's strategic calculus. India eyes Myanmar as an essential ingredient in promoting development, regional connectivity, and economic integration via its Look East-Act East policy. On the other hand, Myanmar looks upon India as a critical element in sustaining the path to progress and nation-building prospects and moving out of Chinese shadow that has long gripped the nation. In this framework of mutual

importance, a wide range of dialogue with Myanmar on cooperation followed encompassing the persistent problems faced by both the nations. India and Myanmar share a long porous border which runs along militancy affected areas having cross border linkages. Such factors have facilitated militants in establishing training camps, logistic bases across the border. Taking such a situation in consideration, India and Myanmar felt the need and the importance of cooperation between the two nations in order to eliminate the common challenges of terror activity from the region. Such realisation brought an array of coordination and establishment between India and Myanmar through a wide array of a network of cooperation at the diplomatic and military level in countering the threat of terrorism. The diplomatic level of cooperation occupies the pivotal role wherein various institutional forums at the multilateral, regional and bilateral level plays an integral part in constructing a viable network of organizations, networks, joint declarations, MOUs concerning combating the menace of terrorism.

On the other hand, Military level of cooperation understood as a subset of diplomatic cooperation brings an operational consideration by honing the tactical proficiency and strategic and security awareness of the bilateral relations. Cooperation at the military level helps in expanding the nation's capabilities, builds a foundation in facilitating further communication, reinforces the perception of mutual interests and induces cooperation in other novel areas. The Operation Golden Bird 1995 and the Hot Pursuit Operation 2015 showcase the prevalent of the two-level of counter-terror cooperation between India and Myanmar. It enhances the diplomatic manoeuvring and the tactical proficiency of the military between the two nation in serving specific national, foreign and security policy objectives.

Chapter 3

Operation Golden Bird 1995

Introduction

This chapter sets the first case study of counter-terror cooperation between India and Myanmar. The operation was code-named as ‘Golden Bird’ and was executed in the month of April-May of 1995 along the India and Myanmar border by the security forces of both the nations. The conduct of the joint operation evolves from the existence of different levels of cooperation present between India and Myanmar in countering the rising terror and security threats. The operation emphasised the presence of the Memorandum of Understanding (MOU) between India and Myanmar in 1994 to increase counter-terror cooperation between the two nations and to prevent illegal and militant activities in the border region (Routray 2011:305). In all, the operation proves to be a successful one in intercepting militants with huge weapon consignments and strengthening the overall relations between India and Myanmar.

The chapter is divided into four sections. The first section of the chapter gives a visual to the nature of world politics and India-Myanmar relations in the post-Cold War period. The section makes a statement that the changing nature of India-Myanmar relation was brought not by accident, but by the recognition of New Delhi’s position viz-a-viz world politics in the post-cold war period. The event of the disintegration of the Soviet Union¹⁴ in the early 1990s followed by the onset globalisation and the rise

¹⁴ The Soviet Union, also known by the Union of Soviet Socialist Republics (USSR) was one of the superpower in the post World War II period, the other being the United States. The emergence of these two superpower resulted in the development of bipolar power politics and for decades the world witnessed a stiff competition between the two powers in every sphere of influence. Indeed, the world was divided into two power blocs- the Eastern bloc under Warsaw Pact - led by the Soviet Union and

of China presence in the region steered New Delhi to foster its foreign relations towards Southeast Asia and Myanmar in particular. The second section of the chapter focuses on the backdrop and the nature of the conduct of the operation Golden Bird. The operation was conducted following a tip from the intelligence sources about the movement of large weapon consignments in Northeast India via the dense jungle of the Myanmar-Mizoram border. While doing so, the section illustrates that the operation acted as a means of keeping in mind the militancy situation in Northeast India and India's engagement with its Southeast Asian Neighbour via its Look East policy. The third section of the chapter deals with the establishment of security strategy and management between India and Myanmar in the post-operation golden bird. The section also focuses on the growing ties between India and Myanmar in various fields of mutual importance, including security, defence, economic and politics in the post-operation phase. The section projects that the operation golden bird acted as a catalyst in enhancing new dynamism in India-Myanmar relation. The last section of the chapter focuses on the outcome and the observation of the whole operation. It focuses on the successful joint counter-terror operation carried by the security forces of India and Myanmar, the difficulties and hindrance to the security forces in the whole operation and the need for improvement in operation tactics and techniques.

the Western bloc under North Atlantic Treaty Organization (NATO) - led by the United States. This division of power caused a great disparity towards all nations as they lost its freedom of flexibility and mutual interaction and was clustered around the two power blocs. However, the bipolar power dominance came to an end when the Soviet Union was weakened following a series of events that caused the dissolution of the Union in 1991.

Section-I

3.1 Post Cold War Period and the nature of World Politics

The demise of the cold war story framed on the geopolitical confrontation between the United States and the Soviet Union saw a shifting nature of international politics and a significant overhaul in the foreign relations of most of the nations. The end of the Cold war led to the breakdown of systemic equilibrium in global rivalry between the United States and the Soviet Union. It brought a significant transformation in the international system by changing the rule governing superpower conflict, and the norms underpinning the international system (Koslowski & Kratochwill 1994:215). The bi-polar system (wherein the world was divided into two hostile camps separated by an ideological difference) of the cold war period was replaced by a multi-polar world in which the United States became the dominant power but find itself among competing power centres that hitherto were on the fringes of shaping global politics. Brazil, Russia, India, China and South Africa were amongst the powers augmenting their influence in their respective regions. Besides, the end of the Cold War also symbolised a victory of democracy and capitalism. It gave a boost to the world powers like the United States to reinforce its leadership position in the new world order.

Similarly, the period also saw China inheriting its place in the international system based on its rapidly growing export-based economy and soft power influence. Such transformation weakened the role of the United States and brought conflict between the states that dominated the world politics and those excluded from such power configuration. It created a new potential for worldwide conflict, bringing

characteristic changes in the behaviour of the states and its relations with others in world affairs.

The end of the Cold War also saw a self-validation to the rising world powers like China and India to gain respect in international affairs. It encourages the rising powers to intensify hope in increasing international cooperation and strengthening international organisations with focused on approaching the emerging global issues. Such interdependence brought a collective system in the global system bringing the nation-states more closely towards each other and a significant decrease in inter-state conflicts that occurred due to superpower ideological rivalry during the cold war. Instead, the world witnessed an increased regional integration and growth of regional arrangements.

The post-cold war period also saw a development of complex international relations with the rise of ethnic and identity movement in a different part of the globe and the increase in fundamentalist forces spreading all over the world often assuming the character of terrorism. These actors' pursue new types of objectives through new modes of interaction and occupies a significant role in global interdependence. Besides, the rise of globalisation and the rapid growth of international economic interdependence enabled by the commercialisation of networks further compounded the problem of global interdependence. It entails proliferation and transfer of arms and weapons in the hand of non-state actors leading to an increased threat to world affairs.

3.2 India-Myanmar Relations in the Post-Cold War Period

In the state of curiosity particularly with the collapse of the Soviet Union and the onset of globalisation, the world saw a shifting nature of international politics and a significant overhaul in the foreign policy course of most of the states. One such significant foreign policy shift in the post cold war phase came from India towards its Southeast Asian Neighbor, Myanmar. Driven by the changing geostrategic and political landscape backed by an economic crisis experience, India replaced its protectionist economic policy with a more liberal one, opening up to a high level of trade and striving to expand regional markets. Amid such action, New Delhi reevaluated their relations towards Myanmar. It began to court friendship with the ruling military junta as Myanmar is the only Southeast Asian countries that share a border with India and the only physical gateway to Southeast Asia. Before that, India and Myanmar never had a static posture in their bilateral engagement. During the early years after their independence period, India and Myanmar relations were very close, with both leaders Nehru and U Nu led to the signing of Non-aligned Movement Bloc in the 1950s. Nehru emphasises the shared cultural, history and religious heritage with Myanmar in his famous words on Myanmar's independence:

As in the past, so in the future, the people of India will stand shoulder to shoulder with the people of Burma, and whether we have to share good fortune or ill fortune, we shall share it together. This is a great and solemn day not only for Burma, but for India, and for the whole of Asia. (Gottschlich 2017:173, Routray 2011:301).

Based on their deep bonds, India and Myanmar also signed a Treaty of Friendship in 1951 to bolster their diplomatic relations. However, General Ne Win's military coup

in 1962 followed a changed pattern in the working relations between the two neighbouring states (Gottschlich 2015:142). Ne Win's anti-Indian policies like 'Burmese Way to Socialism'¹⁵ brought a fair amount of discomfort within the people of Indian origin living in Myanmar. It brought a factor of ignorance and standstill to its eastern neighbour. Tony Allison in his article states that domestic policies including the expulsion of ethnic Indian and later a close Sino-Burmese Axis soured the relationship with Delhi and for a quarter of a century until 1988 there was no virtual contact (Allison 2001). India on their side, provided refuge to Myanmar's anti-military dissents, supported the democratic struggle and provided sanctuaries and financial assistance to political activists, permitted the National Coalition Government of the Union of Burma (NGGUB) to open its office in Delhi, and released Burmese national involved in the hijacking of a Thai jet. Such steps saw a standstill in the bilateral relationship. Besides, New Delhi's domestic political uncertainties, electoral politics compulsion and its reliance on self-sufficient and independent economy contributed in not acknowledging Myanmar in their scheme of things (Routray 2011:304).

However, the collapse of the Soviet Union and the failure of its self-sufficient economy compounded by the strategic tilting of Myanmar towards China brought uneasiness over their long abandonment towards Myanmar and its traditional 'strategic neutrality' policy towards Myanmar. It led New Delhi to reassess its foreign policy course towards Myanmar. Such reassessment brought New Delhi with a policy to constructively engage with Myanmar through its Look East policy and establish

¹⁵ Burmese Way to Socialism was the ideology of the General Ne Win in order to bolster economic development, decrease foreign influence and increase the role of the military forces in Myanmar. It was adopted in 1962 after Ne Win overthrew Prime Minister U Nu from it power by launching the coup d'état.

strategic relations and bolster its economic and strategic interests in Myanmar (Gottschlich 2015:142). Such adjustment in India's foreign policy towards Myanmar was brought not by accident, but by the recognition of its position viz-a-viz global world order in the post-Cold War period. In the making and remaking of strategic calculation and particularly fostering new tie with its immediate neighbour, i.e. Southeast Asia, Myanmar featured as a critical geostrategic arena for India. Zhao, in his paper, proposed India's reason for such change.

India has been largely prompted by its desire to counter Indian insurgent groups operating from Myanmar. In India's strategic thinking, greater cooperation with Myanmar on cross-border counter-insurgency efforts, along with building a possible pipeline from Myanmar's gas fields to its north-eastern provinces (one of the most power-starved provinces in the country), seemed to be the most effective way to defuse the secessionist movement in the area. But more importantly, Myanmar's location is central to strengthening India's Look-East policy, energy security, and counterbalancing China's influence in Southeast Asia (Zhao 2008:179).

Haacke also claims a similar response in notifying the factors that accounted for India's policy change towards Myanmar.

India had apprehensions about a possible encirclement by China and pro-Chinese regimes in Pakistan and Bangladesh, as well as Myanmar. It also fretted about the possibility of China establishing a presence in the Bay of Bengal and the Andaman Sea. Second, economic and strategic interests coalesced in New Delhi's 'Look East Policy' under

incoming Prime Minister P.V.Narasimha Rao. Third, India sought urgently to address its security problems in the northeast As a result; India decided to place security and economic objectives ahead of political and human-rights considerations when dealing with Yangon (Haacke 2007:34).

As such, the reason for such constructive engagement with Myanmar stood very simple. First, the incorporation of Myanmar as a permanent member of the Association of South-East Asian Nation (ASEAN) in 1997 gave New Delhi a realistic potential towards its 'Look East' policy in fostering ties with Southeast Asia nations. Myanmar served as the only connecting bridge between India's Northeast with other ASEAN countries. Second, the quick evolving regional geopolitical framework with the significant rise of China in Southeast Asia and more particularly in Myanmar¹⁶ provided a broader reason for New Delhi to reassess and reestablish the toehold that it had previously held in Myanmar (Singh & Singh 2014:167, Egreteau 2008:937). Lastly, the practical objective of engaging with Myanmar emanates from 'the need to stabilise and cooperate on the cross border security issues in the region' in the interest of the successful implementation of Look East policy (Engh 2016:40).

¹⁶ China has remained Myanmar's important ally since 1960s when the country came under the military rule. Indeed, China is the only country that supported Myanmar during the UN and western sanctions in the midst of human rights violation by the military government. Following this, China became one the largest investor and trading partner of Myanmar providing economic assistance, development projects and military hardware assistance. This gradually led Myanmar referring to China as 'Phauk-Phaw' or big brother.

Section-II

3.3 The Militancy situation in Northeastern India

One of the factors influencing change in Indian policy towards Myanmar in the 1990s was the promotion of stability of the north-eastern region from the militant activities. The stability provides an onus on India's Look East policy and its relations with Southeast Asian neighbours. Ever since India's independence, the north-eastern states of India have resisted the post-colonial India's dream of integrating the region into the national mainstream. It provoked a radical attitude and violent opposition as a response to the increasing repression of the state machinery. The problem gave rise to separatism and mushrooming of militancy in the region (see Map 2). The years of protracted struggle against the counter operation frustrated the militants and dragged to seek other means in their fight. Besides, the militants take advantage of the globalised network and transnational linkages in enhancing their movement and smuggling of weapons across the border. Myanmar, which shares a border with strategically sensitive north-eastern states of India, is used as a channel for cross-border activities and establishing sanctuaries by various militant groups of Northeast India. They take advantage of the porous border, maintain a close affinity across the border and receive financial, logistic and military support from their counterpart (Sakhuja 2012:2). Egreteau state in his article that:

The most threatening change that has affected the insurgency issue is its globalisation. Although ethnic insurgencies and militant outfits have always found shelter, funding and sympathy across the border, recent external linkages set up by insurgents groups could prove to be a much greater threat to stability in the region as the strife has spilled over the

borders of the Northeast to affect neighbouring countries as well as regional underground networks. The unique location of the Northeast, situated as it is between the Himalayas (China, Bhutan and Nepal), the Indian Ocean (Bangladesh) and wide fluvial corridors (Brahmaputra, Chindwin and Irrawaddy Rivers), has made it a strategic area capable of becoming a dangerous cross-roads of instability (Egreteau 2006:14).

Map 2: The presence of Militants in Northeast India



Source: <https://www.slideshare.net/prasaddada/north-east-india-indian-security>

Aware of the issue, New Delhi tends to heed the recommendation on a large-scale crackdown with the help of the neighbouring government. Such act regulates the cooperative counter-measures between the states while dealing with militancy. Besides, it adds new dynamism in aligning their interests and incentives in creating a new strategic environment.

In this sense, the constructive engagement policy with Myanmar gives India a pragmatic change in its counter-militancy operation procedure in the north-eastern region. The engagement gives India an edge to discuss the necessary cross-border security situation with Myanmar, which otherwise were divided between an overwhelming military response and a few fruitless political negotiations supported by hefty financial packages. Besides, security cooperation also gives added security to the bilateral developmental projects that remain under the constant military threat. General V.P. Malik states that:

Without diplomatic relations and cooperation with Myanmar, it would be impossible to control insurgencies and bring about stability in our northeastern states, or to pursue India's Look East policy. Besides the fast-growing balance of power and influence of China in India's immediate neighbourhood and Southeast Asia, our long term political and economic interest required a constructive policy in the East. (Malik 2012:5).

3.4 The Look East Policy and India-Myanmar Proactive Engagement Phase

Before the conduct of the operation, many levels of proactive engagement between India and Myanmar officials played a crucial role in the initiation of the joint

operation. The first diplomatic engagement between India and Myanmar came through the visit of the Vice Foreign Minister of Myanmar, U. Baswa to India in 1992, projecting the significance of the constructive engagement between the two neighbouring states. J.N Dixit, the foreign Secretary to India, opines that the trip came in the backdrop of the preliminary discussions that were held between the Government of India and the Myanmar foreign office between February and August 1992. He states:

I was a participant in these discussions, which ultimately led to the visit of the vice-foreign minister of Myanmar, U. Baswa, to India between August 11 and 13, 1992. The Myanmar delegation made three points during this visit. Myanmar respects India's commitment to democracy and hopes India would be patient about the revival of democracy in Myanmar. Second, Myanmar acknowledged that security and political concerns existed which are shared by both countries. Myanmar was, therefore, willing to cooperate with India in taking joint action to meet the security and strategic interests of both countries. The third point which Baswa made was that Myanmar would be willing to increase economic and technological cooperation with India (Dixit 2001).

The visit followed a conscious decision on the significance of India's constructive engagement policy towards Myanmar. His visit was reciprocated by the two visits of Jyotindra Nath Dixit, to Myanmar in 1992 and 1993. During the visit of Dixit to Myanmar, most of the discussion followed from the earlier meetings. In the meeting, both the nations discussed their mutual and regional concerns and emphasised on the

need for cooperation in managing their common border against drug trafficking, smuggling and militancy. Similarly, India and Myanmar also signed an agreement on the prevention of drug abuse and trafficking at the meet. At the invitation of the Indian Foreign Secretary, Myanmar's Deputy Foreign Minister, U Nyunt Swe paid an official visit to India in 1994 along with six-member Inter-Ministerial delegation team. They held a series of meetings with Indian government officials covering the entire gamut of the bilateral relations. A Memorandum of Understanding (MOU) on Cooperation between Civilian Authorities to increase cooperation between India and Myanmar and to combat the illegal and militant activities and a Border Trade Agreement was signed during the meeting (Aung & Myint 2001:94). The memorandum recognises the deep concern that India and Myanmar share over the rising security concern in the border region. It discussed issues such as militant activities, narco-terrorists and other damaging elements operating on the India-Myanmar border. Similarly, in the same year, India's Home Secretary, N.N Vohra also visited Myanmar and signed agreements to cooperate and act against armed groups operating on both sides of the border (Bhatia 2016:103).

At the military front, the Chief of Staff of the India Army, B.C Joshi made his first official visit in 1994 to bolster the military cooperation between the two nations. The visit initiated in the supply of military hardware to the Myanmar army. In the same year, Lt. General Khin Nyunt, the Chief of the Military Intelligence also paid his maiden visit to India to bolster the defence cooperation between the two states.

In the background of such high official visits between India and Myanmar, security cooperation between the two states constituted as one of the areas of engagement. It heightened the significance of counter-terror cooperation between India and Myanmar

in the maintenance of peace and security along the border region of two nations. The outright apparition of cooperation came into reality when India and Myanmar conducted the first kind of such cooperation in 1995. The operation was codenamed as ‘Golden Bird’ and conducted along the India-Myanmar with the substantive help from the Myanmar Army. The operation was performed in tracking and intercepting militants’ column from transferring huge consignments of arms and weapons in Northeast India.

3.5 Backdrop to the Operation

The Indian Army conducted the Operation Golden Bird, first counter-terror cooperation action between India and Myanmar with constant support from Myanmar army in 1995. The whole responsibility for the operation was planned and executed under the command of the 57th Mountain Division of the Indian Army and included Mizoram police and the Assam Rifles. The general observation of the operation is characterised by the availability of the local intelligence network, mobilisation of armed troop towards preferred point without prior knowledge of the geographical terrain and the showmanship of great valour and determination by the security forces in carrying out the operation within a stipulated time frame (Dahiya 2016:5). During the whole operation, the Myanmar Army (Tatmadaw) provided substantial help in confronting the militants alongside the Indian security forces based on mutual understanding between India and Myanmar in countering any imminent security threats in the border region of the two states.

The operation was conducted following a tip from a reliable undisclosed intelligence source that a group of armed militant groups from Northeast India involving the National Socialist Council of Nagaland (NSCN), United Liberation Front of Assam

(ULFA), Peoples' Liberation Army (PLA) and the All Tripura Tiger Force (ATTF) were planning to move a huge consignment of weapons via the dense jungle of Myanmar-Mizoram border towards Manipur. The weapon consignment was received from the Wyakaung beach, south of the coast of Cox Bazar, Bangladesh (Singh 2015). The origin of purchase of the consignment was later found out to be at the arms depot of Thailand and Cambodia where the surplus amount of weapons and ammunition were acquired from the East European armies after the disintegration of the 'East Bloc' (Gurung & Maitra 1995:54, Dasgupta 2001:62). After the purchase of the weapons, the consignment was brought to Wyakaung beach on the Bangladesh-Myanmar border by sea via the Tenasserim coastal outpost and Maungdaw beach in Myanmar by the local rebels and arms smuggler. From the Wyakaung beach, the militant groups would then take the responsibility of picking up the consignment, distribute into the smaller amount and carry them through different routes to their respective location in Northeast India. Some of these routes include:

- a) The Chittagong Hill Tracts-south of Mizoram-east of Manipur bordering Myanmar;
- b) The Chittagong Hill Tracts- Tripura-west Mizoram-west Manipur route;
- c) The Chittagong-Sylhet-Meghalaya through Dawki and Baghmara – Assam via Mankachar in Dhubri District (Dasgupta 2001:62). (see Map 3)

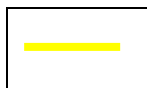
Along these routes, the militants hold base camps (mostly as transit camp) which provide safe passage in the free movement of militants and their consignments towards its preferred destination.¹⁷ Besides, the militant groups from Myanmar like

¹⁷ Most of the insurgent groups including the NSCN-K have transit camps at Salopi near the Mizoram-Bangladesh-Myanmar border, the Chittagong Hill Tracts including the Bandarban area of Bangladesh, Sylhet, Comilla, and Moulubi Bazar districts for the easy movement of arms and ammunition.

the Kachin Independence Army (KIA), the Karen National Union (KNU), the Arakan Liberation Party (ALP) and the National Unity Party of Arakan (NUPA) possess to have an intermediary role in purchasing and transporting weapons and consignments of the party involved and also in providing the details of the Indian military intelligence (Gottschlich 2015:147, Gurung & Maitra 1995:53-54).

Against this developing scenario, New Delhi felt that the importance of Myanmar and its strategic location would act as a catalyst in New Delhi's decade fight against militancy in Northeast India. Indeed, the importance of Myanmar was felt at a time when the militants operating in India's north-eastern region took maximum advantage of the porous border to set up and operate camp inside Myanmar (Routray 2011:304). In the event of the constructive engagement between the two neighbouring states, New Delhi and Myanmar promised to neutralise the militants and their cross-border activities that have represented 'a policy headache for New Delhi' (Gottschlich 2015:147).

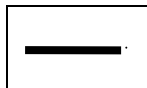
Map 3: The different route that militants used in delivering the consignments



The main route of weapons from Wyakaung beach on the Bangladesh-Myanmar border- Tenasserim Coast- Maungdaw in Myanmar



The Chittagong Hill Tracts-South Mizoram-East Manipur



The Chittagong Hill Tracts- Tripura-West Mizoram- West Manipur



The Chittagong Hill Tracts- Sylhet- Meghalaya – Assam

3.6 The Conduct of the Operation

Following the post-Cold War phase, the security concern in the north-eastern region of India bordering Myanmar, dominated as a primary imperative in India-Myanmar constructive engagement plan alongside economic liberalisation and geopolitics situation (Paode 2013:91). Besides, the signing of Memorandum of Understanding (MOU) on Cooperation between Civilian Border Authorities between India and Myanmar in 1994 to increase cooperation and prevent illegal and militant groups from using its territories inherited the consensus in establishing cooperative counter-measures against the militants and their cross-border militant activities. It entailed a spirit of cooperation in counter-militancy between India-Myanmar for the first time. The framework encouraged India to establish its first cooperative counter-measures with Myanmar in the event of intercepting the news of delivery of huge weapon consignments along the India-Myanmar border by militants of Northeast India.

The Assam Rifles stationed in Bungtlang, Mizoram received input from its intelligence source that a large column of militant groups from Northeast India had moved into the tri-junction of India-Bangladesh-Myanmar border with a larger number of weapon consignments. Following the same day, a report also came to the security officials posted at the Bungtlang check post that a large number of militants have entered Mizoram from the tri-junction the day before. They have moved further north after crossing Ltulphung Tlang village in Myanmar which was confirmed by the apprehension of the three cadres of Chin National Front by the Assam Rifles (Dahiya 2016:7).

At the recipient of the initial intelligence report, the capability and capacity of the Indian Army were very obsolete. Despite the presence of the militants in the region

since independence, the security forces had no contingency plan to attack and intercept the militants. Similarly, the capacity of the Indian army present in Northeast India was very scanty and desolate. Indeed, the national leaders gave very low priority to the military matters viz-a-viz other national concerns, and the country was unable to afford ambitious strategic objectives and full military rearmament. While discussing the problem in India's military modernisation program, Cohen and Dasgupta put forth that:

Military preparation just does not receive the kind of political attention that is necessary to marry military modernisation and strategy. India's military modernisation suffers from weak planning, individual service-centred doctrines, and the disconnect between strategic objectives and the pursuit of new technology. The bar for change in India is so high that any talk of imminent military transformation is highly premature. Since armed force has not been a central instrument of state policy, the country has not developed the institutional structures necessary to overhaul the mechanisms for generating military power (Cohen & Dasgupta 2010:2).

On this note, the Assam Rifles in most states and more particularly in Mizoram had only two companies with just 25 battalions and 19 at the operation level. Besides, the available troops were not in a condition to face the militant threats. Instead, they were confined in guarding various check posts along the border. Besides, the upsurge of terror attack activities in Jammu and Kashmir in the late 1980s assisted in the deployment of additional troop from Northeast India. Kasturi while assessing Indian Army's counter operation in Jammu and Kashmir points that:

In the period starting from 1990, when the insurgency in the Kashmir valley erupted and intensified, leaving the police and paramilitary forces unable to handle law and order, the Indian army stepped in. The Indian army had to handle the situation because Pakistan had initiated a proxy war in Jammu and Kashmir and the militants and foreign mercenaries they were infiltrating were armed with an array of modern weapons and sophisticated communications equipment and were trained to operate along military lines (Kasturi 2012).

This situation further created a problem to the already existing deplorable situation of the security forces in Northeast India. Despite these shortcomings, the Indian army conducted a successful counter-terror operation in intercepting the militant column with large weapon consignments. As far the method of operation was concerned, it was purely tactical and was conducted in three phases to disintegrate and apprehend the militant groups with constant support from the Myanmar army.

3.6.a The Interception Phase

The first phase of the counter-terror operation was focused in establishing the first line of interception along the Kolodyne River and the adjoining village of Zawngling, Khengkong, Tuipang and Tuitminhar (Dhaiya 2016:7). The responsibility for the specific task was assigned to the security forces of Manipur and Nagaland. They would be under the command of General Officer Commanding (GOC) of the 57th Mountain Division, Indian Army. However, due to the inadequate number of forces in terms of quality and quantity, other troops from different units were added to complete the security force units. The units were divided into sub-units and were provided with a direction to move to the first line of interception with available

rations, ammunition and equipment. In the course of operation, more forces from the Special Forces Team and 15 KUMAON regiment were added and redeployed into the unit following the intelligence report of militants using the pre-arranged bases and potters in carrying the weapon consignments towards east along the India-Myanmar border (Dahiya 2016:9).

As the militants were using Myanmar jungle for the safe passage and the delivery of the weapon consignment, additional units were inducted into the mission. Besides, Myanmar Army conducted a strict patrolling routine in the suspicious area marked by the movement of the militants. In one such incident, the Myanmar army punished the village of Fartlang in not informing about the presence of the militant group and providing them with necessary shelter (Dahiya 2016:9-10). In the event of avoiding contact with the Myanmar army, the militants' column clashed with the Myanmar army in Hlamphie area leading to the death of 23 militants and recovering a considerable number of weapons. The clash led to the arrest of the self-styled Foreign Secretary of the United National Liberation Army (ULFA), Sasha Chowdhury. However, he was later released on bail as a quid pro quo for his willingness to support peace negotiations with the Indian state (Bhattacharyya & Puri 2013:82).

Overall, despite security forces difficult pursuit in intercepting the militant column, the militants managed to camouflage the first line of interception of the security forces. Many factors contributed to the failure of the initial phase of the operation. The initial phase of the operation was more or less bleak and tardy marked by no systematic coordination, inadequate communication between the operation unit and less operational effectiveness. Moreover, the geographical terrain also played a part in the failure of the first phase of the operation. The deployment of additional forces also

met with little success. They had no familiarity with the geographical terrain of the area. Besides, the geographical terrain also hindered the radio communication frequency and logistic support among the unit forces leading to the failure of the units to intercept the movement of the militants despite having credible inputs.

3.6.b Second Phase of Coordinated Attack

The unsuccessful attempt of the first line of interception led the security forces to devise a new strategy for the second phase of the operation. The second phase comprised of building coordination between the units with precise tactics and techniques in intercepting those militants who had succeeded in moving further deep into the India-Myanmar border with the weapon consignments. The security forces under the command of the GOC were reassembled at the headquarters of the 19 Assam Rifles located in Serchip, Mizoram and a new plan and tactic were devised.

Following the intelligence report about the movement of the militants, the assembled forces were deployed in Mizoram along the India-Myanmar border. The unit exchanged fire with the militants leading to the death of 6 militants and recovered few arms and ammunition from the spot. After which, the unit made some adjustment in their tactic and was redirected to move further south. In the event, the militant took advantage of this decision and managed to move into the Myanmar territory via the vacant place where the unit was initially deployed. From there the militant column took the route to Leilet via Klangpi in Myanmar. At Leilet, the militant exchanged another round of fire with the Myanmarese Army. In the exchange, the Myanmar army killed six militants and recovered an undisclosed number of arms and ammunition. Similarly, Indian troops killed one militant and apprehended Hati Baruah, who is believed to be trained by Pakistan's Inter-Service Intelligence (ISI)

(Dahiya 2016:15). Based on his interrogation, Indian troop units further apprehended many militant columns from their hiding places along with dozens of arms and ammunitions.

As compared to the first phase, the second phase of the operation was more vigorous and thriving. The decision of devising new tactics and strategy worked to their benefit as the unit managed to apprehend a considerable number of militants along with arms and ammunitions. The role of Myanmar army also proved credential as they played a significant part in apprehending and eliminating the militants and their weapons. However, the conferring of the Jawaharlal Nehru Award for International Understanding for the year 1993 to Aung Sang Suu Kyi on 4th May 1995 amid the operation weakened the operation as Myanmar army lost trust and unilaterally withdrew before the operation could produce even more success (Sinha 2011). It led to an easy passage for the militants to move further upwards within the Myanmar territory. Routray, in his article, brings out the aftereffect of the conferring event.

The Operation Golden Bird conducted jointly by the Myanmar and Indian army in April-May 1995 had netted more than 200 rebels belonging to several separatist groups from Assam, Nagaland and Manipur. However, suddenly, Myanmar pulled out of the joint operation, allowing the trapped rebel column to escape including the chief of UNLF Raj Kumar Meghen following India's 1993 decision to award Aung San Suu Kyi with the Jawaharlal Nehru Peace Prize. (Routray 2011:315).

3.6.c The Final Leg of the Operation

Despite the unilateral withdrawal of the Myanmar Army from the offensive strategy, Indian security forces carried the final leg of the operation. The leg concentrated in apprehending those militants who got separated from the central column following the number of encounters with the Indian security forces and Myanmar army. Under the division of two units, the security forces were redeployed in the jungle of Mizoram along the India-Myanmar border. Following the deployment, the task force exchanged fire with the militant column along the deployed area. In the incident, ten militants comprising mainly of PLA were apprehended and interrogated by the troop units along with massive arms and ammunition. A search operation was conducted to look for hidden militants and weapons following the interrogation details. As everything went smooth with minor difficulty, the Operation Golden Bird was finally called off following the decision of the commanding officer of the 57th Mountain Division on May 21, 1995. Rumel Dahiya states that:

The operation was a great success from the point of view of the disintegration of a large body of insurgents, many of them either neutralised or apprehended. The group also suffered in terms of loss of equipment, arms and ammunition and was thoroughly demoralised. (Dahiya 2016:19).

Section-III

3.7 Security Environment along the India-Myanmar border after Operation

Golden Bird

Following the conduct of the Operation Golden Bird, the area adjoining India and Myanmar border including the routes that were earlier used by the militants remained under the constant surveillance of the Indian security forces and Myanmar army. Moreover, the operation has succeeded in constraining the activities of the militants operating in the region from carrying out any vulnerable activities for the time being. On the other hand, taking into consideration the advantage of the porous border to the militants, India and Myanmar have taken necessary steps to fence the border areas. India, on its part, started fencing the 8 km long Manipur-Myanmar border and Myanmar doing the same at the border posts of 145 and 126 (Laithangbam 2010, Financial Express 2017). Furthermore, a 10 km long border fencing along the Moreh-Tamu border is also under progress to check the free movement of the militants along the borders. With the border fencing program, the surveillance and internal security conditions of India and Myanmar saw an improvement despite high vulnerable factors at play, including the resentment among the people on both the side of the border. Chhonkar, in his article, argues that ‘a mutually acceptable arrangement addressing the security concerns of both the countries with minimum discomfort to the local inhabitants would be prudent’ (Chhonkar 2017).

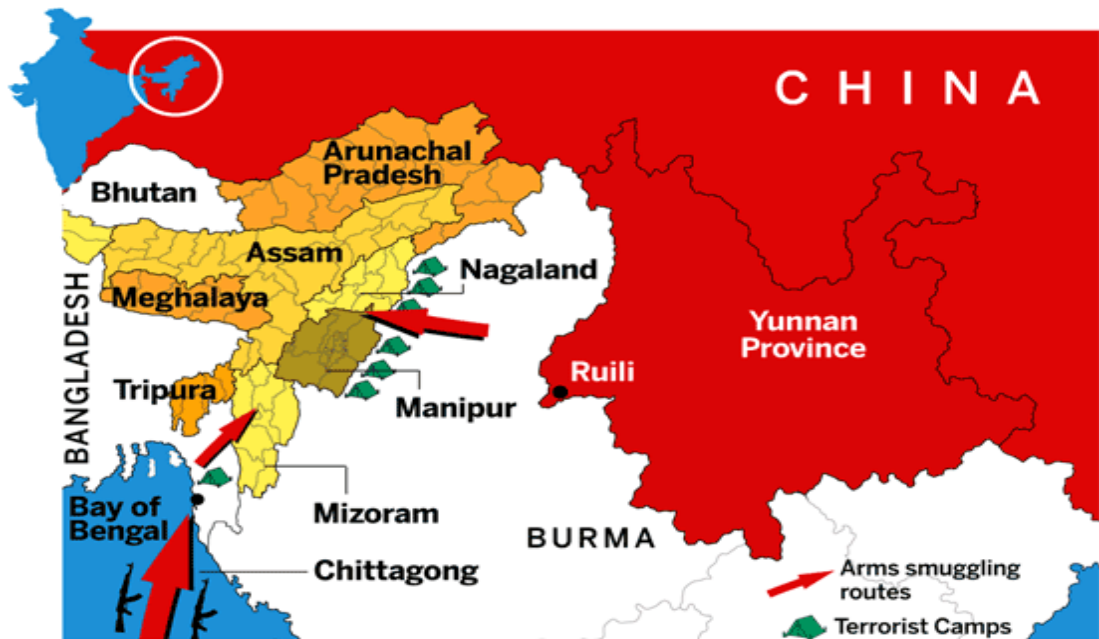
However, despite the glaring positive development in the security architecture between India and Myanmar, there are also some worry points as far as the security of the region is concerned. Despite the initiative of constant surveillance by the security forces, the areas such as the transit camp of Cox Bazar in Bangladesh and the coastal

areas of Myanmar continually acts as a trigger to another round of terror incidents as the militants use these transit facilities to their advantage in delivering arms and ammunition (see Map 4). The 2004 Chittagong Arm case¹⁸ saw one such instance where trucks loaded with arms and ammunitions that were intended to be delivered to the ULFA militants were intercepted by the security forces of Bangladesh (see Image 1). The interception exposed many terror links and involvement of a section of Bangladesh's political class and National Security Intelligence (NSI) who collaborated with the militants in supplying and dealing with the militants in Northeast India (The Economic Times 2014). The case had a far-reaching security implication, particularly in the context of destabilising India's northeast by spreading violence and terrorism in the region. Bhattacharjee while analysing the Chittagong Tribunal Verdict and its implication comments that:

The Chittagong verdict assumes significance in the context of prevailing cross-border militant activities. The strategically located Chittagong region had been used by most of the outfits as transit routes for launching attacks against Indian targets. The ULFA leaders had built a huge network of training camps, safe houses and logistical support in the region. Bangladesh also emerged as a hub of lucrative business for the North Eastern separatists (Bhattacharjee 2014).

¹⁸ The 2004 Chittagong Arm Case was an incident where on the basis of the intelligence reports the Bangladesh Police seized 10 trucks with arms and ammunition at the Chittagong Urea Fertilizer Limited on the Karnaphuli River. The consignment was believed to be delivered to the United Liberation Front of Assam (ULFA), a militant groups in Northeast India.

Map 4: Camps and arms smuggling route along the India-Myanmar border



Source: <https://www.indiatoday.in/magazine/investigation/story/20110606-chinese-agents-smuggle-arms-to-spread-militancy-in-north-east-746248-2011-05-28>

Image 1: Image of the Chittagong Arms Seizure



Source: <https://mygoldenbengal.wordpress.com/2014/02/03/10-truck-arms-cases-verdict-after-10-years/>

In such a developing scenario, there arose a necessity on the part of New Delhi in implementing a favourable strategy concerning its overall security and relations with its neighbours. New Delhi has extended many levels of diplomatic meets and dialogues with its regional neighbours, including Myanmar for a joint-operation against the cross-border militant activities. Many a time the joint operation with its neighbours has turned out to be a fruitful one. The reports of the Wall Street Journal and the Facebook post of the director of Myanmar's presidential office, Zaw Htay where India and Myanmar conducted joint military operations in 2006 inside Myanmar to neutralise the militants gives a positive approach to the India-Myanmar cooperation framework (Parvatiyar 2015). Similarly, The Operation All Clear¹⁹ of 2003 also embarks a similar joint operation with Bhutan in flushing out the militants of Northeast India mainly from the southern region of Bhutan (see Map 5). Furthermore, in 2015 India conducted yet another operation, Hot Pursuit Operation following the ambush of an Indian army convoy in Manipur killing 18 soldiers.

¹⁹ The Operation All Clear of 2003 was joint counter-terror cooperation between the Indian security forces and the Royal Bhutan Army against the militants including the United Liberation Front of Assam or ULFA who had sought shelter in the southern region of Bhutan. During the operation more than 30 camps were burnt down including the seizure of more than 500 AK-47/56 assault rifles, anti aircraft gun, rocket launcher and mortars shell with many rounds of ammunition.

Map 5: The areas where Operation All Clear took place



Source: <https://defence.pk/pdf/threads/operation-all-clear.415962/>

3.8 Flurry of Engagements between India and Myanmar after Operation Golden Bird

Putting aside the episode of conferring Nehru Award on the pro-democracy leader, Aung Saan Suu Kyi, the impact of first security cooperation between India and Myanmar stands as a perfect example of counter-terror cooperation between two nations in eliminating the terror-related security threats. It added a new factor in increasing the bilateral engagement between India-Myanmar in the post-cold war period. The conduct of the operation created a new standard of procedure in initiating security cooperation between India and Myanmar at the bilateral and regional levels

ranging from arms supplies to joint military training and exercises to establishing robust security mechanisms to address the militant problems and the broader regional security architecture.

The act of the operation created a ripple effect on the broader India-Myanmar foreign relation that has been overlooked for a long time. The operation brought a new phase of synergy in the working relationship between the two nations. The act revived the far complex relations between the two nations. It underscored the importance of each other in the light of changing geopolitical situation at the bilateral, regional and global level. On the one hand, the operation ensured India's keenness to work pragmatically with Myanmar on the issue of security. On the other hand, the act was rationally driven to ensure that China will not be the only player in Myanmar. While generating the assumption on the drivers that regulate India-Myanmar counter-terror cooperation Basit in his article acknowledges that:

A driver that can lead to a change in an interstate relationship is a third-party state. Balancing against China, an increasingly assertive regional and global great power and India's rival, is the primary factor scholars ascribe to the overall empowerment of the India-Myanmar relationship. The China factor is central and feeds into the counter-militancy cooperation both in a contextual and direct sense. Although transnational militancy has been a threat since the colonial period, fighting it is now strategically more important for New Delhi as China's involvement in the neighbourhood is increasing (Basit: 2008:75). (See Map 6)

Map 6: Chinese activity in India's Neighbourhood



Source: <https://www.spf.org/iina/en/articles/nagao-india-powergame.html>

Based on this perspective, the operation set a motion of engagement between India and Myanmar in the field of projects, agreements and security related issues. Post-operation saw a significant number of visits and meetings by officials at the diplomatic and the military level between the two nations to reduce mistrust and create a space to build opportunities and an environment of pragmatic engagement. At the diplomatic fronts, the significant visit among them includes the visit of India's External Affairs Minister Jaswant Singh to Myanmar in 2002 to discuss a proposal for building Tri-Lateral Highway linking India with Myanmar and Thailand (See Map 7). It was followed by the visit of India's Vice President, Bhairon Singh Shekhawat in

2003 wherein India and Myanmar signed the visa exemption agreement for officials and diplomats and MoU between the Ministry of Human Resources Development of India and the Ministry of Education of Myanmar. Similarly, the President of India, APJ Abdul Kalam, also made the first-ever visit by Indian President to Myanmar since Independence. His visit led to the signing of a wide range of agreements and MoUs in the field of common interest like security cooperation, automobiles, natural gas and river and land-based transportation system (Rediff.com 2006). On the Myanmar side, the first official visit of the Chairman of the State Peace and Development Council (SPDC), Senior General Than Shwe to India in 2004 marked the significance of the bilateral relations. His visit was marked by the signing of eight agreements in the areas of economic and security issue. During the visit, the Chairman assured New Delhi that it would not allow militants to operate from the territory of Myanmar. The visit was followed by another visit by Myanmar's Vice-Senior General Maung Aye in 2008. During the visit, India and Myanmar signed an agreement on the Kaladan Multi-Modal Transit Project to enhance the connectivity between the two neighbouring states through northeast India (See Map 8). Six years later, General Than Shwe's second official visit to India in 2010 further underlines the growing importance of relations between the two nations (Kean & Thu 2010). Reciprocating the visit, Indian Prime Minister, Man Mohan Singh made a historic milestone in the relation between India and Myanmar when he made a state visit to Myanmar in 2012 at the invitation of the President of Myanmar, U Thein Sein. The visit initiated delegation-level talks on bilateral, regional and international issues of mutual interest reflecting the close and friendly relations between the two neighbouring countries and peoples (Singh 2012).

Map 7: India-Myanmar-Thailand Tri-Lateral Highway



Source: https://en.wikipedia.org/wiki/India%E2%80%93Myanmar%E2%80%93Thailand_Tri-lateral_Highway

Map 8: Kaladan Multi-Modal Project connecting Northeast India with Myanmar



Source: <https://myanmarmatters.com/india-myanmar-kaladan-project-underway/>

At the military level, the engagement between the two nations has continuously grown, as evidenced by the constant military engagement and activities between the security forces of the two nations. Indeed, the operation Golden Bird endorses a new element of trust and hope in strengthening the contour of the bilateral relations and ascendancy in defence cooperation. Many levels of talks, visits and discussions were held at different phases covering the strategic and security of both the nations. The meeting of Indian Chief of Staff, General V.P. Malik with Myanmar's Senior General Maung Aye in Yangon and Shillong in 2000 created the stage for a regular exchange of high-level visits by top officials based on mutual interests and national security considerations. These visit includes General Joginder Jaswant Singh's visit to Myanmar in 2005 to discuss the issues about security along the India-Myanmar border, India's Home Secretary, V.K. Duggal visit to Myanmar in 2005 on the pretext of Home Secretaries talk between the two-nation reached an agreement with his counterpart to cooperate in tackling militants and arms and drug smuggling in the region (Satyanarayanan 2006). Similarly, Vice Admiral Soe Thane, Commander-in-Chief of the Myanmar Navy visited India in 2007 followed by Admiral Suresh Mehta, the Chief of Naval Staff reciprocal visit to Myanmar in the same year. These visits, therefore, project the excellent working relations between the militaries of two nations and provide a cushioning force of engagement between India and Myanmar in counter-terror cooperation. Such engagements have induced a pattern of joint operation against the militants and their camps. In 2000, the Myanmar Army based on the exchange of transfer of military equipment raided and ambushed several of the Indian militant camps in Myanmar. General V.P Malik refers to the states of the moment held between him and the Vice Chairman of Myanmar Maung Aye during his visit to Shillong in 2001:

When Maung Aye left Shillong, I gave him a map marked with locations of hostile Naga gangs in North Myanmar and asked him to get them raided by Myanmar Army. A fortnight later, these camps were raided and destroyed. When the insurgents attempted to run across the boundary into India, they were ambushed by our troops and suffered more casualties. (V.P.Malik 2012:7)

Similarly, In 2006 India and Myanmar conducted a small scale joint military operation inside Myanmar to flush out militants of Northeast India (Kanwal 2010:141). Overall, the deliberation held at these meetings has deepened the understanding between the two nations on the issue relating to security and border management. It predicted the development of strength and pace of the bilateral relationship after the operation golden bird. Similarly, Post Operation Golden Bird also witnessed increased cooperation between India and Myanmar in various sub-regional and regional forums like the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), ASEAN Regional Forum (ARF) for all-round development and secured regional security (Singh 2009, Kumar 2017:28).

Section-IV

3.9 The outcome of the Operation

Overall, the joint operation between India and Myanmar was a great success, particularly while looking at the number of casualties that Indian and Myanmar troops apprehended and neutralised. The operation managed to disintegrate a large column of militants who were expected to deliver huge consignments of weapons to the militant outfits in Northeast India. The militant groups suffered a huge loss in terms of arms, equipment, and manpower, although a few groups managed to escape from the operation site. In the whole operation, the Indian security forces conveyed sheer determination, grit and perseverance in carrying out the ambitious operation. Despite the knowledge of geographical terrain of the area and the lack of logistic support, the security forces showed a high moral principle and courage. Similarly, Myanmar Army, on their part, played an incisive role alongside Indian security forces. They provided substantial help in tracking and neutralising the militants on its side of the border with weapon consignments making it easier for Indian security forces to move forward.

In operation, more than 52 militants were killed by the security forces of India and Myanmar. Indian Troops confirmed in killing 14 militants, and the Myanmar army claimed to have killed more than 38 militants inside the Myanmar territory. Furthermore, more than 20 militants and huge arms and ammunitions were either apprehended or surrendered to the troops of either side. The captured weapons of the insurgents include 6 Light Machine Guns, 26 AK 47/56 of which 17 were captured by the 15 KUMAON column and 25 by the Myanmar army (Dahiya 2016.19). However, had New Delhi stayed quite long in conferring the Nehru Award then the whole

militants that had managed to escape could have been apprehended. However, the security forces still managed to apprehend more than half of the rebel in operation, thereby preventing a terror-related episode in the border region of India and Myanmar.

3.10 Observation of the Operation Golden Bird

The Operation Golden Bird was indeed a successful joint counter-terror effort carried by the Indian security forces and Myanmar Army in intercepting militants with huge consignments and therefore preventing another round of terror episode. In the initial phase of the operation, there was a slight problem in locating and managing the security forces to the operational point. However, it was improved with the onset of the second and third phase of the operation. The units were grouped, regrouped and divided into smaller units, making the operation a well-coordinated and orchestrated under one line of command. However, in the final round of operation there emerged some miscalculation game between New Delhi and Nay Pi Daw on the pretext of conferring Nehru Award on Aung Sang Suu Kyi- a pro-democracy leader whom Myanmar military junta had placed under house arrest since 1988. The action led the Myanmar army to set free passage to the militants.

Therefore, observing the whole operation, there are a few crucial things that need significant highlight. First, the geographical terrain and location presented the utmost difficulties to the security forces in the whole operation. The presence of thick and dense forests, rugged topography hindered the physical accessibility of the security forces as they were utterly ill-prepared with the region. In most cases, the units were deployed without any geographical and operational knowledge of the region leading to the initial failure in the apprehending the militant column. However, in the later

stage, this problem briefly improved following thorough briefing, knowledge and grouping of the operation. On the other hand, the militant column mainly took the geographical terrains to their advantage. The groups used the advantage of the cross-border affiliation with the Myanmar rebel groups for guidance, free passage, arranging porters and other types of logistic supports.

The lack of logistical support presented another problem to the security forces in the pursuit of the operation. Based on the lack of knowledge of the terrain and the operation, the unit faced an immense problem concerning health, rations, medical and logistic support. In most cases, the operation reach of the security forces was severely restricted due to the unavailability of maps, radio, poor coordination between the unit and other logistic supports, including the radio set, night vision devices, light vehicles and adequate weapons and ammunition.

The conferring of the Nehru award on the pro-democracy movement leader Aung Sang Suu Kyi during the operation presented another setback during the joint operation. From the operational point of view, New Delhi suspicious initiative in the conferring of the award brought a severe complication in the whole gamut of operation as it wholly changed the tempo and the direction of the joint operation. Myanmar unilaterally withdrew from the operation game and set the stage for free passage to the militants. Considering this action, the Commander of the Eastern Army, Lieutenant General H R S Kalkat commented that ‘India should leave its Burma policy to the Army. We are soldiers, they (Myanmar Junta) are soldiers, and our blood is thicker than the blood of bureaucrats’ (Singh 2015).

Lastly, the cooperation that the Myanmar Army provided in the joint operation needs high praise despite the political gamut between India and Myanmar during the

operation. In the whole operation, the Myanmar army gave meaningful consideration to the agreements and MOU inclined for the maintenance of peace and tranquillity in the border areas of the two nations. Myanmar Army played a substantive role in flushing out the militants who were using the Myanmar territory for their free passage.

Chapter 4

The Hot Pursuit Operation 2015

Introduction

The chapter sets the second case study of counter-terror cooperation between India and Myanmar. It highlights the hot pursuit operation conducted by the Indian security forces against the militant hideouts in the jungles of Manipur and Nagaland along the India-Myanmar border in 2015 following the militant attack on the Indian army convoy who were conducting its daily routine of road opening patrolling in the Chandel district of Manipur. The operation was conducted keeping in mind the security cooperation that India and Myanmar shares in matters related to combating terrorism in the region.

The chapter is divided into four sections. The first section of the chapter gives a brief background to the nature of the political and security environment in Northeast India and more precisely, the evolution of the Naga Peace accord. The section states that in order to understand the ambush, it is essential to look at the significant evolution of the Naga Peace Accord in recent time and the gradual rise of the Khaplang faction of the National Socialist Council of Nagaland (NSCN-K). The second section of the chapter deals with a detailed account of the ambush and the conduct of Hot Pursuit Operation by the Indian security forces. The operation was conducted keeping in mind the national security concern and the security cooperation that India shares with Myanmar. The third section of the chapter deals with presenting a picture that emerged between India and Myanmar post hot pursuit operation. The section also tries to make a pattern that the operation was conducted based on New Delhi's strict

policy of zero tolerance to terrorism and the mutual consent and cooperation that India and Myanmar shares as far as security in the region is concerned. The fourth section of the chapter deals with assessing the significance of the operation in broader India-Myanmar relations. It also highlights few assessments that are going to emerge post hot pursuit operation, and New Delhi has to uptick its security establishment with Myanmar to safeguard its national interests and the perseverance of bilateral relations.

Section-I

4.1 Background to the Ambush

The Hot Pursuit Operation²⁰ conducted by the Indian security forces in the aftermath of the June 4 ambush along the India-Myanmar border was one of the first kinds of the counter-terror operation employed by India with cooperation from Myanmar in the recent years. The operation was conducted amid an attack on the Indian army convoy by unidentified militant groups (at the time of the attack) when the army was on their regular road patrolling duty along the Tengnoupal-New Samtal road in the Chandel district of Manipur. The militants attacked the convoy by using highly Improvised Explosive Devices (IED), Rocket Propelled Guns (RPG) and automatic weapons that left 18 soldiers dead and injuring 11 soldiers. The daring attack came as a surprise to the Indian security forces in recent years. It led to speculations about the cause of the attack and the responses that India should employ to avenge the terror attack. Five days later, the Indian army conducted the Hot Pursuit operation in gunning down more than 35 militants and their base camps along the India-Myanmar border. It was a successful counter-terror operation between India and Myanmar in

²⁰ A Hot Pursuit Operation refers to the immediate and direct pursuit of operation against the suspect from carrying, or committing more violent acts in the near future. The Operation is conducted in a precise and coordinated manner without any delay.

recent years. Although there was no direct involvement on the part of Myanmar, however, they provided coordination and cooperation with India as the Indian security forces managed to destroy the militants and their hide camps without suffering any casualties (See Appendix 16).

As the chapter explores the hot pursuit operation, it becomes more critical to generalise the background that led to the attack and the conduct of the operation after that. This is done to know the ground conditions and generate awareness in preventing such a spate of attacks in the near future. In the case of the Manipur ambush, the Khalpang faction of the National Socialist Council of Nagaland (NSCN-K) along with the Kanglei Yawol Kanna Lup (KYKL) and Kangleipak Communist Party (KCP) claimed responsibility for the attack. In this regard, the key to understanding the ambush lies in understanding the evolution of the Naga Peace Accord in recent years and the rise of the Khaplang faction of the Nationalist Socialist Council of Nagaland (NSCN-K).

4.2 The Naga Peace Accord and the rise of the Khaplang faction of the National Socialist Council of Nagaland (NSCN-K)

The 2015 Manipur ambush was one of the deadliest attacks on the Indian security forces in recent years. The Indian forces had never expected such a high voltage coordinated attacks that would take away the lives of 18 Indian soldiers and wounding many. Although militancy is one of the oldest and the central problem in the Northeastern part of India, whose evolution can be traced down to independence

period,²¹ however, the June 4 coordinated attack leaves the security analyst and New Delhi into bewilderment. It encouraged security analyst to identify the reason which engulfed into such attack. After the day of the attack, the Nationalist Socialist Council of Nagaland-Khaplang (NSCN-K) claimed the responsibility of attacking the security forces along with the help of other outfits including the Kanglei Yawol Kanna Lup (KYKL) and Kangleipak Communist Party (KCP) In a statement issued to the media, the NSCN-K state that an elite strike unit of Naga Army, Kanglei Yawol Kanna Lup (KYKL) and the Kangleipak Communist Party (KCP) carried out the ambush (HuffPost 2015).

The statement of the NSCN-K claiming the attack intimidates the security analyst that there is a direct link between the ambush and the evolution of the Naga peace accord of which the Khaplang faction of the Nationalist Socialist Council of Nagaland is one of the signatories. Therefore, understanding the Naga Accord was felt necessary to narrate before looking into the details of the ambush and the conduct of the hot pursuit operation.

The Naga Peace accord is one of the oldest peace initiatives that the Government of India has undertaken in order to bring an end to the decades-old insurgency in Nagaland.²² The Peace Accord was successfully signed in 2015²³ with the Issac-

²¹ Northeast India have witnessed insurgency since the time of India's independence with Naga insurgency being one of the oldest and the first to take up the path of violence advocating for independent state. This was followed by Manipur, Mizoram and whole of the Northeastern states.

²² The Naga Insurgency is one of the oldest and the long running insurgency in the Northeast India. The movement was started by Angami Zapu Phizo- a Naga Nationalist who played a key role in organizing the Naga National Council (NNC) in 1946. The Naga insurgency dates back to the formation of the Naga National Club in 1918 during the British Raj asserting the distinct ethnic identity of the Naga and demanding for a separate homeland. This movement was further spearheaded by Phizo who developed the skill of guerilla warfare and formed armed resistance movement against India in establiing a separate sovereign Nagaland. Till today, this movement is spearheaded by the two ethnic

Muivah faction of the Nationalist Socialist Council of Nagaland (NSCN-IM). The accord adheres to facilitate the cultural integration of all the Naga- inhabited areas other than Nagaland without disturbing the existing territorial boundaries of the Northeast states of India (Rediff.com 2015). Furthermore, the accord also promised to implement the financial and administrative autonomy for the Naga-inhabited area in the other states of the Northeast region. The accord also emphasised in disarming the existing cadres and camps of the NSCN-IM. The accord signed as a ‘Framework of Agreement’, is viewed as historical as the past agreement like the 1975 Shillong accord²⁴ failed to address the unity, political and historical rights and integrity of the Nagas. Indeed, the Shillong accord of 1975 gave birth to the National Socialist Council of Nagaland (NSCN) who propounded in the creation of ‘Greater Nagaland’ or ‘Nagalim’- consisting of areas inhabited by the Naga people in Northeast India and part of Myanmar. The NSCN felt that the Shillong accord failed to maintain the Nagaland Sovereignty demand. Chhonkar, in his article, states that:

Another attempt was made with the signing of the Shillong Accord in 1975. This agreement was dismissed by the Naga nationalist faction

groups of National Socialist Council of Nagaland- the Issac Swu and Thwingaling Muivah faction and the Khaplang Faction that was formed in 1980s.

²³ The Naga Peace Accord was signed in August 2015 between the Government of India led by R. N Ravi, the interlocutor for Naga Peace Talks and the Nationalist Socialist Council of Nagaland-Issak Muivah led by the Chairman Isak Chisi Swu and the General Secretary Thuingaleng Muivah in the presence of Indian Prime Minister Narendra Modi and National Security Advisor Ajit Doval.

²⁴ The Shillong Accord signed in November 1975 was an agreement between the Government of India and the Nagaland Rebels that provided a solution to the lasting problem of insurgency in the Northeast India. According to the Accord, the Naga Rebel conveyed their decision to accept the constitution of India, surrender their arms and ammunition and agreed to formulate other issues for discussion as a part of their final settlement. On the other hand, the Government of India took the positive action in withdrawing military personnels, releasing the political prisoner and respect the dignity and integrity of the accord.

and the Naga National Assembly as an act of capitulation to the 'enemy' (Chhonkar 2018:38).

Similarly, Narender Kumar, in his article, also point out a similar view:

Shillong Accord was considered to be an attempt by the government to divide the Nagas on ethnic and tribal lines. This led to the creation of the NSCN that was formed by the hardliners among the Nagas (Kumar 2015:112).

However, the political ideology and the difference in principle between the leaders of the NSCN made the group split into two factions- the National Socialist Council of Nagaland (NSCN) -Issac Swu and Thwingaling Muivah (IM) and the National Socialist Council of Nagaland (NSCN) -Khaplang (K). The splitting of the group into NSCN-IM and NSCN-K brought a changing trajectory in demand for Nagaland Sovereignty. The NSCN-IM faction led by Issac Swu and Thwingaling Muivah who is under the negotiated peace with the Government of India since 1997 enjoyed a better position in the peace deal process than the NSCN-K faction led by Khaplang who also had entered into a peace agreement in 2001. The reason is for a simple case that the Issac Swu and Thwingaling Muivah are Indian Naga. On the other hand, Khaplang belongs to Hemi Naga from Myanmar, and the Government of India did not want to talk to the latter (The Telegraph 2012). The reason, therefore, enabled the NSCN-IM of being the conduit of expression for the Nagas. It facilitated NSCN-IM in coming over the ground, running a parallel government in Nagaland with its law and people, thereby jettisoning the greater Nagalim demand (Dutta 2015).

The facilitation of NSCN –IM as a medium of expression for all Nagas helped in gaining a network of the support base and created a pathway for them to contest the election and enjoy power within the parameter of Indian constitution. It created a severe blow to the NSCN-K outfit who suffered in terms of organisation and structure to maintain the unity in its demand for Greater Nagalim. As such, inability to any fruition to its greater Nagalim demand, in March 2015, the NSCN-K abrogated the ceasefire agreement with the Government of India (Chisi 2015). Pradip Phanjoubam writes that:

Even in the last 22 years of Naga peace negotiations, radical shifts in perspective have been evident. For instance, when parleys began in 1997, it was exclusively with the NSCN (IM). In 2001, the NSCN's other major faction led by the late S.S. Khaplang, NSCN(K), too entered into a ceasefire agreement with the Government, but they were not made part of the peace negotiations, ostensibly because of objections from the NSCN(IM), which instead offered amnesty to all other factions if they joined them. Expectedly, the NSCN (K) began showing signs of disintegrative pressures from within (Phanjoubam 2019).

The withdrawal of ceasefire fire then led to the resumption of hostilities and the group began to target security forces including the 2015 Manipur ambush (The Tribune 2015). Rajeev Bhattacharyya, in his article, while looking at the chances of security threat in the event of NSCN-K ceasefire withdrawal, states that:

Khaplang's decision to withdraw from the ceasefire seems to have been well planned. He saw greater benefits in snapping ties with the Indian

government and getting closer to the Myanmar Army and the separatist outfits from India's Northeast that have camps in that region. NSCN –K is part of the United Front of nine outfits that were formed four years ago with the goal of securing independence of the Northeast and Naga region in Myanmar (Bhattacharyya 2015).

Section-II

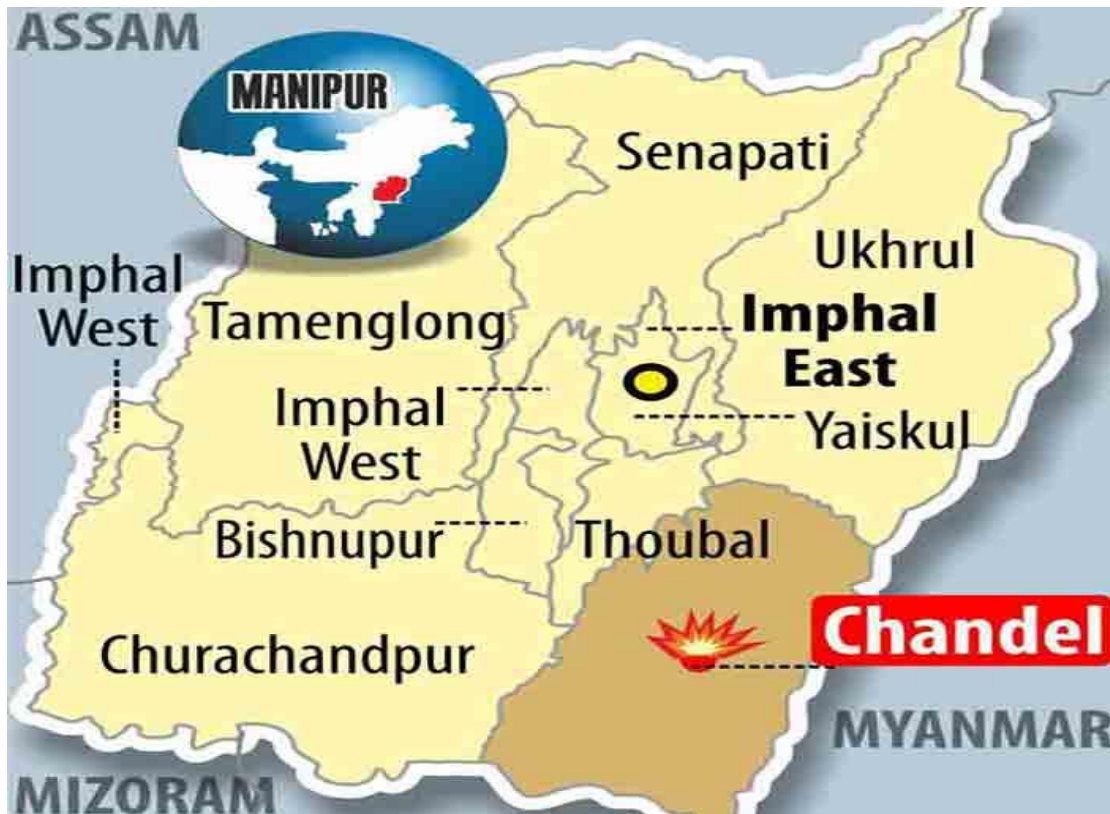
4.3 The Ambush

The June 4 ambush on the Indian Army in the Chandel district of Manipur was one of the most significant attacks on the security forces in over a decade in Northeast India. The attack came on the day when a team of 6th Dogra Regiment of the Indian Army in a convoy of four vehicles was moving along the Tengnoupal-New Samtal road in the Chandel district of Manipur as a part of their road patrolling routine (see Map 9). The road patrols are a daily routine conducted by the Indian Army in an enrage environment to deter and detect the enemy's intention and action and prevent state against any internal disturbance. The patrolling is done in the volatile and insecure areas including Jammu & Kashmir and Northeast India and provides a unique opportunity to the security forces to manoeuvre the imminent threats and actions of the enemy. The Chandel district in Manipur is one of the areas where the rule of Armed Powers Special Force Act (AFSPA)²⁵ - a special power granted to the Indian security forces to maintain peace is prevalent. The AFSPA is imposed in such areas as affected by security concern and comes into play only after the government declares a State or a part of it as disturbed (Das 2013:14). Under the act, it empowers the armed

²⁵ Armed Forces Special Power Acts or (AFSPA) is a special power created through the acts of Indian Parliament that bestows special powers to the Indian security forces to protect the state against the internal disturbance and to maintain peace and status quo in the disturbed areas.

or the security forces with additional and special power in carrying out their duties without fear of being persecuted for their actions.

Map 9: The area where Manipur ambush occurred



Source: <http://images.indianexpress.com/2015/06/manipur1.jpg>

On the morning of June 4, around 9 A.M, the 6th Dogra division of the Indian army who were patrolling the Tengnoupal-New Samtal road in the Chandel district of Manipur, about 15km from the Myanmar border were attacked by an unidentified militant group (Roy 2015). The region is entirely a mountainous terrain with semi-thick jungles and constituting a fragile population. The attack happened when the troops in a convoy of four vehicles carrying 46 soldiers in all were returning to their Head Quarters in Nagaland Dimapur from their base in Moltuk towards Pallel. The militant group (about 20-25 in number) attacked the convoy with a powerful

Improvised Explosive Devices (IED) particularly placed inside a pressure cooker. After the powerful IED blast, the militants fired Rocket Propelled Grenades (RPG) at the four vehicles carrying soldiers from different directions (FirstPost.com 2015). In the act, the first two vehicles bore the major brunt as the RPG grenade that hit the first truck carrying about 5-6 soldiers, and barrels of fuels exploded, taking out the second convoy which was carrying about 18-19 soldiers (Rediff.com 2015). After the firing of the RPG grenade, the militants sprung from the hillside and resorted to firing using sophisticated firearms, lethod guns and incendiary explosives which caused heavy casualties to the security forces travelling in the convoy. The security forces, particularly in the 3rd and the 4th vehicles immediately dismounted and retaliated with fire and also alerted the Battalion Head Quarters which was about 7 km away from the attack site for reinforcement (National Investigation Agency 2015:10). In the retaliation, the security forces killed one militant on the spot while the rest managed to escape from the attack site, particularly into the Myanmar territory. After two days, the security forces recovered a dead body of a militant in the village of Libong- about 10 km from the place of the ambush and en-route to Myanmar (National Investigation Agency 2015:15). The security forces recovered materials, including arms and ammunition, mobile phones and SIM cards, live IEDs, Chinese made grenade and RPG from the attack site (see Image 2 and 3). The attack lasted for 10-15 minutes, and in retaliation of the security forces, the militants managed to escape from the place. The militants killed a total of 18 soldiers with maximum casualties coming from the first and the second vehicles. The deceased bodies of the security forces were charred beyond recognition (see Image 4). The critically injured soldiers were airlifted to the military hospital at Leimakhong near Imphal and then to Guwahati for further treatment.

Image 2: IED bomb found at the ambush site



Source: <http://deepakshijagurumayum.blogspot.com/>

Image 3: Chinese made hand grenade found at the ambush site



Source: <http://deepakshijagurumayum.blogspot.com/>

Image 4: Charred remains of the Soldiers inside an ambushed truck



Source: <https://twitter.com/nilimdutta/status/607066621882961920>

Some of the materials that the security forces recovered at the place of the operation include:

- a) Live as well as the residue of Arms and Ammunitions;
- b) A large number of empty cases of AK series and 9mm ammunition;
- c) Mobile phone and SIM card;
- d) Live as well as the residue of Lethod Gun ammunition;
- e) A large number of personal belonging to one dead insurgent including an AK series rifle;
- f) Miscellaneous articles belonging to the insurgent group members. (See Appendix 16)

Table 1: The details of the ambush

Date	Place	Outfits Responsible	Security Forces Killed	Security forces Injured	Insurgent Killed
June 4, 2015	Between Moltul and Pallel in Chandel District, Manipur	National Socialist Council of Nagaland- Khaplang (NSCN-K), Kanglei Yawol Kanna Lup (KYKL) and Kangleipak Communist Party (KCP)	18	15	2

4.4 The Hot Pursuit Doctrine

The doctrine of 'Hot Pursuit' occupies a significant meaning in the customary international law and the United Nations Convention on the Law of the Sea (UNCLOS). It refers to the right of a coastal state to pursue and apprehend the vessels of another state on the high seas when those ships violate a law of the coastal state in its territorial water bodies (Columbia Law Review Association 1968:1127). It is done to maintain the necessary balance between the principle of free navigation on the high seas and the interest of the coastal state in the efficient governance of its coastal borders, thereby upholding and minimising conflicts. In the event of the hot pursuit, the UNCLOS lays down specific procedures as a part of hot pursuit. These include:

- i) The state which is exercising the hot pursuit must have a valid reason to suffice that the foreign vessel has transgressed the law of the state;
- ii) The hot pursuit operation can only be conducted when the foreign vessel is within its water bodies or contiguous zone of the state;
- iii) The hot pursuit ends when the vessel enters its territorial jurisdiction or any third state (Bhattacharya & Prabhat 2016).

However, in contemporary times, the relevance of hot pursuit as an enforcement tool has grasped its logical strife in international relations. States have made an effort to articulate the relevant principle of hot pursuit in the course of land warfare which is driven by infringement upon the territory of a sovereign state, incursion and violation of territorial integrity of one's state. Many countries have introduced an expanded doctrine of hot pursuit on land to justify the breaches of its territorial sovereignty and integrity based on self-defence and more so against anticipatory attack (Sanklecha 2015). Saif Rasul Khan also states in his article that:

The term 'Hot Pursuit' refers to the urgent and direct pursuit of a criminal suspect by law enforcement officers, or by belligerents under international rules of engagement for military forces. It is termed as a new or immediate pursuit. Such hot pursuit grants special powers to the officers in command, which otherwise they do not have. It is a doctrine that provides that the police may enter the premises where they suspect a crime has been committed without a warrant when delay would endanger their lives or the lives of others and lead to the escape of the alleged perpetrator (Khan 2015).

History provides a long list of hot pursuit examples across international borders. These include the United States hot pursuit engagement against Mexican bandits in 1860s, Israel against Palestinian rebels, Turkey's experience of striking against the Partiya Karkeren Kurdistan (PKK) rebels operating from Northern Iraq, South Africa justification of hot pursuit operation into the neighbouring African states and Kenya action against the Al-Shabaab militants in Somalia territory (Columbia Law Review Association 1968, Sanklecha 2015).

In all these, nations' policy in conducting a hot pursuit operation irrespective of its related question of legality in international law should encompass or more precisely depends on:

- a) The combat capabilities of its security forces;
- b) The type of forces deployed by the adversary on the border;
- c) The operational readiness of the adversary;
- d) The available ally in the international community to support the action and if not the nerve to go alone with complete disregard of international opinion (Kanwal 2015).

Considering the evolving definition of the hot pursuit and notwithstanding the questions of the legality of the hot pursuit doctrine, states employ the tactics if not frequently in response to grave provocations from across the borders and diffuse the threat of the adversary quickly at much minimum cost. Jay Manoj Sanklecha while looking at the legality of the doctrine of hot pursuit operation on land, states that:

Over the years, some countries have sought to introduce an expanded doctrine of hot pursuit on land to justify the breaches of territorial

sovereignty of foreign states as part of the ongoing pursuit of offenders. It permits states to use force against non-state actors and breach the territorial sovereignty of foreign states in response to an accumulation of terrorist attacks (Sanklecha 2015).

Similarly, Lionel Beehner also states that:

Given the borderless nature of today's violent NSAs, from terrorist groups like ISIS to drug traffickers, as well as weak states' inability—or perhaps unwillingness—to control these armed combatants, states regularly invoke what legal scholars call "hot pursuit" to justify cross-border incursions (Beehner 2018:379-380).

In the pursuit of the doctrine, little consideration is required to know that there is a state of cross-border cooperation between the states that employ hot pursuit operation and the opposite state. This is a mandatory step to mitigate interstate disputes at the later stage.

4.5 The Planning of Hot Pursuit Operation

The attack on the Indian security force came as a surprise to New Delhi in recent years. The deliberate and well-coordinated attack by the militants left the Indian security forces amazed and surprised. Media and News channels operating from within India as well as foreign began to channelise the details of the incident and the probable strategy and options that New Delhi can employ. Indian Prime Minister, Narendra Modi termed the attack as 'mindless' and 'disturbing'. Home Minister, Rajnath Singh tweeted "*We will not allow the sacrifices of our soldiers to go waste*". Then India's Defence Minister, Manohar Parrikar condemned the attack and lamented

that *"those who committed the cowardly act would be brought to book"*. The attack triggered the establishment of strong retaliatory counter-offensive action against the militant group who had managed to escape from the operation site. The Army Chief, General Dalbir Singh Suhag, postponed his trip to the United Kingdom and was rushed to Manipur to take stock of the security forces and the operation. National Security Advisor, Ajit Doval, who was to accompany Prime Minister Narendra Modi to Bangladesh, also cancelled his trip at the last moment to supervise the security forces for a retaliation plan (Variyar 2015).

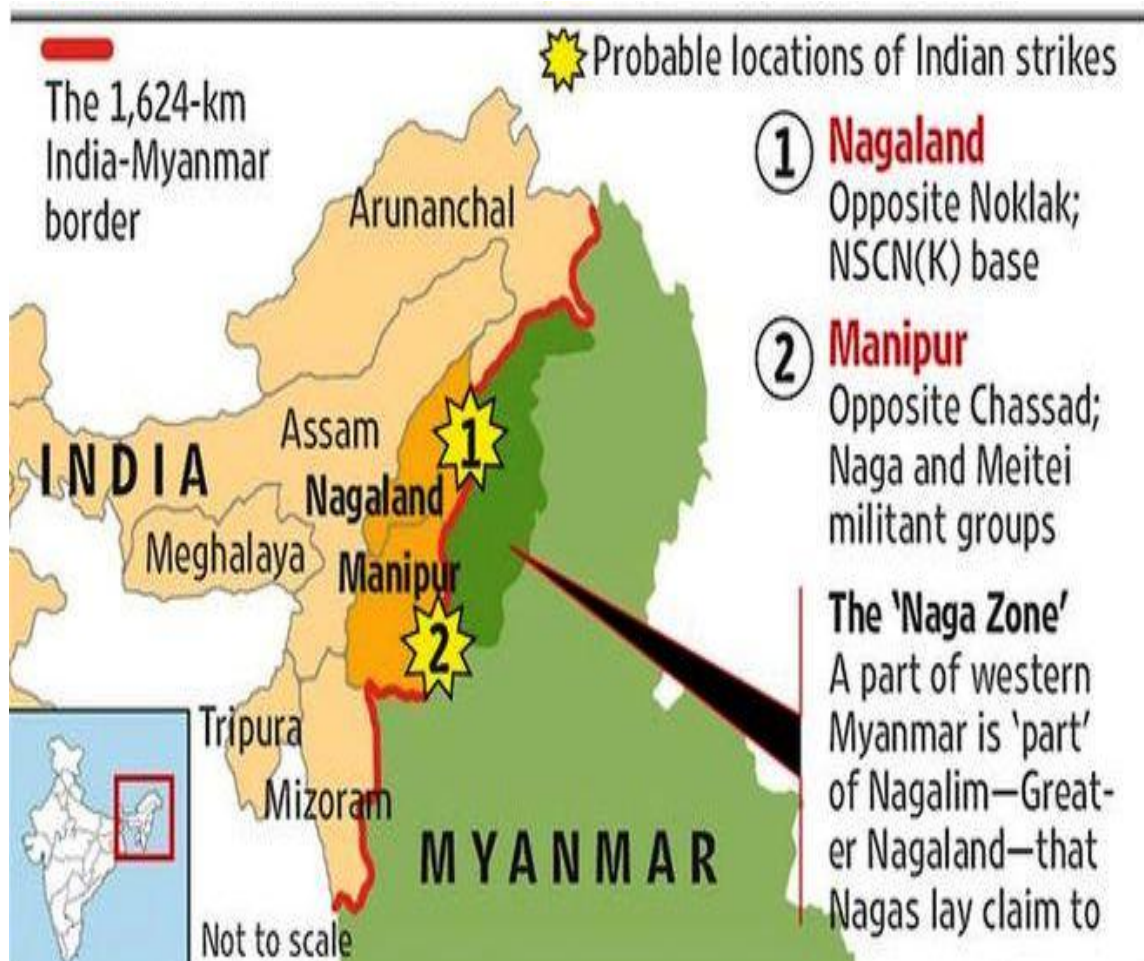
Following the attack, a high-level meeting was held in the Home Ministry which was chaired by the Home Minister, Rajnath Singh. The meeting was attended by top security officials, including Defence Minister Manohar Parrikar, National Security Advisor Ajit Doval, Army Chief Dalbir Singh Suhag and other top security and intelligence officials (Rediff.com 2015). During the meeting, the situation and the possible plan were discussed and analysed with all the counterparts. After the meeting, following the green signal from the Prime Minister's Office (PMO), it was decided to employ the Hot Pursuit Operation instantly to avenge the militants involved in the attack.

4.6 The Conduct of the Operation

After the June 4 attack on the Indian security convoy, Indian Army operating in the region received credible intelligence inputs from their sources that the militants had crossed over to Myanmar after the attack and are planning for a more such kind of attacks within Indian territory (Times of India 2015). The Indian intelligence in an extremely discreet shared available information and source inputs about the satellite images of militants and their hideout camps with the Myanmar Army so as not to

embarrass the Myanmar authority at the later stage (Hussain 2015). Keeping this in mind and also underlined by the importance of national security and the maintenance of peace and tranquillity in the Northeast region, New Delhi decided to employ a firm response and planned to carry out the hot pursuit operation along the India-Myanmar border. This proposal met with a positive response from the Prime Minister who wanted a swift and a strong retaliatory response to the attack and gave a green signal to the operation (see Map 10).

Map 10: The Areas of Hot Pursuit Operation



Source: <http://www.team-bhp.com/forum/shifting-gears/164821-indian-army-goes-undercover-myanmar-proud-moment-all.html>

Following intelligence inputs from the reliable sources about the whereabouts of the militants and their base camps, the Indian security forces carried out the operation in the early morning of 9 June. The operation planned to conduct strikes on two militant base camps located within four kilometres along the India-Myanmar border. The security forces involved in the operation were the 21 Parachute Special Forces²⁶ of the Indian army with assistance and coordination from the troops of 27 Sector headquartered at Pallel in Chandel district, troops of 10 Sector of Assam Rifles headquartered at Ukhrul and the Indian Air Forces. The Special Forces, by their nature, are trained to maintain strategic mobility and flexibility in the time of crisis or emergency. They are deployed particularly in the volatile region of Jammu & Kashmir and Northeast India to strengthen the army's capabilities to carry out particular operations in the region (Times of India 2011).

In the early morning of June 9 particularly in between 2-3 am, a team of 70 special force troops team was moved just close to the India-Myanmar border in advance by the Dhruv helicopters. After the airdrop, the group was divided into two teams. Each team was further sub-divided into two sub-groups with one team responsible for a direct assault on the insurgent and the second team formed the outer ring to prevent the fleeing of any militants from the location (Times Now 2017). The teams were equipped with assault rifles, rocket launchers, grenades and night vision goggles. The troops trekked through the rough and thick terrain and porous jungle along the India-Myanmar border before they reached the two hide-out camps of the militants. One hideout at the Ponyu/Kemhu area opposite Noklak was housing the 3rd Brigade of the

²⁶ The 21 Parachute, a unit of the Indian Army's Parachute Regiment is a special force of the Indian Army. They operate in small a team which works individually behind the enemy lines in special operations including counter-terrorism, hostage rescue, and unconventional warfare. The units heritage stems from creation of 50th Indian Parachute Brigade in 1941. Since then, the units have been successful in conducting covert and overt operations within and beyond Indian boundaries.

NSCN (K) militants. The second hideout camp opposite Chassad area had militants of the Peoples Liberation Army (PLA), United National Liberation Front (UNLF) and the Manipur Naga Revolutionary Front (MNRF) (Times of India 2015). Based on accurate ground inputs and thermal imagery of the hideout, the troops attacked with full force using guns and rocket launchers in hitting and destroying the camps. Indian Air Force most destined and favourite Russian made helicopter, Mi- 17 was kept on the standby mode in case of any emergency. This swift operation, therefore, took about 40 minutes in particular and was overseen by Lt. Bipin Rawat, the General Officer Commanding (GoC) of the Dimapur based 3 Corps (The Hindu 2015).

In the swift operation, the militants suffered heavy casualties with a death toll crossing more than 50 while there were no casualties on the side of the Special Forces. Despite sharing the intelligence inputs, Myanmar was kept in the dark during the whole operation since India had a security agreement with Myanmar to allow its troops to enter each other's territory on the matters of combating terror threats. The 2010 formal agreement between the India Home Ministry and Myanmar and the follow-up agreement on security agreement in 2015 signals the element of trust and cooperation between the two states. It was in this regard that Myanmar was informed only hours later about the operation. Besides, Myanmar Army has no operational control over the areas as rebel groups primarily held it. The Army was also fully engaged in fighting the ethnic Arakan, Kokang and Karen rebels in north, east and south. As such while briefing the press statement after the operation, the Additional Director General Military Operations, General Ranbir Singh made a statement that the attack took along the India-Myanmar border. He further stated that:

There is a history to close cooperation between our two militaries. We look forward to working with them to combat such terrorism (<https://www.bbc.com/news/world-asia-india-33074773>). (See

Appendix 17)

Commenting on the press statement of the Indian Army, Beehner states that:

The Indian Army's statement was discreet so as not to embarrass Myanmar, whose people would surely see it as a violation of their sovereignty and a potential sign of a weak government, thus giving opposition groups daylight to protest. Worried about both potential domestic and international blowback—Myanmar also faces cross-border insurgencies along its Thai border as well—Burmese authorities officially denied that any such operation took place inside its territory (Beehner 2018:400).

Section-III

4.7 India-Myanmar Hot Pursuit Operation Fiasco

Following the swift 40 minutes strike operation where the Indian security forces managed to avenge the hideout of militants, India's National Security Advisor Ajit Doval accompanied by the Foreign Secretary Subrahmanyam Jaishankar made an emergency visit to Myanmar. As Myanmar was informed hours later, after the operation, many sources conveyed Nay Pyi Taw's resentment over the claim that Indian security forces had entered its territory and carried hot pursuit operation. In this building fiasco, New Delhi felt the importance of sending its top security officials to Myanmar, mainly for two important reasons. The first reason for sending its officials

emerges in the view of growing desperation over the counter-terror operation fiasco carried by India Security forces inside Myanmar territory. In his post, the director of Myanmar's presidential office, Zaw Htay asserted that Myanmar 'will not allow any foreign military operations in its territory' and urge every country to 'respect other's sovereignty' (Kasturi 2015). However, refraining from this ambiguity, there is no conjecture of India's counter-terror operation violating Myanmar's sovereignty. This comes from the fact that both the nation abides and share agreements related to counter-terror operations with an option to enter each territory based on consent. Besides, India's close rapport with Myanmar over the past decade and supply of much needed military hardware defines the missing point over the ambiguity. In this regard, Zaw Htay statement fails to grasp the fact that both the nation abides and shares cooperation in matters related to terror activity and security within their region. Moreover, as quoted by Indian Embassy in Yangon, there was no resentment over the conduct of the hot pursuit operation from Myanmar side and the quasi-military regime wanted an excellent working relationship with India and therefore did not make much fuss over the incident (Ray 2016).

The other reason for sending the top officials to Myanmar stems around India's building trend of 'Neighborhood First Policy',²⁷ The policy aims to improve ties with its immediate neighbours by giving political and diplomatic priority to its neighbours; providing necessary support; encouraging more excellent connectivity and integration process. The policy focuses on two primary objectives- fulfilling the election mandate to boost India's sagging economic growth and playing the role of balancer to bring a

²⁷ 'Neighbourhood first Policy' is a Media buzz term referring to the policy action of Narendra Modi with focus on improving ties with India's immediate neighbours. Since then the term 'neighbourhood first policy' has been used by academician and experts to underpin the unprecedented diplomatic outreach of New Delhi towards its neighbourhood in pursuing, nurturing and shaping economic and strategic cooperation.

geopolitical equity vis-à-vis China's influence in the region (Pal 2016, Madishetty 2017). Based on the objective, New Delhi knows the geo-strategic importance of Myanmar as a gateway to Southeast and East Asia and also a part in consolidating New Delhi neighbourhood policy. On this line Wasbir, Hussain comments that:

The action also suggests New Delhi's proactive 'neighbourhood first' policy is showing results. The alacrity with which Myanmar let India send in its troops to neutralise a group of Indian insurgents indicates a closer understanding between the two neighbours, even if the Myanmar military's attitude may continue to be driven by case-to-case considerations. The mood in Bangladesh, too, is favourable. Bhutan had cooperated in the past in carrying out a pincer attack to oust an assortment of Northeast Indian insurgents (Hussain 2015).

Moreover, with the landslide victory of National League for Democracy (NLD) in the 2015 election,²⁸ and India's switch from 'Look East' to 'Act East policy' there emerged a new and unexpected opportunity for India to readjust or alter its foreign policy doctrines in the backdrop of obliviousness attitude and neglects towards Myanmar in the past. In this regard, New Delhi wants Myanmar and its neighbours not to take the operation as a specific case of India leveraging greater power showmanship in the region. Instead, the operation was part of India's newfound ability to prevent terror attacks undeterred by borders and not India's showmanship of masculinity in the region. Indeed, the operation rather symbolises New Delhi's new action plan and its

²⁸ In the first ever historic election in Myanmar in 2015, Myanmar opposition party- National League for Democracy led by Aung San Suu Kyi won a landslide election victory thereby ending the decades of military backed rule.

firm stand on zero tolerance for terrorism. It demonstrated New Delhi's strict counter-terror strategy for the first time.

4.8 New Delhi's Zero Tolerance to Terrorism

The sixteenth Lok Sabha election victory of Modi in 2014,²⁹ presented New Delhi with an opportunity in building a strong, self-reliant and self-confident India with an objective in achieving its rightful place in the comity of nations (Izuyama 2015:173). One such essential overarching advocacy of Modi's strong India was its zero tolerance for terrorism in any forms at all levels. It means that terrorism in all its forms and manifestation is to be denounced and strict measures where possible should be adopted to curb it. The Bharatiya Janata Party election manifesto of 2014 stresses that:

India has a sensitive neighbourhood, and there are internal security issues. There have been many intrusions inside the LAC (Line of Actual Control), violence in the eastern border, Maoist attacks and illegal immigration. In this regard, national security cannot be compartmentalised based on one issue but needs a clear roadmap to address it. Over the past decade, lack of strong and visionary leadership, coupled with multiple power centres, has failed to address the issue of national security, leading to a chaotic situation and denting India's image in the international arena (https://www.thehindu.com/multimedia/archive/01830/BJP_election_manif_1830927a.pdf).

²⁹ The 2014 general election marks a major change in the election of India as for the first time a Party, Bharatiya Janata Party (BJP) won a stunning outright majority in the Lok Sabha since 1984. Of the total 543 seats, the B.J.P won an stunning 282 seats and with its coalition allies gaining 343 seats.

Some of the excerpts of the roadmap of the party to address the issues include:

- a) Reviving the anti-terror mechanism which was dismantled by the Congress³⁰;
- b) Strengthening the role of the National Investigation Agency (NIA) and putting a swift and fair trial system of terror-related cases;
- c) Revamping the intelligence gathering system by modernising the intelligence department;
- d) Insulating intelligence agencies from political intervention and interference;
- e) Drawing out a national plan in consultation and participation of the state governments to address the national security concern;
- f) Dealing with cross border terrorism with a firm hand;
- g) Review and improve the border management system, improvise measures to check illegal immigration (see Appendix 18)

The manifesto conveys for the review of the current national security system and identifies a roadmap to safeguard it. It emphasises on the need for building a clear structure and direction to address the internal security measures primarily against terrorism. It encourages to build a good rapport with its neighbours since major faces of India's threat stems from its neighbours- be it spill-over of domestic conflicts, large scale immigration or the base they provide for terrorism directed against India.

Besides, New Delhi also emphasises on the importance of regional and multilateral forums and their role in pushing its zero tolerance towards terrorism policy. Such

³⁰ Bhartiya Janata Party (BJP) and the Congress have been in duel over the Prevention of Terror Activity or POTA policy. The Congress on its stand claims that the current provisions in various anti-terror law are adequate enough to deal with terrorism and that some important provision of the POTA law have been incorporated in the Unlawful Activities (Prevention) Act. On the other hand, the BJP accuses the Congress of being soft on terror and the nature of the available anti-terror law which are easily used as an escape law either by exploiting the loopholes or by intimidating witnesses to subvert justice.

forums advocate outright rejection of terrorism in all forms and play a vital part in constructing a strong international legal regime on the principle of zero tolerance for terrorism. India's Minister of State for External Affairs at the 14th ASEAN-India Foreign Ministers' Meeting states that:

Countering terrorism is imperative, in the face of rising terrorist attacks across the globe. It is vital to construct a strong international legal regime, built on the principle of 'zero tolerance' for direct or indirect support to terrorism, adopting an 'extradite or prosecute' standard and ensuring obligatory collaboration by countries in the investigation of terrorism-related cases (Economic Times 2016).

At such juncture where India's position on terrorism is clear, the attack on the Indian convoy gives New Delhi the practical test to prove its grounding and defend the ethos and integrity of its nation. In the official statement of the army after the operation, they put forward that:

While ensuring peace and tranquillity along the border and in the Border States, any threat to our security, safety and national integrity will meet a firm response (The Times of India 2015).

Similarly, the Minister of State for Information and Broadcasting Rajyavardhan Singh Rathore also made a statement that the operation was:

undoubtedly a message to all nations that harbour any intentions - be it the west or the specific country we went into right now. Even if there are groups within countries that harbour terror intentions, we will choose the time and the place of hitting them (Razdan 2015).

This new strategy or more certainly a new and aggressive phase in the battle against terrorism validate New Delhi's long setback to counter-terror efforts in Northeast India and Jammu and Kashmir. The operation provoked a changing strategy of India in dealing with terror threats which otherwise in the word of Wilson John, has been a long sufferer of the intelligence and structural problem emerging from its debilitating colonial legacy and a complementary stranglehold of bureaucracy. Wilson, while analysing the growth of terrorism in India, states that:

The structure and operational philosophy of state police and intelligence units have not changed much since British days—they are mostly structured as agencies to protect law and order and spy on rivals rather than act as investigative and intelligence units. Criminal investigators are usually inserted into terrorism investigations only after an incident takes place. There are no independent anti-terror units carrying out both intelligence and investigations into terrorist groups at the state level (John 2008).

This pragmatic reaction of the government and the armed forces in conducting the operation, therefore, gives a whole new dimension to the changing counter-terror strategy of India and creates an impression that a new and aggressive phase in the battle against terrorism has begun.

Section-IV

4.9 Outcome of the Hot Pursuit Operation

The hot pursuit operation along the India-Myanmar border suggests a changing shift in New Delhi's security policy and more precisely in its counter-terror strategy. In

fact, for the first time on the ground, New Delhi had sent its security forces in neutralising the militant groups. The choice of such an appropriate course of action reveals in the transformation of New Delhi's building strategy from a defensive to offensive approach. However, in the context of the hardening of public sentiment and the electoral promises to take stern action against terrorism, the operation in Myanmar also brings a signal of worry and concern as far as India's character and its strategic position are concerned.

The first concern comes in the form of New Delhi's failure to keep the operation covert. Indeed New Delhi failed to realise that such operation needs strategic foresight and sustained astute diplomacy. In the aftermath of the operation, former Chief of Air Marshal F. H. Major (Retd) commented that the less we talk about these operations in public, the better it will be for our armed forces. These kinds of operation must always remain on a need-to-know basis only.

By stating so as not embarrass Myanmar, New Delhi failed to take care of the tingling hiccup that emerged between the officials of two nations. However, the situation was gradually burned down amid other issues that Nya Pi Daw was going through, including the upcoming general election of 2015 that was more significant as far as the transition of Myanmar was concerned³¹. On the other hand, the alacrity with which Myanmar let India send its security forces to neutralise the militants indicates that there remains a closer understanding between the two neighbours even if the

³¹ The 2015 election in Myanmar was looked upon as an important crossroad as far as politics in Myanmar was concerned as for the first time in a decade Myanmar was opening for a historic election after nearly a half century of military rule. The main opposition party, the National League for Democracy led by Aung San Suu Kyi was expected to win a majority of seats paving the way for the establishment of democratic and transparent government in Myanmar.

Myanmar military's attitude may be driven by case to case considerations (Hussain 2015).

The second cause of concern has to do with analysts advocating their opinion on New Delhi to declare a policy of launching a similar operation in Pakistan to counter cross-border terror attack on Indian Territory in Jammu and Kashmir. Rajyavardhan Singh Rathore, a junior minister in the Ministry of Information and Broadcasting, issued a barely concealed warning that New Delhi has the potential of conducting similar counter-terror strategy to any country including Pakistan that harbours terror intent towards India (Rao 2015). Such unnecessary rhetoric might prove to be a counterproductive and could hurt India's engaging 'Neighborhood First' policy drive and more precisely in enlisting further counter-terror cooperation with Myanmar.

The third concern hovers around the possible development of the militant situation in Northeast India and the likely direction it tends to follow in the aftermath of the operation. According to South Asia Terrorism Portal report, as of 2017, there are more than 90 active militant groups in Northeast India divided mainly over the issue of leadership, supremacy and peace talks (<https://www.satp.org/terrorist-groups/india>). Some of these groups include the United Liberation Front of Asom (ULFA), National Democratic Front of Bodoland (NDFB), National Socialist Council of Nagaland-(Isak –Muivah) and National Socialist Council of Nagaland-(Khaplang). In the event of the hot pursuit operation, there are possibilities that these divided militant groups might get unified and fight under one umbrella. The formation of the United National Liberation Front of Western South East Asia (UNLFWSEA) comprising of the United Liberation Front of Assam (Independent), Kamatapur Liberation Organization (KLO), National Democratic Front of Bodoland (Songbijit)

and Nationalist Socialist Council of Nagaland (Khaplang) in the aftermath of the operation makes an exact point of this possibility in waging attacks against Indian forces (Kalital 2015, Puyam 2015, Bhattacharyya 2015:95). As the Indian security officer makes offensive strategy against the militants, the groups will employ new tactics and plot new strategy (such as UNLFWSEA) and strike back only to show that they still uphold their demands.

Similarly, the incipient threat of Islamist terrorism from neighbouring states and the rise of several Islamic militant groups in the neighbouring states forging close ties with the militants of Northeast India pose another concern to New Delhi. According to Amarjeet the organisation like Islamic Sewak Sanha (ISS) assist radicals in crossing the India-Bangladesh border while Harkat-ul-Jihad ul-Islami (HuJI) and Harkat-ul-Mujahideen (HuM) helps the group to obtain training in Bangladesh and Myanmar (Singh 2007). The arrest of Sahanoor Alam, the financial brain of the terror outfit, Jamaat-ul-Mujadideen (JMB) and his kin Saburuddin Ahmed in the 2014 Burdawan blast further gives a strong narrative of Islamic terror spreading its tentacles in Northeast India (Goswami 2014). Sumit Ganguly, while presenting his report on the rise of Islamist Militancy in Bangladesh, states that:

Political developments within Bangladesh and the growth of militant Islamist organisations in that country are related to the prevailing political instability in India's northeastern states in two ways. First, there is some evidence of the involvement of the Bangladeshi state and various Islamist organisations in aiding and abetting the existing political turmoil in this region. Second, the region faces a very pressing problem of substantial illegal immigration from Bangladesh. Much of

the ongoing political upheaval in these states is of indigenous origin. However, the willingness of various Bangladeshi regimes to aid insurgents by providing sanctuaries, weaponry, and other forms of logistical assistance has contributed to the prolongation and exacerbation of the conflicts (Ganguly 2006:7)

Similarly, Arvind Kumar also states in his book that:

The forces inimical to India are also trying to use Islamist groups of the Northeast to create disturbances in the region. They have also been working in tandem with Indian insurgent groups. There is a significant Muslim presence in Northeast India for centuries. The propaganda by both Bangladeshi as well as Indian extremists has been partly responsible for the growing Islamic extremism in the Northeast (Kumar 2012:64-65).

The spread of Islamic State of Iraq and Syria (ISIS) terror around the globe utilising local conflicts and grievances further adds another onus on India's security particularly when the militants of Northeast India are exploiting new and asymmetric warfare strategy in waging its fight. In the wake of its dislocation from Iraq and Syria and the resulting expansion of its theatre of action, there are chances that ISIS will utilise local conflicts and grievances as a medium of establishing its foothold. Hasnain points out that as the ISIS opts for a weak region/ nation with Islamic colours or transnational border regions, the Myanmar-Bangladesh border holds serious potential for the revival of the ISIS. In support, he states that:

Bangladesh reports the eviction of a million-plus Rohingyas Muslims from Myanmar's Rakhine province bordering Bangladesh, due to a virtual genocide-like campaign mainly by the Buddhist army of Myanmar. Refugees camped in an area near the Myanmar-Bangladesh border in inhuman conditions, is the type of breeding ground that ISIS seeks. Bangladesh has also been subjected to ISIS influence and in July 2016 suffered a major terror attack at the Holey Artisan Bakery, Dhaka, which had a deep-dyed ISIS colour. This area borders India's Northeast which has been restive for many years. There is a Muslim population on the Indian side which could be vulnerable too. With an active ISIS lookout for potential zones with criteria which suits its strategy, the broad swathe of territory from Thailand to Northeast India bears vulnerability towards an ISIS perception of a temporary parking space and exploitation of the human capital from this region (Hasnain 2018).

Besides, ISIS also wields significant influence over the local terror groups such as Jammāt-ul-Mujahideen (JMB) and Harkat-ul-Jihad-al Islami Bangladesh (HuJI-B) located in Bangladesh. Such influence poses a concern to India, notably when these groups have altered its tactics and have extended tentacles on the other side of the border. The JMB, meaning 'Assembly of Holy Warriors' believes in the establishment of Sharia-based Islamic state in Bangladesh. The group relies on various sources for funding, including extortion, smuggling, and donations from various charity groups that profess Wahabi ideology and has the support of Pakistan's Inter-Services Intelligence (ISI) (Manoharan & Hooda 2016). In ensuring to spread its objective and strategy, JMB uses India in facilitating its hideout as well as for recruiting new cadres

through madrasas. More so, under the assistance of local militant groups, JMB networks actively in areas closer to its stronghold in northern and north-western Bangladesh including Malda, Murshidabad and Muslim dominated districts in Assam (Manoharan & Hooda 2016). In this regard, what looks interesting is that the militants from Northeast India might collaborate with the JMB or may succeed in getting the necessary influence and support of such terror groups for its cause since they are connected by similar objective and ideology of anti-India (Dhaka Tribune 2018). Similarly, the Rohingya crisis can act as a potential recruitment base for the ISIS and brings severe ramification to India (see Map 11). The ISS Risk Report on the threat of ISIS to India points out that:

The hundreds of thousands of Rohingya refugees stuck in camps on the Bangladesh-Myanmar border offers ISIS potential sympathisers who can be trained and redirected to terror attacks in India, facilitated by its international network (ISS Risk Special Report 2018:12).

Map 11: Potential Rohingya Sympathisers



Source: <http://www.indiandefencereview.com/news/why-rohingyas-cannot-be-allowed-in-india/>

The fourth assessment underscores the need for a constructive security engagement initiative at the ground level between the two nations. The hot pursuit operation showcased that there are still underlying challenges in the counter-terror cooperation framework between India and Myanmar. The operation, therefore, draws a re-look into India-Myanmar counter-terror mechanisms and policies

In light of the assessment, it presents a more significant concern towards New Delhi and its security establishment. The assessment brings a picture of possible security concern and the need for India to redesign a comprehensive security approach with its neighbouring states, including Myanmar in containing the future threat. Although, the Hot Pursuit operation on the militant camps inside Myanmar boosted the morale of the security forces and the citizenry at large, however, this should not be a long-term strategy. New Delhi should focus on increasing diplomatic, military and economic relation with Myanmar for effective interoperability between the two nations while conducting such operation in the future.

4.10 Observation

The 40-minute swift and effective hot pursuit operation conducted by the Indian Special Forces along the India-Myanmar border brings a morale booster to the armed forces and their capability towards preservation of India's national security. It signals a proactive and pragmatic decision of the Modi led government in calibrating its prowess and well-engineered foreign relation handling. In support of the argument, Lionel Beehner state in his article that:

2015 operation arguably signalled a tougher India's counterterrorism and counterinsurgency policy, at least along its eastern frontier. The new doctrine also signals a shift toward greater cross-border cooperation, a reflection of its "permissive" nature. The operation is a manifestation of Modi's "proactive" shift (Beehner 2018:399).

The operation justifies India's stand on zero tolerance for terrorism and urges the international community to ensure that the forces of terrorism do not find any sanctuaries and safe havens anywhere and at any level. Besides, the operation displayed a paradigm shift in the way India counters terrorism. For the first time, a fine balance was maintained between the political leadership, military capabilities and strategic competence. The operation presented a perfect choice of action as far as New Delhi's interest is concerned and a necessary direction in a repetitive upsurge in cross-border terror activity in Jammu and Kashmir and Northeast India in the recent years.

Moreover, the operation also justifies the significance of cooperation that exists between India and Myanmar. Although there was no direct involvement of Myanmar in the whole operation, the silent role that Nya Pi Daw played proved that Myanmar cooperates with India in such operation. The operation underscores the importance of defence diplomacy between the two nations in acquiring and sharing accurate, actionable intelligence for planning and success of the operation. Add to it, the significant number of visits done by Myanmar important leaders, including Myanmar president, U Htin Kyaw visit to India in 2016, visit of commander-in-chief of Myanmar armed forces, Senior General Min Aung Hlaing in 2017 and the twice visit of Myanmar de-facto leader, Aung San Suu Kyi in 2016 and 2018 also justifies that

Myanmar avows to fight the scourge of terror activity in all its forms and manifestation alongside India.

Some observations from the whole operation:

1. The operation proves the capability of India's security forces in taking the assignment within a short period, although there had never been any doubt about their capability;
2. The operation gives New Delhi a new strategy of offensive choice in maintaining its internal security from the terror strikes thereby moving away from its long embraced defensive doctrine, one that nominally enshrines nonviolence and restraint;
3. The operation justifies the proactive and pragmatic decision making of the Modi government in dealing with terror threats and also boosts the morale of the security forces by allowing them to avenge its losses;
4. The operation also conveys the way a responsible power behaves in the international community and demonstrate the act of a deterrent to those who organise terror activities directed against India from across the border;
5. The operation acknowledges the importance of security agreement that India and Myanmar share in the matters related to terror and violence along their borders which made the operation a success. The pragmatic diplomatic persuasion of New Delhi and its engaging role at different multilateral, regional and bilateral forums with Myanmar have resulted in the success of the operation which otherwise would have remained futile.

Chapter 5

India-Myanmar Counter-Terror Cooperation: Challenges and Mechanisms

There is no magic bullet cure for terrorism. Without governance reforms, the menace cannot be checked - Raghu Raman in *Everyman's War*

Introduction

In the event of the rising terror threat and the changing rule of asymmetric warfare³² under the interconnected world of globalisation, unilateral response of the state institution have failed to counter the threats. Such failure led to the development of initiatives and research on counter-terror cooperation as an important element to defy the rise of terror threats at unilateral, bilateral and multilateral ways. In many instances, these processes have achieved a far headed success. However, beyond a specific limit of a success story, counter-terror cooperation reels under vigorous debate, thereby feeding enormous literature on issues and challenges related to it. In this regard, it becomes utmost necessary for the states to identify the threats and build appropriate response mechanisms. India and Myanmar counter-terror effort behold a similar case. Despite the victory of the Hot Pursuit operation of 2015 and the success story of the Operation Golden Bird of 1995, there are still many issues and challenges, particularly in the conduct of the operation and more significantly in the broader security cooperation framework between India and Myanmar. On this line, the chapter

³² Asymmetric Warfare can be best described as a conflict between the belligerents in which the resources and the powers of the two completely differs. This type of warfare typically occurs between a professional trained military force and an unprofessional or less trained and motivated force. In such a type of warfare, the weaker one uses or attempts to use strategies that offsets the power of the powerful one in terms of both quality and quantity. This type of warfare typically differs from the symmetric warfare where the power and the resources of the competing forces are similar in nature, differing only in execution.

focuses on the challenges and difficulties that India and Myanmar have countered in the realm of security cooperation and more precisely in countering terror operation. Subsequently, the chapter also highlights the responses and mechanisms that India and Myanmar have devised/devising in addressing the underlying security situation.

The chapter is divided into three sections. The first section of the chapter looks at the challenging conundrum in building an effective counter-terror cooperation framework between India and Myanmar. While doing so, the section looks at the domestic factors of India and Myanmar that pose a challenge in the development of an effective counter-terror strategy. The domestic policy and strategy of India and Myanmar concerning counter-terrorism have differed variedly in terms of capability and deliverance level. India has been the victim of terrorism longer than any other nation, and on the other hand, terrorism is a very new subject to Myanmar. In this regard, both the nation has a differing domestic constraining factor when it comes to counter-terror policy and strategy. The second section of the chapter looks at the bilateral challenges in developing an effective counter-terror cooperation. As India is projecting its position as a responsible player at the regional and global stage, it needs the support of its neighbours to make its presence felt. This comes in stark contrast to Myanmar scenario. After years of being under military rule, there is an expectation that Myanmar will recourse its foreign policy path in order to regain its lost posture. At such juncture, the instrument of engagement between India and Myanmar falls into a trap despite few accomplishments. The third section of the chapter will look into the possible strategies and mechanisms efforts that India and Myanmar have devised in addressing and strengthening their counter-terror effort. Marked by the significance of each other in the changing geopolitical landscape and the emerging challenges of counter-terror cooperation effort, India and Myanmar have pushed its effort in

creating a cordial atmospheric institution that can help in devising possible counter-terror strategy and mechanism and in building a good rapport between the two nations.

Section-I

5.1 Dilemma in India-Myanmar Counter-Terror Cooperation

Ever since the inception of terrorism, every nation has devised its strategy, policies and responses to tackle the threat of terrorism. Right from the setting up of the first pioneering branch to train officials in counter-terrorism strategy in Britain in the 1880s³³, the counter-terror mechanism has increased and expanded with the perceived growing threat of terrorism. More particularly, after the September 11 attacks, counter-terror effort has become a foremost foreign policy priority in every nation's recipe. In most of the counter-terror cases, the efforts have met with considerable success and where it failed it brought a case of inquiry into the effectiveness of such efforts.

India and Myanmar who share a close geographical and historical affinity attuned by economic, social and political acquaintance have a long porous border which remains heavily under the influence of militant activities. Moreover, with the advent of globalisation and the free movement of resources across the borders marked by the

³³ In the event of the escalating terror campaign carried out in Britain by the militants of the Irish Fenians in the 1880s, the Britain formed its first counter-terrorism unit under the name of The Special Irish Branch. The unit was responsible for combating the rise and spread of Irish terror in Britain.

external source covertly playing the support role³⁴, the militants have increased its ante in the India-Myanmar border region. Stibli quotes in her article that:

Because of globalisation, terrorism has changed both in term nature and instance. Between 1968-89 the terror-related incident was rare, however, between 1990-996 there has been an increase of 162% compared to the Cold War and this percentage increase is approaching 200% with the increase of global conflicts (Stibli 2010:1-2).

In this regard, India and Myanmar have conceded its utmost importance towards security cooperation to deal with actual and potential threats emanating from the militants harbouring across the India-Myanmar border. In most cases the levels of counter-terror cooperation have been positive, reflecting the success of the operation Golden Bird of 1995 and Hot Pursuit operation of 2015. In both cases, the cooperation between the security forces of India and Myanmar has helped in restoring the insecurity situation created by the militants. However, despite the success story, some vital issues and challenges at the domestic and bilateral level need crucial attention to strengthen security cooperation and preserve the strategic balance of bilateral relations in the competing international environment. On this line, the next section of the chapter will look into the domestic constraining factors of India and Myanmar that hinders the development of counter-terror strategy.

³⁴ The first example of external source influencing the militants of the Northeast India was visible during the early phase of the formation of the National Socialist Council of Nagaland (NSCN) where China covertly trained and procured weapons to the militants. From there onwards, the support have been ongoing for a number of period with Indian security forces strongly suspecting that Chinese intelligence have in fact been continuing to support Indian militants although with less evidence.

5.2 Domestic Hurdles in Counter-Terror Cooperation

Domestically, India and Myanmar counter-terror efforts are quite contrasting. India has been the victim of terrorism longer than any other countries. Indeed, India has managed to handle terrorism relatively well with some success in Mizoram, Punjab and other parts of the country in the early days (Malik 2012:17, Gupta, Behuria, Ramana & Das 2012:49, Mishra 2017). On the other hand, Myanmar has witnessed a very few large scale terror attack in history with most of the violence connected to clashes between the armed forces and minority ethnic groups. In this regard, Myanmar never felt the need for a counter-terror policy and strategy. Indeed, Myanmar had no laws that outline punishments explicitly for terrorism. It was only in 2014 when Myanmar officially enacted its first official counter-terrorism legislation criminalising terrorism and terror financing (Vandenbrink 2013, Counter Extremism Project 2018). However, when viewed separately, the domestic structure of India and Myanmar poses a significant challenge in the counter-terror cooperation framework.

5.2.a India's Domestic Constraint

Terrorism- defined in terms of violence and aimed to coerce the government to obtain specific results- has been the long-standing problem in India right since its independence. Ever since India's independence from the British Raj, terrorism is used by militants and criminal gangs as an essential tool against the wishes of the political institutions in fulfilling its political objectives. Right from the tribal invasion of Kashmir aided and assisted by Pakistani forces in the 1950s to the numerous militants in Northeast India, use terrorism as an added advantage in fulfilling their objectives (Gupta, Behuria, Ramana & Das 2012:46). During the initial years of terror environment, India has mostly handled the issue in the right proportion. Indeed, India

looked terrorism from the stroke of law and order problem diffused under the political, economic and social phenomenon. In support, Jamwal states that:

Over the years, it is well established that though inimical powers have tried to fish in India's troubled waters, the country's track record has been one of finding a military solution to a political problem. India's experience in fighting insurgency/terrorism in the North-East, Punjab and Jammu and Kashmir has seen commonalities in the causes of the problem, which range from mis-governance to economic deprivation. The solution lies in the problem itself; remove the cause, and the problem ceases to exist. For that to happen, a political and not a military solution is required (Jamwal 2002:27).

India's counter-terror strategy mostly followed a multi-pronged approach in which all the phenomenon were carefully looked upon and simultaneously paid attention. More so, attentions were also paid to the minimum use of force and try to 'Win the Heart And Mind' (WHAM) of the people so that the groups inflicting terror are denied moral and material support and are thus isolated. With this approach, India's counter-terrorism met some success in Punjab, Kashmir, Mizoram and Nagaland in the early years.

However, with the changing phase of time and tide and the deepening of global linkages of violence, terrorism continued to pose a severe challenge to national security. Moreover, the changing contour of terrorism also brought the role of the state institutions and security forces concerning counter-terrorism into mire difficulties despite India's scripted responses within the framework of its constitution guided by democratic conscience and fundamental values of its citizens. As such, this

long never-ending struggle with terrorism has created a national security crisis and brought into the foray many vital challenges that needed immediate attention. In this regard, the next section bring out some key domestic challenges that India has witnessed in its long journey of counter-terrorism.

5.2.a.(i) *No accepted definition of Terrorism*

The first and the most pressing challenge to any counter-terror operation is the vague definition of terrorism. Despite its wide usage in every field, to date, there is no universally accepted definition of terrorism. The effort put up by academicians, authorities and institutions in defining the term remains highly criticised for being flawed. In their own words, terrorism experts like Bruce Hoffman, Alex Schmid and Professor of the Harvard University Louise Richardson agree to the fact that there is a lack of precise, concrete and the correct definition for terrorism (Hoffman 2006:2, Schmid 2004:376). In the absence of a standard definition, there emerges a challenge in developing an effective counter-terror strategy. In his article Alex Schmid brings out some of the reasons stated by Boaz Ganor, the director of the International Policy Institute for Counter-Terrorism as to why it is essential to have a common international understanding of what constitutes terrorism. These reasons include:

- A proper definition of terrorism is needed to develop an effective international strategy to combat it;
- An agreed definition is a must for international mobilisation against terrorism;
- The definition of terrorism acts as the basis and the operational tool for expanding the international community's ability to combat terrorism;
- It will enable legislation and specific punishments against those perpetrating, involved in, or supporting terrorism, and will allow the formulation laws and

international conventions against terrorism, terrorist organisations, states sponsoring terrorism, and economic firms trading with them. (Schmid 2004:379-80).

In this regard, India has similar jeopardy in the making. Indian context of defining is a contested one as till date the state institutions and policymakers have failed to come to a consensus over the definition of terrorism. The first definition of terrorism came in 1984 through the Terrorist Affected Areas (Special Courts) Act wherein they have defined terrorist as *a person who indulges in wanton killing of persons or violence or in the disruption of services or means of communications essential to the community or in damaging property with a view to-*

- (i) *Putt the public or any section of the public in fear; or*
- (ii) *Affect the harmony between different religious, racial, language or regional groups or castes or communities adversely; or*
- (iii) *Coerce the Government established by law; or*
- (iv) *Endangering the sovereignty and integrity of India.* (see Appendix 19)

However, in the wake of rising terror activity, a new anti-terrorism act, i.e. Terrorist and Disruptive Activities (Prevention) Act or TADA, was introduced in 1985, which defined terrorism as:

whoever with intent to overawe the Government as by law established or to strike terror in the people or any section of the people or to alienate any section of the people or to affect the harmony amongst different sections of the people adversely does any act or thing by using bombs, dynamite or other explosive substances or inflammable

substances or lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature in such a manner as to cause, or as is likely to cause, death of, or injuries to, any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community, or detains any person and threatens to kill or injure such person to compel the Government or any other person to do or abstain from doing any act, commits a terrorist act (<https://mea.gov.in/articles-in-indian-media.htm?dtl/15985/Terrorism+and+the+law++I>).

However, the span of TADA was also short-lived amid fierce political objections and the misuse of the act which very much ate the foundation and value of Indian Constitution (Rahman 2009). As such, the TADA act lapsed in 1995. It was replaced by the new terrorism act, i.e. Prevention of Terrorism Act of 2002 or POTA. The POTA gave a refined definition to terrorism but with some elements reiterating from the earlier act of TADA. These elements include:

- If the act has resulted in the death of any person, be punishable with death or imprisonment for life and shall also be liable to fine;
- In any other case, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine;
- Whoever conspires or attempts to commit, or advocates, abets, advises or incites or knowingly facilitates the commission of, a terrorist act or any act preparatory to a terrorist act, shall be punishable with imprisonment for a term

which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine;

- Whoever voluntarily harbours or conceals, or attempts to harbour or conceal any person knowing that such person is a terrorist shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine.

However, just like the TADA, POTA was also repealed in 2004. The act was widely criticised within India for being in contravention of the Indian Constitution and committing severe human rights abuse by the government forces during counter-terrorism operations (Gagne 2005:264-65). In the manner of the repeal of the POTA, the government shifted back to the old act, i.e. Unlawful Activities (Prevention) Act of 1967 or UAPA. The original UAPA act was enacted to impose a reasonable restriction against the unlawful activities that were against the interest of the Union of India. The Act, which primarily dealt with unlawful activity, proceeded to insert terrorism offences into its statutes, thereby dealing with two different kinds of criminal acts- Unlawful Activity and Terror Acts. Under the new UAPA Act, it defines terror act specifically as an ‘act with the intent to threaten the integrity and sovereignty of India or intent to strike terror in India or any other nation by using any available weapons to their advantage’(Sen, Das, Gupta & Bhandari 2015:43, John 2018).

With the addition of law on terrorism in the statute with successive amendments in 2004, 2008 and 2013, the UAPA gave another definition of terror activity that breaks from the past definition. Thus, keeping track of all the legal definition of terrorism, there lies an ambiguity in achieving a precise definition of terrorism. Despite different

laws trying to squeeze its head in defining terrorism, it has failed to reach a consensus as to what is terrorism. While looking at the jurisprudence of India's Anti-Terrorism Laws, Garge states that:

In the last several decades, India has developed wide-ranging counter-terrorism practices and mechanism. However, it has neither a comprehensive anti-terrorism law nor a definition of terrorism. Till date, a strong national will on dealing with terror is missing in public discourse. Not surprisingly, all such debates also tend to acquire political and communal overtones (Garge 2019:17).

In such loopholes where terror threats continue to multiply, the investigating agencies remained confused mainly over the applicability of the anti-terrorism law. Many a time, the interface of the application of the various laws exposes a strong possibility of conflicts between different investigating agencies. The presence of multiple laws and the absence of a single agency to spearhead investigations relating to terror cases expose a weakness in our counter-terror efforts.

5.2.a.(ii) *Lack of Coherent Strategic Response to Terrorism*

Suppose the failure of having a precise definition of terrorism makes India's counter-terrorism effort a subject of criticism than the lack of coherent strategic responses makes India's counter-terror effort more critical. Till date, state institution responses towards terror activity have been episodically marked by short term and adhoc responses. Indeed, the problem of India not having a coherent counter-terror doctrine arise from the fact that the state institution on which terror laws are made is built on old institutions that have its root in the debilitating colonial legacy and a stranglehold

of bureaucracy which are enacted periodically (Kaplan & Bajoria 2008, Kalhan, Conroy, Kaushal, Miller & Rakoff 2006:100). Stephen P. Cohen, a senior fellow at the Brookings Institution and Wilson John, another senior fellow at the Observer Research Foundation states that the old institution on which India's anti-terror law is based cannot cope with the new challenges posed by terrorism since the counter-terror structure is yet to emerge from its colonial conundrum (Cohen & Dasgupta 2010, John 2008). Wilson John quotes in his article that:

India's intelligence structure has yet to emerge from its debilitating colonial legacy and a complementary stranglehold of bureaucracy. The structure and operational philosophy of state police and intelligence units have not changed much since British days—they are mostly structured as agencies to protect law and order and spy on rivals rather than act as investigative and intelligence units. Criminal investigators are usually inserted into terrorism investigations only after an incident takes place. No independent anti-terror units are carrying out both intelligence and investigations into terrorist groups at the state level (Wilson 2008).

Similarly, Manoharan, in his article, comments that:

India has a long tradition of anti-terror and other security laws dating back to its pre-independence years. These laws were enacted, repealed and re-enacted periodically since independence, but not going farther from the British tradition (Manoharan 2009:20).

As such till date, there are no specific laws that significantly pose terrorism as a national security concern. It instead treats terrorism as a law and order problem. Under the guidance of India's federal institution, the state institution constitutes the management of the law and order duty of the individual states to the state police and its defined intelligence. The work of the central government is to provide advice, financial assistance and other intelligence inputs. In such circumstances, diluting the national security concern to the state police under the aegis of the Indian Constitution to protect, detect and register is an area of concern mainly when most of the state forces and their equipment are outdated and ill-equipped to combat the terror activity. This was visible at the Mumbai attack of 2008 and the Pathankot Air Force base attack in January 2016 which exposed the inadequate tactical and operational aspects of the Indian security responses.

When we look at the India counter-terrorism set-up, it consists of several complex layers which are not in sync with the other agencies. The system comprises:

- State Police- responsible for maintaining law and order situation in a particular state;
- The national intelligence community-consists of the internal intelligence agencies like Intelligence Bureau (IB) and Research and Analysis Wing (RAW). Their work focuses on collecting terror-related intelligence within and outside the country;
- Physical Security agencies-includes Central Security Forces (CSF), National Security Guards (NSGs) and Special Protection Groups (SPGs) focusing on protecting influential personalities and guarding sensitive establishments;

- Para-military Force- includes Central Reserve Police Force (CRPF) and Border Security Forces (BSF) which help in assisting the police in counter-terrorism operation;
- The Army appears as a last resort to counter-terrorism operation.

Under such complex counter-terrorism set up, the main focal point of countering terror activity remains elusive. With no coordination and trust among the set-up, the component of counter-terrorism fails to deliver the required result and left the institutional capabilities to stagnate in its action (Kumawat & Kaura 2018). Indeed, due to the adhoc mechanism and complex counter-terrorism structure, there is no single authority from which these agencies derive centralised command and guidance. As such, unless a well-coordinated and a coherent counter-terrorism doctrine are made the problem of India's counter-terrorism will never meet the goal of zero tolerance towards terrorism.

5.2.a.(iii) Terrorism and Legal Structure Problem

In addition to the lack of coherent counter-terrorism doctrine, India faces an utmost challenge in the legal structure concerning terrorism. The anti-terror legal structure which has its root attached to the colonial past has failed to cope with the changing dimension of terrorism. India's experiment with various anti-terror laws such as TADA, POTA and UAPA has failed to bring positive counter-terrorism results. Instead, these acts have generated a sense of criticism from all circles with allegations of being a shield to harass particular community and also violating human rights. Presently, the state institution has harnessed the UAPA as the significant legislation to deal with terrorism in India. However, contradictory to this measure, several states like Karnataka and Maharashtra have their anti-terror laws and procedure to address

the law and order challenges ((Kumawat & Kaura 2018). The state of Maharashtra enacted the Maharashtra Control of Organised Crime Act (MCOCA) in 1999 to combat organised crime and terrorism. Similarly, the Karnataka government has also enacted the Karnataka Control of Organised Crime Act (KCOCA) in 2000 for the prevention and control of organised terror activity. This broad-based legislation, therefore, reveals that these enactments are intended to tackle offences related to terrorism and other organised crimes.

As such, there is a need to enact a comprehensive and practical legal framework related to terrorism that can deal with all aspects of terror activity in India. Besides, a strong political will and stable leadership are required for drafting and implementing effective counter-terrorism mechanism.

5.2.b Myanmar Domestic Constraint

Myanmar, a prime strategic partner that connects India to the economic hub of Southeast Asian Nations, faces various constraining factor in its counter-terrorism efforts. However, when these internal constraints are compared with India, there are some glaring anomalies. As far as India is concerned, it has been the victim of terrorism ever since independence while in the case of Myanmar, it is not. Terrorism and more particularly counter-terror efforts is a very new term for Myanmar and its institutions as the country has never come across such incidents and activities that required any counter-terror mechanism ever since its birth in 1948. It is fair enough to mention that there have been few incidences of violence; however, such violence is more of grievances and articulation by the ethnic groups of being discriminated within the history of Myanmar. The history of Myanmar is a very complicated one as the very foundation, i.e. parliamentary democracy on which the nation was created was

replaced by authoritarian military rule leading to denial and oppression of various minority ethnic groups against the dominant Burman majority. This discrimination and oppression created a feeling of hatred for the military rule leading to violence and attacks on the government and its institution till date.

In the process of such happening, Myanmar has failed to formulate or create a policy framework for counter-terror efforts. Indeed, the prevalent institutions were so much engrossed into domestic politics that it failed to realise the importance of counter-terror policy. In this regard, the failure to create any counter-terrorism policy constitute Myanmar's foremost internal constraining factors that have either given less attention or failed in its attempt to build an effective counter-terror policy. The other internal factors that acted as a constraining factor in Myanmar counter-terrorism policy include:

5.2.b.(i) *Civil War between Ethnic Groups and Myanmar Army*

Myanmar, one of the most ethnically diverse nations in Asia comprising of more than 135 ethnic groups, continues to suffer from armed conflict with the Myanmar army ever since its independence in 1948. As a post-colonial modern nation-state, Myanmar was principally founded by pre-colonial independent peoples, namely the Kachin, Chin, Shan and other peoples. These people opted to form a Union together by signing the Panglong Agreement on 12 February 1947³⁵ (see Appendix 20) based on the principles of voluntary association, political equality and the right of self-government in their respective homeland through a decentralised federal structure of the Union (Sakhong 2012:1). However, as history progressed, Myanmar did not

³⁵ Panglong Agreement was signed between the Burmese government under the leadership of Aung San and the people of Kachin, Shan and Chin people on 12th February 1947. Under the agreement, it fully accepted the full autonomy in internal administration for the Frontier Areas, envisioned the creation of Kachin state and agreed to create a similar financial relation as granted to Shan state.

become a federal union as was envisioned in the Panglog Agreement of 1947. Instead, it incorporated a quasi-federal Union with a strong centre where the single ethnic Group-Burman controlled all the powers and institution of Myanmar. In the event of the failure of Panglong Agreement promises, the ethnic conflict continues to plague the nation with ethnic nationalities demanding the rebuilding of the Union of Burma in accordance with the principles of federalism and democratic decentralisation. Over the years, the military government adopted different ways and means to contain the conflict, including cease-fire agreements and divide and rule policy. Such a containment strategy failed to control the widening aims and objectives of the ethnic groups.

In the event of the armed conflict, framing a policy on terrorism never came up within the Myanmar government. Indeed, the regime never looked upon the ethnic conflict as an act of terrorism, it instead considered it as a domestic turmoil that has its solution in the careful policy planning and addressing the issue of the ethnic conflict through a proper channel of mediation between the two parties.

5.2.b.(ii) *Terrorism as a new term to Myanmar*

Terrorism or the use of terror is a recent phenomenon in Myanmar. Indeed, the government till date has been so much engrossed in domestic politics and foreign policy formulation that terrorism never made an important subject of discussion. Myanmar, since its birth in 1948, has remained an area of contestation for power between parliamentary democracy on one hand and military rule on the other. However, in the event of the demise of the leader of parliamentary democracy, Aung San, Myanmar came under the military rule. Since then, Myanmar has suffered one of the most protracted internal conflicts in modern times with tensions frequently boiling

over into violence. In the conflict, there is minimal literature that codes the use of terror by the ethnic groups to achieve their goal despite the government's repressive policy. In the report on Anti-money laundering and counter-terrorist financing measures in Myanmar published by the Asia Pacific Group on Money Laundering (APG), it states that:

Despite a long history of political violence by insurgent and separatist group over many decades, Myanmar has not, in general, faced significant transnational terrorism or risks from either local groups, groups, operating in neighbouring countries or transnational terror groups from other regions (APG 2018:5)

As such, it is fair to state that the use of terror or terrorism represents new literature inside Myanmar's security establishment despite notable awareness in the past. It is only on the note of increasing terror incidents around the globe and more significantly in the region that Myanmar began to formulate terror-related policy. The enactment of first counter-terrorism legislation in 2014 that abides to criminalise terrorism and terror financing and the 2016 adoption of UNDOC's comprehensive counter-terror training package and plan emphasises Myanmar's counter-terror efforts in the recent years. Besides, the Myanmar government in the recent year also listed the Arakan Rohingya Salvation Army (ARSA) as a terrorist organisation under Myanmar's counter-terrorism law. Barring this instance, the use of terror or counter-effort by the Myanmar government is minimal.

5.2.b.(iii) *Lack of Effectiveness and Capability of the Myanmar Army*

Following Myanmar stature and position viz-a-viz other nations in the region, the lack of training and equipment of Myanmar security forces constitutes the third internal

constraining factor. This constraining factor goes hand in hand with the history of Myanmar wherein the security forces were engaged in military operations against the threat posed by ethnic groups. At such juncture, the defence posture of Myanmar was characterised by infantry-heavy army dominating the force structure with very little room for alteration. This posture, therefore, culminated in the adoption for a state-centric national security approach with an emphasis on national sovereignty, territorial integrity and national unity of all ethnic nationalities (Maung Than 2010:125).

However, as the threat perception shifted in its scope and aims, the successive government of Myanmar shifted in building a modern and robust security force that can meet the threats and challenges posed by any adversaries. To this and beginning with the 1990s, the government forged many deals involving military weapons and equipment starting with China.³⁶ However, when the question arises over the effectiveness of raising the capabilities of its security forces through the acquisition and expansion of military hardware and equipment over the years, the answer is marginal. The effectiveness and capabilities of the security forces and its equipment in countering any threats still ponder for debate and speculation. Despite being one of the world's largest militaries per capita with a vast financial interest in Myanmar, the inadequacy of trained security personnel at all levels of the platform combined with financial constraints and technical supports substantially characterises the Myanmar security forces. Anthony Davis, in his article lucidly articulates three severe prevailing challenges of the Tatmadaw despite their modernisation program against

³⁶ In the event of the visit of Deputy chief of Staff of Tatmadaw, Lt. General Than Shwe to China in 1989, Myanmar government struck its first ever military deal with China involving weapons and military equipments. It was followed by North Korea, Israel, Pakistan, Russia, Ukraine, Poland, Switzerland, and India.

the backdrop of a tectonic shift in threat perception. These include the mobility and logistical demands across and unforgiving theatre of operation, the perennially stretched thin manpower and unprecedented crisis of intelligence capability (Davis 2017). Similarly, the report on Anti-money laundering and counter-terrorist financing measures in Myanmar published by the Asia Pacific Group on Money Laundering (APG) in 2018 finds that there are weaknesses in analytical systems, poor reporting and overall resource constraints within the institution of Myanmar (Asia Pacific Group 2018:3).

Section-II

5.3 Counter-Terror Cooperation Challenges at the Bilateral Level

Apart from the respective domestic constraints concerning counter-terror efforts, India and Myanmar's counter-terrorism effort suffers from the bilateral challenges. These challenges are objectified from the process of maintaining old and new relations to build a responsible stature for themselves at the global stage. In the process of maintaining the objective, there emerge frequent challenges in maintaining the ethos of the overall bilateral relations, which takes years of diplomatic manoeuvring to correct the posture. Same is the case with India-Myanmar relations. As India is projecting as a responsible player at the regional and global arena, it needs the support of its neighbours to make its presence felt. On the other hand, Myanmar after years of being under the shadow of military rule finally made its step in the global arena. In the course of such change, there is an expectation that Myanmar will recourse its foreign policy direction to regain its lost stature. At such juncture, the instruments of engagement between India and Myanmar can either meet the positive approach or can record constraints in delivering the objective. In this regard, the instrument of counter-

terror cooperation between India and Myanmar falls into the demise of bilateral trap despite few accomplishments. These challenges include:

5.3.a The China Factor

India's security cooperation and its engagement with Myanmar can be viewed mainly through the prism of its contention with China in Southeast Asia and Myanmar in particular. The 'China factor' in India and Myanmar relations can be tone down to the asymmetrical phase of the 1990s wherein India was caught into a dilemma over its policy formulation towards Myanmar. It is because the post-independence idealistic position of India towards Myanmar was brought into question with the shifting nature of world politics and the diminishing role of India as a regional counterbalance to China after the 1962 conflict (Singh 2007:1). Such instance led Myanmar foreign policy formulation to incline more towards China, wherein Beijing treated Myanmar as an essential ingredient to its security and grand strategy for the twenty-first century (Than 2003:190, Malik 1997:54). In this regard, China became successful in pulling Myanmar into its orbit of influence and enjoyed the closest relationship of all time with cooperation ranging from military to economic to socio-cultural dimension. Besides, China was the first nation with whom Myanmar had signed its first weapon deals worth US\$1.2 billion in the 1990s which was followed by another agreement worth US\$400 million in 1994 (Zhao 2008:181). These deals managed to bring in weapons that were hitherto very new to Myanmar armed forces. Apart from the military cooperation, China also extended its economic assistance to Myanmar with development assistance like building an 85-meter jetty to naval facilities on Great Coco islands, establishing modern reconnaissance and electronic intelligence system, building a deep seaport in Kyaukpyu in the Rakhine state.

India views that Beijing's political manoeuvring and the strategic gameplay have scuttled India's strategic outfit. New Delhi is of the view that Beijing is trying to meddle in its orbit of strategic calculus by pushing hard on their strategic point of interest with sheer enormity both in magnitude and speed of its pervasive influence. Beijing enjoys the historical edge viz-a-viz India in Myanmar as it has always stood by the military junta, unlike India, which had heavily criticised the regime in the 1990s for its suppression of pro-democracy movement. Besides, the multi-billion economic and military power package gives Beijing a big push viz-a-viz India as a dominant actor in Myanmar.

Similarly, China activity in aiding resources to the secessionist movement in Northeast India adds another element of concern for India. Reports have indicated that the militant outfits of Northeast India like the Naga followed by Mizo and others had received credential supports, training and equipment from them. In his book *The Great Game East*, Bertil Lintner quotes that many a time New Delhi has warned China that it would not tolerate interference of any kind in its internal affairs (Lintner 2012:41). The Deccan Chronicle reported in 2017 that Chinese agency is trying to meddle into the militants of northeastern states operating from their base in Myanmar.

Amid such pervasive expansion of Chinese influence with the ever-growing comprehensive strategic cooperative partnership between China and Myanmar, there are chances that counter-terror cooperation effort between India and Myanmar might receive a considerable setback. As China plays a more significant role in Myanmar backed by its economic assistance, there is a hindrance from the Myanmar side concerning security cooperation with India. This largely stems from the relevance of power and position of China viz-a-viz India when it comes to Myanmar foreign policy

orientation. With the amount of economic and security assistance (in terms of hardware and support) that Myanmar has received from China and Beijing's dying effort to resolve Myanmar's complicated ethnic quarrels, Myanmar is greatly struck by its choice of cooperation and relevance. On the one hand, Myanmar acknowledges the relevance of China in reviving its lost posture in the international politics and at the other end establishing a working relationship with India will justify Myanmar's political commitment of being a democratic nation. This complication, in a way, has brought a dilemma in India-Myanmar counter-terror effort.

5.3.b Border Management Problem

The second pressing constraint as far as counter-terror cooperation between India and Myanmar is concerned is the issue on border management. The issue ranges from the fact that the 1643 kilometre long border that India and Myanmar share are very much porous and demarcated with semi-mountainous and steep slope topography covered with dense forest, perennial and seasonal rivers and numerous waterfalls. In this instance, the militants operating in the region take advantage of the porous border in moving their cadres and arms. Moreover, with the establishment of the Free Movement Regime (FMR) by India and Myanmar which allows the people living along the border to travel 16 kilometres across the border on either side without any visa requirements brings a challenging risk to the broader security framework between India and Myanmar.

India and Myanmar have attempted to create a border management mechanism that can help to ease the border security issue. However, the border management mechanism suffers more from criticism. Border fencing, a component of border management mechanism to check the free movement of militants along the border,

has received sweeping criticisms from both sides of the border. The criticism comes from the local populace who feels that such border fencing is bound to deprive the inherent rights of the people living within the border from communicating to each other (Das 2013, Chhonkar 2017, Sharma 2017). These individuals claim that the newly established boundary fencing would be inconsistent with the traditional boundaries of the area they occupied and may generate fears and animosity among individuals residing on both sides of the border. Das states in her article that:

The India-Myanmar boundary is an artificial line which is superimposed on the socio-cultural landscape of the borderland. As a result, the boundary line cuts across houses and villages thus dividing several tribes such as the Singphos, Nagas, Kukis, Mizos, etc., and forcing them to reside as citizens of different countries. However, these tribes refuse to recognise the artificial line and continue to preserve close ties across the border with their kith and kin. (Das 2013).

Apart from the problem of border fencing, lack of coordination between the security forces of India and Myanmar presents another problem in India-Myanmar counter-terror effort. The security forces that patrol the India-Myanmar border-Assam Rifles of Indian security forces and the Myanmar Army lack coordination amongst themselves. The issue was prevalent during the final stage of the Operation Golden Bird of 1995 wherein the Myanmar Army gave way to the militants to escape when Indian government conferred the Nehru award on Aung Sang Suu Kyi by supporting the pro-democracy movement in Myanmar. Similarly, the lack of exchange of intelligence information between the security agencies presents another contrasting

feature in the border management issue. The intelligence wings of India and Myanmar despite sharing numerous Memorandum of Understanding and commitment in countering threats still face the issue of commitment. This is seen from the case of Indian militants like NSCN and ULFA still holding and operating from their base in Myanmar despite New Delhi's effort in giving specific information about their whereabouts. The Indian government is also accused of providing financial and technical support to Myanmar's insurgent groups, such as the Kachin Independence Organization (KIO) and the Karen National Union (KNU) (Gottschlich 2017:178).

5.3.c No Integrated Border Management Policy between India and Myanmar

When we dig deep into the border management of India and Myanmar, we can find that both the nation lacks an integrated policy on border management that can answer the rising threat. Despite the formulation of the draft National Security Policy that hinges on the importance of border management by the National Security Advisory Board (NSAB), India still fails to create a policy on border management. Also, with multiple departments and agencies in place working on the border issue, it has failed to address the critical issue of command and control, leading to chaos and competition amongst the agencies. The department of border management formed under the Ministry of Home Affairs in 2004 to take the responsibility of bringing uniformity and cohesiveness in border guarding itself suffers from practical implementation. Furthermore, the inbound attacks like Mumbai 2008 attack, 2015 Manipur attack and Pathankot attack in 2016 brings into question the effectiveness of having such departments and also point to the fact that a lot more needs to be done to improve border management.

On the other hand, Myanmar's decade military rule and its prolonged ethnic conflict have failed to create an integrated border management policy till date. Indeed the government is so much engrossed in finding a suitable solution to the ethnic problem that border management policy never witnessed in its first place. More so, with the security of the border and home affairs into the hands of Tatmadaw, the government has managed to create only a temporal policy of controlling the border region that can only control and pacify the rising security threats. Besides, the Tatmadaw border control mechanism also suffers from its limited role in border management since the ethnic groups living in the border have their armed organisation to guard the borders. The ethnic groups like Kachin and Shan have their army (like the Kachin Independent Army and Shan State Army) to control and manage their borders. In this respect, Tatmadaw has failed to create an integrated border management system that can respond to rising threats.

5.3.d Gun-running and Drug Trafficking along the India and Myanmar Border

Inclusive of the cross-border movement of the militants along the India-Myanmar border, rampant drug smuggling and gun running is providing another security threat in the bilateral relationship. Indian militants are procuring arms and ammunition from the black markets of Southeast Asia through their dealers and local based rebel groups. Besides, weapons produced in China are also finding its route in Northeast India through various mafia groups operating in Yunnan province. Christopher Finigan, while analysing the security challenges along the India-Myanmar border, points out that:

Weapons manufactured in China are routed at Ruili across the Myanmar border and then trucked through Lashio, Mandalay and

Monywa through Phek, Chandel, Churachandpur and Champai to reach the Indian border. (Finigan 2019).

Similarly, Rahul Karmakar also reports in his article that:

Small arms wielded by Northeast militants and Maoists invariably find their way in from Yunan province of southern China through the Chin people in Myanmar. Druglords and militias controlling the Golden Triangle dovetail their narcotic trade with gun-running. While northern Burmese guerrillas representing ethnic groups such as Kachin, Wa and Shan relay this two-in-one trade, the Chins inhabiting southern Myanmar push arms and narcotic substances through Mizoram (Karmakar 2009).

Besides, reports are citing that of late Myanmar is emerging as a significant source of manufacturing small arms that land up regularly in the hand of the militants of Northeast India. Bibhu Prasad Routray writes that:

For long China has been identified as a source for a significant number of weapons in possession of these insurgents belonging to different outfits. Although China officially ended its support for these insurgents in the 1980s, arms manufacturers, private as well as some with links with the Chinese People's Liberation Army (PLA), have continued to flush small arms through Myanmar into India. Myanmar's involvement in the small arms trade, as a result, has been seen as mostly a route and little else. However, in several recent cases, recovered weapons from the insurgents do not bear any marking that can be traced back to

China. On the contrary, indications are available to point at Myanmar's role as a source for these tools of terror (Routray 2015).

The illegal flow of drugs and chemicals also acts as a compounding factor in funding the activities of the militants. The location of the India-Myanmar border close to 'Golden Triangle'³⁷ acts as a proliferating environment for traffickers to smuggle substances across the borders and in the continuance of militancy in Northeast India. Sinha states that in the modern-day of asymmetrical warfare, drug trafficking and gun-running go hand in hand. While drug money is used to procure arms, arms sale in turn, go to finance drug trafficking (Sinha 2014).

5.3.e Security Challenges in the Free Movement Regime Initiative (FMR)

In the interest of the communities sharing similar ethnic commonality along the India-Myanmar border, India and Myanmar have established the Free Movement Regime. The establishment of such step corresponds to the concerns shared by the ethnic communities who find the newly created physical boundary to be inconsistent with the traditional space they inhabit. As such, the free movement regime allows the border people to travel 16km across the border on either side without any visa requirement. Such a step allows both the nations to enhance their diplomatic, political and social cohesiveness and build a healthy working relationship.

However, the free movement regime initiative is being misused by the militants to smuggle arms and contrabands substances across the border. It brings a spurt in the movement of people, including refugees, thereby threatening to disturb the peace in the

³⁷ The Golden Triangle is the area where Thailand, Myanmar and Laos's border meets. It is so named by Central Intelligence area as the area is triangular in shape and is a hot bed for hosting a global hub of narcotic production.

region. While chairing a meeting to review India-Myanmar border issues, Rajnath Singh states that:

Free Movement Regime is misused by militants and criminals who smuggle weapons, narcotics, contraband goods and Fake Indian Currency Notes (FICN). With fast improving security situation in this region, militants are denied hideouts here, and some of them have relocated themselves across the border. Taking advantage of the free-movement regime occasionally they enter India, commit crimes and escape to their relatively safer hideouts (<https://www.rajnathsingh.in/featured-news/union-home-minister-shri-rajnath-singh-chairs-meeting-to-review-indo-myanmar-border-issues/>)

Similarly, Christopher Finnigan also states that:

While the Free Movement Regime has helped the tribes continue to maintain their age-old ties, it has also become a cause of concern for the security establishment as the Indian insurgents exploit its provisions to cross over to Myanmar unrestricted and establish safe-havens. Another provision in the FMR, which allows tribal people to carry headload has also been misused to smuggle in drugs, weapons and other contraband (Finnigan 2019).

Section-III

5.4 India-Myanmar Counter-Terror Cooperation: The Strategies and Mechanisms

In the view of emerging challenges in counter-terror efforts between India and Myanmar despite few operational successes, both the nation has undertaken initiatives in devising possible strategies and mechanism that can improve the counter-terror cooperation effort and build a good rapport between the two nations in the long run. The enhancement of such efforts is driven by the significance of each other in the changing geopolitical landscape and the emerging security challenges within and outside the region. It has created a pool of atmosphere within the institutions of both nations to look for possible means and strategies that can foster the security environment of both nations.

At the diplomatic and military level of engagement, India and Myanmar acknowledge the importance and the relevance of security cooperation in fostering the bilateral relation. India, through its Look East and Act East policy, has tried to infuse cooperative dynamism through various levels of institutional mechanisms in acknowledging the need and relevance of security cooperation in the face of rising threat perception. On the other hand, the slow and gradual transformation of the political landscape of Myanmar has created a situation wherein it has looked for possible means and strategies of engagement with the outside world, including India. With India, Nyapidaw has always offered a comprehensive and engaging discussion on the importance of security cooperation between the two nations. In this regard, the next section will look into the possible strategies and mechanisms adopted by India

and Myanmar in strengthening the security engagement between the two nations. These include:

5.4.a Joint Consultative Commission (JCC) and its relevance in the Bilateral Relationship

The Joint Consultative Commission set up between India and Myanmar was constituted under the protocol on consultation between the Ministry of External Affairs of India and the Ministry of Foreign Affairs of Myanmar. The main aim of the JCC is to review the progress on the bilateral initiative, identify the thrust areas of engagement, provide a good opportunity for an exchange of views on issues of mutual interest and give a direction for further growth to the bilateral partnership. The commission was set up in 2003 during the visit of the Myanmar Foreign Minister to India. Until 2015, the commission lacked the progress in deliberating its functions and in providing a reasonable opportunity for the exchange of views on issues of mutual interest. It was only against the backdrop of the Manipur ambush of 2015 that both the nation realised the importance of having a platform in addressing issues of mutual interest. Against this backdrop, India and Myanmar held their first Joint Consultative Commission meeting in New Delhi. The meeting was co-chaired by the External Affairs Minister of India and the Foreign Minister of Myanmar accompanied by a high-level delegation from both the nation. The first such commission was a great success in the sense that both the nation reviewed a wide range of matters of bilateral importance with a specific focus on defence, security and border development. The meeting reiterated that India and Myanmar had entered a new phase in their bilateral relationship marked by Myanmar's political and economic reforms. The meeting also acknowledged in promoting more profound understanding and broadening of the

areas of cooperation between the two nations. In her interview conducted by the Oxford Business Group, Sushma Swaraj comments that:

The India-Myanmar JCC is intended to promote the development of relations in promising areas for cooperation, such as security and defence, trade and investment, development partnership activities, and global and multilateral issues (<https://oxfordbusinessgroup.com/interview/new-connections-obg-talks-sushma-swaraj-minister-external-affairs-india>)

Similarly, Pierre Gottschlich also states that:

The establishment of the JCC has been one pillar of Modi's "Act East Policy" with regard to Myanmar. It is designed to provide a forum to discuss a wide range of bilateral issues and also to function as a form of a regulatory body. Periodic JCC meetings should help overcome the implementation problems that have plagued India's foreign policy towards Myanmar for decades. (Gottschlich 2017:191).

Therefore, looking at the success of JCC, there is an imperative need and focus within the institution of both the nation to regularly hold such commission wherein they can address issues of mutual interest and extend the significance of the bilateral relationship. The JCC provides an excellent platform to discuss the entire gamut of the bilateral relations between the two nations. It acts as an umbrella mechanism that facilitates action-oriented interaction and discussion between the two nations. Indeed, the first Consultative Commission between India and Myanmar saw institutions from both the countries emphasising the need for a vibrant counter-terror cooperation

framework for securing peace, security and stability for overall development in the bilateral relationship.

5.4.b Increasing the role of Capacity Building and Training Program between India and Myanmar Security Forces

Another strategy that can boost the counter-terror efforts between India and Myanmar is increasing the capacity-building program between the security forces of India and Myanmar. The capacity building and training program play an immense role in understanding the security concerns of both the nation, incorporating greater emphasis to the counter-terror efforts and in creating an environment of pragmatic bilateral engagement. Indeed, several institutional mechanisms have ensured regular consultation between the security forces of both the nation. These include the regular visit of Military and Naval Chiefs from both the nation and discussing issues of mutual interest. As a part of defence capacity building program, India has provided many military pieces of equipment including rocket launchers, mortars, rifles, radar, night-vision devices, gypsy vehicle, bailey bridges communication and Inmarsat sets, BN-2 defender Islander maritime surveillance aircraft and deck-based air-defence guns, indigenously developed USHUS-2 submarine sonar suite, lightweight torpedoes (Pandit 2017).

Such military programs have created an area of expertise between the security forces of both the nation. It has helped in understanding the security context in the region and generates a joint trust in combating the rising threat situation. Moreover, such defence capacity building program also improves and retains the skills, knowledge, tools, equipment and other resources between India and Myanmar security forces in

preventing more security incidents like the Manipur ambush of 2015 and the attack on the Myanmar security border post by the Arkan Rohingya Salvation Army in 2017.

Joint training and military course have often been the major component of defence cooperation initiatives aimed at fostering healthy ties. Under the guideline, India has been providing various training programs for the Myanmar army covering various aspects of peacekeeping, monitoring borders and security management. It includes special warfare training for the Myanmar army in 2006 and also in 2012. In the recent year, the decision of India to train the Myanmar security personnel in peacekeeping operation under the banner IMBAX 2017 and the decision of Minister of External Affairs of India to send two mobile Training Teams to train personnel of the Myanmar army every year provides an ample opportunity for the security forces in developing an interoperability mechanism in countering terror threat in the near future. Besides, this kind of program will set an example in building a resilient approach to the overall bilateral relation, thereby giving more impetus to the counter-terror efforts.

5.4.c Importance of Connectivity and Development Factor

At the Chief Ministers' Conclaves on Internal Security of 2009 and 2010, then Prime Minister of India, Manmohan Singh stated that the security situation in Northeast India is fostered by a combination of lack of connectivity, development and external support (Goswami 2010:3). In this regard, the third important strategy that can significantly improve the counter-terror effort between India and Myanmar is the connectivity and development factor. Despite increasing and continuous engagement between India and Myanmar at bilateral, regional and multilateral levels in providing enhanced connectivity, the issue has always remained an element of discourse in

every bilateral meet. Indeed, Gautam Mukhipadhyaya had questioned India's inability to take advantage of Myanmar strategic position to fulfil its limitation despite being a cultural and geographical neighbour (Mukhipadhyaya 2016). As India tries to extend its area of influence in Myanmar through five C's, i.e. commerce, connectivity, capacity-building, community and culture, inalienable Northeast India bordering Myanmar act as a Pandora box with security challenges emanating from the militants and its terror activity marked by cross-border affiliation. Similarly, the ongoing ethnic conflict and the Rohingya issue presents a security challenge to Myanmar and its democratic image since these issues have in the past curtailed Nyapidaw in extending its maximum foreign policy outreach.

Under the challenging security situation, it can be placed that connectivity and development can gather a substantial result. As India's four northeastern states have a land border with Myanmar and vice versa, both the nation can use the development and connectivity factor to address their security issue. The establishment of the close connection of Northeast India with Myanmar will help to contain the militant situation and their trans-boundary connection. In this regard, India has promoted and held a mixture of regional and sub-regional development initiative through its diverse networks and policy to help trade, shipping, communication and integration of its border region with its neighbour including Myanmar. Connectivity projects like the Kaladan Multi-Modal Transit Transport Project, India-Myanmar-Thailand Trilateral Highway, Imphal-Mandalay bus service, Motor Vehicles Agreement are some of the many initiatives that India have adopted in creating a balanced socio-economic development of its border region. Besides, under the government of Narendra Modi and its rechristened policy of Act East, India is further paying particular care to the development of North Eastern Region. This is apparent from his visit to Myanmar in

2014 and 2017, where he stressed on the importance of connectivity and growth as an all-important component for the socio-economic growth of the border areas and in preserving protection and stability along the common edge. On this line, Vasisht states that:

Connectivity with Myanmar is a pre-requisite to building stronger relations between India and other South-East Asia. It is crucial for India's commitment to its "Look East" and "Act East" policies. Moreover, as Myanmar share border with India's four North-Eastern States, the strategic partnership with Myanmar is crucial to ensure peace and economic growth in its landlocked North-East region (Vasisht 2020).

Nevertheless, the sad part of the whole report is that these projects are facing inordinate delays and cost overrun. For example, the multi-core Kaladan project envisioned as a central component of the India Look East policy has left out the completion deadlines several times. Alike is the case with India-Myanmar-Thailand Trilateral highway. In all these projects, India is going behind its scheduled date. Lack of coordination among the different implementing agencies, inadequate monitoring and financial constraints have significantly contributed to the delay of these tasks. Besides, India's progressive delay also put Myanmar into a dilemma over the capability and the capacity of India's seriousness towards development and connectivity issue.

As such, in the interest of counter-terror efforts, it is necessary to prioritise connectivity and development as a long term measure that can aid and eliminate terror

and violence in the border area and ensure better facilitation of trade and investment between the nations.

5.4.d Prepare a Unified and Integrated Border Control Mechanism

Organising a unified and integrated border control mechanism constitute the fourth essential strategy in improving the counter-terror effort between India and Myanmar. Till date, the long land border of over 1643 km between India and Myanmar are manned by their respective security forces. On the Indian side, the army and the Assam rifles jointly control and guard the border and on Myanmar side the border; the Tatmadaw take control of its border. As different agency control and guards their significant border, there emerge a greater challenge of coordination and interoperability hindrance during counter-terror operation. The operation Golden Bird and the Hot Pursuit operation illustrate the best case in point. Despite the success of the operation, lack of unified and integrated border control mechanism and coordination between the security forces of two nations facilitated in the movement of militants across the border and created distrust in the working of the bilateral relationship. Indeed, the Hot Pursuit operation brought the political institution to a consensus as to whether India forces crossed into Myanmar territory to justify its action.

As such, in the interest of growing relations between India and Myanmar, there emerge a need to have a unified and a joint border control mechanism to guard the long porous border. The first such step could be in the form of creating a joint security force between India and Myanmar. The task of the joint security forces will be mandated purely to combat the rising terror threat and transnational organised crime. However, the initiative looks intricate as both the nation has varied ongoing domestic

and foreign policy concern and more so the fully operational set up of such joint force would require a substantial financial contribution which in the context of Myanmar looks dim. Even if India manages to contribute to the joint force initiative, Myanmar cannot afford to direct any financial support to this initiative as its economic stature is still debt trapped and depreciating. However, keeping the intricacy at bay, India and Myanmar can use its power of influence in inviting a third party like the European Union to support their initiative. The European Union has been doing such initiative like the supporting of the G5 Sahe Joint Force³⁸ in combating terrorism and organised crime by providing substantial financial contributions, coordination, advice and training (EUCAP Sahel Mali 2018).

The second point in the creation of a unified border program would be the initiation of India-Myanmar joint border patrolling. Such kind of border patrolling enhances cooperation through a coordinated border management plan, acts against terror threats and keeps a higher vigil on the border by deploying forces in the unguarded border areas. Such joint patrolling initiatives are vigilant in some stretches of India-Myanmar unfenced border since the Hot Pursuit Operation (Northeast Today 2016). It will help in understanding and strengthening security and intelligence cooperation besides deploying forces to control any breaches on the borders. Apart from these two points of consideration, mutual trust and devotion within the institutions of both the nation with the willingness to work to the advantage of creating a pragmatic engagement between two nations are the ultimate steps in creating a unified border control mechanism.

³⁸ G5 Sahel Forces comprises countries like Burkina Faso, Mali, Mauritania, Niger and Chad who have faced increasing threats by terrorism and organized crime involving trafficking in arms, drugs and human beings. As such to address the situation, it has set up a Joint force of countries concerned with the support of the European Union

5.4.e Taking advantage of Myanmar Democratisation Process

For long India's foreign policy goal towards Myanmar was based on promoting democracy in Myanmar wherein New Delhi openly sided with the 1988 democracy movement in Myanmar (Gottschlich 2017:177). During the period, India came strongly against the ruling military junta in support of the movement, criticising, condemning the carnage and violation of democratic norms and human values. India under the leadership of Rajiv Gandhi was the first country to express its support to the genuine aspiration of the Myanmar people for restoration of democracy by providing political support including political asylum to the Myanmar people in India (Singh 2010:1004). To support the movement, India even started airing a specific broadcast program called 'Voice of Burmese People' to express its solidarity with the democratic forces in Myanmar. Nevertheless, in the event of a changing world and regional political scenario marked by economic and security compulsions, India's existing activities to support democratic developments in Myanmar have been replaced by proactive military engagement. Such refraining call provided India's foreign policy with a better pragmatic position in bringing a modest improvement in the overall bilateral position. However, the effectiveness of this diplomacy in bringing Myanmar into New Delhi's sphere of influence came with critics. In the paper *Burma-India relations: A betrayal of democracy and human rights* published by the Burma Campaign group in 2007 states that India has shamelessly put its own economic and political interests before human rights and democracy in Myanmar (Burma Campaign Group 2007:2). The campaign also put forth that New Delhi's policy towards Myanmar does not include human rights and democracy instead they are backed by three factors, i.e. economic interests, counter Chinese influence in Myanmar and cooperation from regime to tackle the security situation in Northeast India. In her

interview in 2010, Myanmar's pro-democracy leader, Aung San Suu Kyi openly criticised India of not straying with the ideal of Gandhi and doing business with the military (The Economic Times 2010). Despite such criticism, New Delhi's constructive engagement policy with Myanmar military failed to harness any positive development. Despite being the next-door neighbour, India failed to boost its economic and security interests and counter China's growing influence in Myanmar. On the other hand, China took the full advantage of international sanctions, isolation of Myanmar and its ethnic conflicts as an influencing factor backed by its enormous economic assistance, defence package and political security in the international forum.

However, the victory of NLD led by Aung Sang Suu Kyi in 2015 once again brings India a chance to reconsider and objectify its Myanmar policy. As India's long-held desire of having democracy in its neighbourhood and Myanmar, in particular, becomes a reality after the formation of the government by the NLD, India now stands in a better position to bring Myanmar into its orbit of influence. Gottschlich argues that for India, the victory of NLD presents a unique opportunity to rectify some of its foreign policy failures of the past and overhaul an attitude of obliviousness and neglect towards Myanmar that has marred the relationship for decades (Gottschlich 2017:172). Similarly, Archana Atmakuri and Mustafa Izzuddin while analysing the importance of Myanmar to India are optimistic about India-Myanmar relations will touch a remarkable transformation. They feel that the moment is opportune and the atmosphere is conducive for both the government to intensify the efforts towards making India-Myanmar relations profoundly significant in each other's foreign policymaking (Atmakuri & Izzudin 2020). The victory of democracy in Myanmar provides practical incentives for greater engagement for India. With

democratisation in Myanmar, it will provide an opportunity for Indian policymakers to engage with different actors in Myanmar rather than depending on the single decision-makers (Gottschlich 2017:178). Besides, democratic Myanmar will also enforce better law and order in the areas of India's concern and ensure better coordination in the working relationship.

These underlying points constitute some of the emerging strategies and responses that India and Myanmar can incorporate particularly in reviving the counter-terror effort. The application of these strategies and mechanism will add an impetus to the working of the bilateral relationship and in creating a thrust to the existing counter-terror cooperation. Indeed, with the changing structure of international politics marked by rising new actors beside state, India, and Myanmar should realise the significance of counter-terror cooperation as a thrust area of engagement. Some of these mechanisms are already in the state of the process with good results like the implementation of the Joint Consultative Commission, integrated border patrolling which have given a fillip to the counter-terror cooperation results while some are still at the nascent stage. In most cases, there still looms a factor of proper integration of these mechanisms by the institution and agencies of both nations, which is derailing the counter-terrorism efforts. Besides, the issues like delay, corruptions at the bureaucratic levels, lack of coordination between the agencies act as a hindrance to the efforts. Despite the shortcoming, there is reluctance from India and Myanmar to extend their relationship to a new height considering counter-terror cooperation as an instrument of engagement.

Conclusion

India-Myanmar counter-terror cooperation had a fair share of success in combating and dealing with terror threats. However, despite the success of the joint operation, the counter-terror cooperation framework between India and Myanmar had received an equal share of challenges and limitations. These challenges which occur at the domestic and the bilateral level have brought some vital issues that need crucial attention towards the perseverance of counter-terror cooperation and the maintenance of strategic relationships in the competing international environment. Such issues have derailed the engagement pattern between the two nations and have pushed each other from its orbit of influence.

In the view of such challenges and limitations in the counter-terror cooperation framework, India and Myanmar have undertaken an initiative in creating strategies and mechanisms that can improve the engagement pattern and build a strategic bonhomie between the two nations. Such initiatives are devised domestically and within the bilateral engagement framework through the diplomatic and military channel to improve the counter-terror cooperation framework. The creation of such strategies is driven by the emerging security threat within and outside the region and the strategic importance of each other in the changing geopolitical environment. These factors help to create an atmosphere of trust and confidence and seek possible ways and means to foster the security and strategic interests between the two nations in the long run.

Conclusion

Counter-terror cooperation has become an essential element in the foreign policy formulation of all nation-states with the rise of terror threats shrouded under alluring principles. It created challenges to the boundary of states' responses, cooperation, and engagement pattern. Although the state's responses to curb the immediate threat has fared well; however, it is difficult to pursue on a national or unilateral basis in the event of cross border, transnational, or more precisely trans-regional terror threat (Lesser 2002:44). As such, the states have pushed cooperation as a new strategy to counter the rising terror threats. Such an element of cooperation acts as robust security architecture capable of dealing with the growing terror threat in real-time and provides unique opportunities to the nation to exercise in concert and build foundations for a mutually beneficial relationship.

From the context, the thesis attempted to understand counter-terror cooperation in India-Myanmar relations. The study looked into the two primary counter-terror operations between India and Myanmar to understand the applicability of instruments of counter-terror cooperation. The preceding chapter addressed the study's objective and attempted to answer the research questions to its fundamental puzzle.

Chapter one sets the tone of the whole study, wherein it looks and analyses the counter-terror cooperation to build a conceptual framework to the objective of the study. The chapter sketches that the overarching and the encompassing threats marked by the changing nature of the warfare method encourage the states to strengthen cooperation in countering terror threats with its neighbours that share an increasing convergence of interest on bilateral, regional, and global issues.

Chapter two took an account in looking at India-Myanmar counter-terror cooperation in great length. The chapter focuses on illustrating the objectives in building counter-terror cooperation between two nations and different institutional forums for enhancing such cooperation. As far as the objective is concerned, the chapter highlights that the historical legacy and the geographical proximity between India and Myanmar allows both the nations to hold significant importance towards each other. For India, Myanmar presents a critical gateway to link with the Southeast Asian countries as it acts as a land bridge between India and Southeast Asia. Therefore, the strategic posture serves as an alternative solution to the problem of economic growth and domestic turmoil in northeast India and the presence of Chinese influence in the region. As for Myanmar, it looks upon India as a critical element in its foreign policy formulation for varied reasons. As Myanmar's economy reel under slow growth with lower foreign investment and high inflation, it feels that India's fast-growing economy can play a significant part in developing its economy. Besides, the close familial, linguistic, and cultural ties across the border can alleviate Myanmar's concern of maintaining independence from the Chinese influence. Myanmar feels that India can play a balancing role and get them out of the Chinese shadow. In this building prospect of mutual importance, India seeks to strengthen its cooperation level in security and counter-terrorism with Myanmar to remain sensitive to the strategic interests and concerns of one another. The chapter also looks at the different institutional forums wherein India and Myanmar maintain and respect the cooperation norms in countering terror threats.

The third chapter brings in the first case study of counter-terror cooperation between India and Myanmar. The operation codenamed as 'Operation Golden Bird' was executed in 1995 along the India and Myanmar border by the security forces of both

the nations. In doing so, the chapter highlights the nature of world politics at the given time and status of India-Myanmar relations. The chapter states that the operation was conducted at a time when India had to manoeuvre and restructure its policy both at home and in the world arena following the shifting nature of international politics, particularly with the fall of the Soviet Union and the globalisation led economy. Within this changing discourse, New Delhi felt the importance of engaging and subscribing to the growing need of the Southeast Asian neighbours who were growing in better numbers in terms of economic stature and geographic importance into a meaningful definition of its strategic calculation. In the making and remaking of such strategic calculation and particularly fostering new tie with its immediate neighbour, i.e. Southeast Asia, Myanmar featured as an essential geostrategic arena for varied reasons, including the need to stabilise and secure the long porous border of the two nations from the clutches of militants operating from India and Myanmar territories respectively.

Chapter four sets the second case study of counter-terror cooperation between India and Myanmar. It highlights that the Indian security forces conducted the operation following the militant attack on the security forces in Manipur keeping in mind the security cooperation that India and Myanmar share in the matter related to combating terrorism in the region. The chapter emphasised in understanding the changing structure at play within and outside the region that either provided an impetus or constrained India-Myanmar relations. One such changing structure was the evolution of the Naga peace accord and the rise of the NSCN-K militants' activity.

Chapter five look at the issues and challenges between India and Myanmar in the realm of counter-terror cooperation. Subsequently, the chapter also glances at the

responses and mechanisms that India and Myanmar have taken/are taking in addressing the underlying security situation. As far as the challenges are concerned, the chapter acquires in great length in understanding the nature of difficulties that India and Myanmar have countered in counter-terror cooperation. While doing this, the chapter looks at these challenges from two levels:

1. Domestic levels wherein the chapter argues that the domestic policy and strategy related to both the nation's security have a contrasting picture that has either derailed or pushed back the level of cooperation between India and Myanmar. Domestically, India has been the victim of terrorism longer than any other nation. On the other hand, terrorism and, more particularly, counter-terror efforts are a very new phenomenon for Myanmar because the country has never witnessed any terror incidents and activities that required any counter-terror mechanism. Systematically, the chapter's sub-section discusses in length the domestic challenges of each nation in enhancing the role of cooperation in counter-terror threats.
2. Bilateral level challenges emanate from maintaining old and new relations to build a responsible stature at the global stage. In the process upholding the ethos and integrity of the overall relations becomes a challenging task to maintain. On this line, the chapter projects the situation of India and Myanmar at the systemic level. The chapter states that as India is projecting its position as a responsible player at the world stage, it needs its neighbours and allies to make its presence felt. On the other hand, after years of military rule, Myanmar, under new democratic transition and leadership, is expected to recourse its foreign policy to regain its lost posture in the international community. At such a critical juncture, the instrument of counter-terror

cooperation between India and Myanmar sometimes falls in the systemic trajectory demise.

The chapter also highlights the possible strategies and mechanisms in enhancing the significance of cooperation and in building a rapport between the two nations. Various mechanisms like emphasising the Joint Consultative Commission, boosting the role of capacity building and training programme between India and Myanmar's security forces, prioritising the connectivity and development factor have played a part in the enhancement of counter-terror cooperation between India and Myanmar.

India-Myanmar shares a cordial relation marked by its geographical closeness, cultural linkage and historical connection. Due to such multi-facet factor, India-Myanmar relations has received a strategic nudge in calibrating the foreign policy outreach in the changing international relations environment. In India's context, it considers the geostrategic location of Myanmar as an essential asset to increase its sphere of influence within the Southeast Asian nations via its Look East and Act East policy and to keep China's increasing influence at bay. Similarly, Myanmar also takes India's position as an added advantage in recalibrating its foreign relations to a new height. Such factor has encouraged India to take the opportunity in raising the issue of the terror threat and the cross-border linkages along the porous border with Myanmar to remain sensitive to each other's strategic interest and concern. Many of the armed militant groups in the region have used the porous border to build linkages across the border and inflict maximum casualties. India has been a victim of terrorism since its independence. In most of the case, the state response has faired well to counter the terror threat. However, the increasing terrorism tactics and warfare methods under appealing ideology and cross-border affiliation have pushed states unilateral response

into difficulty. Such factor has therefore encouraged India to raise the importance of counter-terror cooperation with Myanmar and establish unique opportunities to build foundations for mutually beneficial relations.

Such encouragement created a political and security engagement pattern between India and Myanmar in recognising the importance of bilateral cooperation in securing their border from the terror threat. Such initiative has helped deepen the course of conducting many joint operations including the Operation Golden Bird of 1995 and the Hot Pursuit Operation of 2015. Both the operation justified the significance and importance of counter-terror cooperation as an essential factor in India-Myanmar relations. The operation extended the concept of counter-terror cooperation in scope as well as in substance between the two nations. It generated an element of hope and aspiration with the security nomenclature of India and Myanmar in applying the concept against the rising terror threats.

However, at the general level, India-Myanmar counter-terror cooperation concept has witnessed a big gap between its potential and deliverance level. Such a gap arises out of various limitations, including the domestic and structural constraints between the two nations. These constraints have limited India-Myanmar cooperation record on the ground. Similarly, the difference in objectives between India and Myanmar have also limited the extension of the cooperation framework. For instance, India's recent counter-terror cooperation diplomacy is framed concerning its rivalry with China. Such an element has brought its logic and limitation in counter-terror cooperation with Myanmar. C Raja Mohan, in this paper, states that:

It is not a surprise that India's recent security diplomacy with Myanmar has too often been framed in terms of a rivalry with China.

While a rising China does shape the regional environment, Indian security cooperation with Myanmar, as we have noted, has its logic and limitations. While there is an undeniable element of rivalry between India and China, their competition in Myanmar has never been symmetric (Mohan 2013:11).

However, in the course of limitation, India and Myanmar have undertaken initiatives to devise strategies and mechanism at the diplomatic and military level to enhance the deliverance level of counter-terror cooperation framework. These efforts have emphasised in removing the gaps and limitation in India-Myanmar security cooperation and build recognition in the changing geopolitical landscape and the emerging security challenges within and outside the region.

The Future of India-Myanmar Counter-Terror Cooperation

Counter-terror cooperation framework has served well in understanding and strengthening India-Myanmar relations to a new height. It has ignited a new hope and aspiration of finding a new element of engagement between the two nation. However, in the early stage of bilateral engagement when Myanmar was under the military government rule, there remains a presence of animosity and uneasiness in the working relationship between the two nations despite a strong historical legacy and close geographical proximity. For instance, New Delhi extended its support the pro-democracy movement led by Aung Sang Suu Kyi in the early 1990s. Such case contributed acrimony to the already working relationship between the two nations.

However, the shifting nature of international politics with the fall of the Soviet Union, the globalisation led economy, and the rise of the asymmetrical conflict with

the use of terror activity in the region has uptick the level of cooperation between India and Myanmar. More particularly, the cooperation in the security domain has added an impetus in pushing the relation to the new height. The conduct of the operation Golden Bird of 1995 and the Hot Pursuit operation of 2015 justifies the statement.

However, the question gradually arises as to how far counter-terror cooperation can sustain the pressure amidst the changing course of global, regional and bilateral relations. In this regard, the counter-terror cooperation will sustain and develop more systematically in the coming days despite the changing dynamic of global political relations. Such a statement is substantiated from the case of active development in the counter-terror cooperation between the two nations. The five months long India-Myanmar co-ordinated military offensive against the militants hiding across the border under the codename 'Operation Sunrise' proves the point. This massive operation-one of the biggest-ever operation launched by the Indian Army in coordination with Myanmar security forces justifies that cooperation in countering terror threats remains a vital ingredient in upgrading India-Myanmar to a new height. The first phase of Operation Sunrise was conducted in destroying ten to twelve camps of the Arakan Army, which was threatening the Indian workers at the Kaladan multi-mode transit project (The Economic Times 2019). The second phase was conducted against the Northeast militant groups at the Naga Self-administered zone of Sagaing region and surrounding area by the security forces of India and Myanmar capturing more than 80 militants, outposts, arms, and ammunition (Bhalla 2019, Siddiqui 2019, Shukla 2020).

Similarly, there are reports that the Myanmar army has launched the third phase of the Operation Sunrise against the National Socialist Council of Nagaland-Khaplang NSCN-K led by Yung Aung as they are planning to attack Indian security forces at a vulnerable point in the Northeast region (Shukla 2020). Besides, India and Myanmar have also signed a renewed defence co-operation agreement in 2019 providing a boost in the military engagement between the two nations. The agreement aimed at enhancing the overall bilateral defence cooperation, including the training of Myanmar security forces. In 2020, India-Myanmar counter-terror cooperation received a new fillip as Myanmar military handed over a group of 22 northeast militants to the Indian government (Gupta 2020). The step reflected the increasing intelligence network and the deepening ties between the two nations.

Such action reflected counter-terror cooperation as an essential factor in India-Myanmar relations. It justifies the bilateral significance of each other against rising terror threats and towards the perseverance of its national interests. Looking at it, the future of counter-terror cooperation between India and Myanmar will stay as a vital source of engagement. The cooperation will act as a catalyst in pushing the bilateral relations' overall significance. Similarly, the rise of Myanmar under the light of democratic conscience will further add an impetus on the cooperation with India. Such impetus emerge in the light of growing ethnic-nationalist movement waging an armed struggle with the Myanmar army for self-determination. The rise of the Arakan Rohingya Salvation Army (ARSA) and its terror activities proves one such case wherein the counter-terror cooperation with India will act as a preventive measure to the escalation of ARSA and its atrocities.

However, the future trend of counter-terror cooperation between India and Myanmar will also depend on the active role and engagement between the two nations in the changing international relation environment. Such shifting geopolitical and international structure bring changes in foreign policy norms, principles and ideologies. It gives rise to unpredictable factors that undermine the stability and security of the bilateral relations. The present state of India-Myanmar relation under Modi and Aung Saan Suu Kyi depicts a significant case. Under new leadership, India-Myanmar relations saw significant reassessment of strategy to alter its foreign policy doctrines in order to reestablish a fresh start to the bilateral relations. Before it, the bilateral relationship was solely characterised by mistrust and negligence despite India's concerted effort in maintaining a cordial relationship. The new start in the bilateral relationship emphasised on a stable and peaceful border as an essential anchor in the continued expansion of the bilateral relations. For that to happen, India prioritises the importance of Myanmar's cooperation against its fight against the militants that operate in the India-Myanmar border.

Similarly, China's increased engagement with Myanmar provides an unpredictable factor in India-Myanmar counter-terror cooperation. China is the major supplier of military hardware to Myanmar. It is estimated that 90 per cent of the Myanmar military come to from China alone (Shivananda 2011:120, Unites States Institute of Peace 2018:12). In addition to the selling of the weapons, China is is well ahead of India in building infrastructure, providing economic assistance, military training to the Myanmar Army. Such an event brings an ignorance in India's counter-terror cooperation efforts since Myanmar is unable to relinquish the economic and military opportunity of China that they have been enjoying till date. Besides, Myanmar action

also irks India as it feels that it has brought China to India's eastern flank. Shivananda state in his article that:

The Sino-Myanmar military cooperation which started with the negotiation of purchase of arms including jet fighters, armoured vehicles and naval vessels has gone much deeper. It has brought the Chinese to India's eastern flank with the up-gradation of infrastructures like dams, bridges, roads and ports as well as electronic-intelligence and maritime reconnaissance facilities (Shivananda 2011:117).

Such changing factors play a significant part in the extension of cooperation pattern between India and Myanmar. In the present scenario, the factors are working in favour of India and Myanmar. There is an increasing economic, military and diplomatic exchanges between the two nations. India, along with Russia, China, Israel and Ukraine, ranks among the top five arms exporters to Myanmar.

Similarly, in recent years, defence cooperation between India and Myanmar has seen a noticeable improvement. In 2019 India and Myanmar signed the Memorandum of Understanding in strengthening military to military ties in training, surveillance, maritime security and supply of indigenously built torpedoes. In 2020, India handed over its 3000 diesel-electric submarine INS Sindhuvir to Myanmar as a token of gift. In this regard, such activities connote that in the present scenario, India and Myanmar are enjoying the best relations ever in the changing international relations.

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**Security Council**

Distr.: General

28 September 2001

Resolution 1373 (2001)**Adopted by the Security Council at its 4385th meeting, on
28 September 2001***The Security Council,**Reaffirming* its resolutions 1269 (1999) of 19 October 1999 and 1368 (2001) of 12 September 2001,*Reaffirming also* its unequivocal condemnation of the terrorist attacks which took place in New York, Washington, D.C. and Pennsylvania on 11 September 2001, and expressing its determination to prevent all such acts,*Reaffirming further* that such acts, like any act of international terrorism, constitute a threat to international peace and security,*Reaffirming* the inherent right of individual or collective self-defence as recognized by the Charter of the United Nations as reiterated in resolution 1368 (2001),*Reaffirming* the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,*Deeply concerned* by the increase, in various regions of the world, of acts of terrorism motivated by intolerance or extremism,*Calling* on States to work together urgently to prevent and suppress terrorist acts, including through increased cooperation and full implementation of the relevant international conventions relating to terrorism,*Recognizing* the need for States to complement international cooperation by taking additional measures to prevent and suppress, in their territories through all lawful means, the financing and preparation of any acts of terrorism,*Reaffirming* the principle established by the General Assembly in its declaration of October 1970 (resolution 2625 (XXV)) and reiterated by the Security Council in its resolution 1189 (1998) of 13 August 1998, namely that every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts,*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides* that all States shall:

(a) Prevent and suppress the financing of terrorist acts;

(b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;

(c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;

(d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;

2. *Decides also* that all States shall:

(a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;

(b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;

(c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;

(d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;

(e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;

(f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;

(g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

3. *Calls* upon all States to:

(a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;

(b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;

(c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;

(d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;

(e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001);

(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;

(g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

4. *Notes* with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard *emphasizes* the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security;

5. *Declares* that acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations and that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations;

6. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council, to monitor implementation of this resolution, with the assistance of appropriate expertise, and *calls upon* all States to report to the Committee, no later than 90 days from the date of adoption of this resolution and thereafter according to a timetable to be proposed by the Committee, on the steps they have taken to implement this resolution;

7. *Directs* the Committee to delineate its tasks, submit a work programme within 30 days of the adoption of this resolution, and to consider the support it requires, in consultation with the Secretary-General;

8. *Expresses* its determination to take all necessary steps in order to ensure the full implementation of this resolution, in accordance with its responsibilities under the Charter;

9. *Decides* to remain seized of this matter.



Security Council

Distr.: General
12 November 2001

Resolution 1377 (2001)

**Adopted by the Security Council at its 4413th meeting, on
12 November 2001**

The Security Council,

Decides to adopt the attached declaration on the global effort to combat terrorism.



Annex

The Security Council,

Meeting at the Ministerial level,

Recalling its resolutions 1269 (1999) of 19 October 1999, 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001,

Declares that acts of international terrorism constitute one of the most serious threats to international peace and security in the twenty-first century,

Further declares that acts of international terrorism constitute a challenge to all States and to all of humanity,

Reaffirms its unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed,

Stresses that acts of international terrorism are contrary to the purposes and principles of the Charter of the United Nations, and that the financing, planning and preparation of as well as any other form of support for acts of international terrorism are similarly contrary to the purposes and principles of the Charter of the United Nations,

Underlines that acts of terrorism endanger innocent lives and the dignity and security of human beings everywhere, threaten the social and economic development of all States and undermine global stability and prosperity,

Affirms that a sustained, comprehensive approach involving the active participation and collaboration of all Member States of the United Nations, and in accordance with the Charter of the United Nations and international law, is essential to combat the scourge of international terrorism,

Stresses that continuing international efforts to broaden the understanding among civilizations and to address regional conflicts and the full range of global issues, including development issues, will contribute to international cooperation and collaboration, which themselves are necessary to sustain the broadest possible fight against international terrorism,

Welcomes the commitment expressed by States to fight the scourge of international terrorism, including during the General Assembly plenary debate from 1 to 5 October 2001, *calls on* all States to become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, and encourages Member States to take forward work in this area,

Calls on all States to take urgent steps to implement fully resolution 1373 (2001), and to assist each other in doing so, and *underlines* the obligation on States to deny financial and all other forms of support and safe haven to terrorists and those supporting terrorism,

Expresses its determination to proceed with the implementation of that resolution in full cooperation with the whole membership of the United Nations, and *welcomes* the progress made so far by the Counter-Terrorism Committee established by paragraph 6 of resolution 1373 (2001) to monitor implementation of that resolution,

Recognizes that many States will require assistance in implementing all the requirements of resolution 1373 (2001), and *invites* States to inform the Counter-Terrorism Committee of areas in which they require such support,

In that context, invites the Counter-Terrorism Committee to explore ways in which States can be assisted, and in particular to explore with international, regional and subregional organizations:

- the promotion of best-practice in the areas covered by resolution 1373 (2001), including the preparation of model laws as appropriate,
- the availability of existing technical, financial, regulatory, legislative or other assistance programmes which might facilitate the implementation of resolution 1373 (2001),
- the promotion of possible synergies between these assistance programmes,

Calls on all States to intensify their efforts to eliminate the scourge of international terrorism.

**Security Council**

Distr.: General

17 January 2003

Resolution 1455 (2003)**Adopted by the Security Council at its 4686th meeting, on
17 January 2003***The Security Council,*

Recalling its resolutions 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1363 (2001) of 30 July 2001, 1373 (2001) of 28 September 2001, 1390 (2002) of 16 January 2002 and 1452 (2002) of 20 December 2002,

Underlining the obligation placed upon all Member States to implement, in full, resolution 1373 (2001), including with regard to any member of the Taliban and the Al-Qaida organization, and any individuals, groups, undertakings and entities associated with the Taliban and the Al-Qaida organization, who have participated in the financing, planning, facilitating and preparation or perpetration of terrorist acts or in supporting terrorist acts, as well as to facilitate the implementation of counter terrorism obligations in accordance with relevant Security Council resolutions,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations and international law, threats to international peace and security caused by terrorist acts,

Noting that, in giving effect to the measures in paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002), full account is to be taken of the provisions of paragraphs 1 and 2 of resolution 1452 (2002),

Reiterating its condemnation of the Al-Qaida network and other associated terrorist groups for ongoing and multiple criminal terrorist acts, aimed at causing the deaths of innocent civilians, and other victims, and the destruction of property,

Reiterating its unequivocal condemnation of all forms of terrorism and terrorist acts as noted in resolutions 1368 (2001) of 12 September 2001, 1438 (2002) of 14 October 2002, 1440 (2002) of 24 October 2002, and 1450 (2002) of 13 December 2002,

Reaffirming that acts of international terrorism constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to improve the implementation of the measures imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002);

2. *Decides* that the measures referred to in paragraph 1 above will be further improved in 12 months, or sooner if necessary;

3. *Stresses* the need for improved coordination and increased exchange of information between the Committee established pursuant to resolution 1267 (1999) (hereinafter referred to as “the Committee”) and the Committee established pursuant to resolution 1373 (2001);

4. *Requests* the Committee to communicate to Member States the list referred to in paragraph 2 of resolution 1390 (2002) at least every three months, and stresses to all Member States the importance of submitting to the Committee the names and identifying information, to the extent possible, of and about members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them so that the Committee can consider adding new names and details to its list, unless to do so would compromise investigations or enforcement actions;

5. *Calls upon* all States to continue to take urgent steps to enforce and strengthen through legislative enactments or administrative measures, where appropriate, the measures imposed under domestic laws or regulations against their nationals and other individuals or entities operating in their territory, to prevent and punish violations of the measures referred to in paragraph 1 of this resolution, and to inform the Committee of the adoption of such measures, and invites States to report the results of all related investigations or enforcement actions to the Committee, unless to do so would compromise the investigation or enforcement actions;

6. *Calls upon* all States to submit an updated report to the Committee no later than 90 days from adoption of this resolution on all steps taken to implement the measures referred to in paragraph 1 above and all related investigations and enforcement actions, including a comprehensive summary of frozen assets of listed individuals and entities within Member State territories, unless to do so would compromise investigations or enforcement actions;

7. *Calls upon* all States, relevant United Nations bodies, and, as appropriate, other organizations and interested parties to cooperate fully with the Committee and with the Monitoring Group referred to in paragraph 8 below, including supplying such information as may be sought by the Committee pursuant to all pertinent resolutions and by providing all relevant information, to the extent possible, to facilitate proper identification of all listed individuals and entities;

8. *Requests* the Secretary-General, upon adoption of this resolution and acting in consultation with the Committee, to reappoint five experts, drawing, as much as possible and as appropriate, on the expertise of the members of the Monitoring Group established pursuant to paragraph 4 (a) of resolution 1363 (2001), to monitor for a further period of 12 months the implementation of the measures referred to in paragraph 1 of this resolution and to follow up on relevant leads relating to any incomplete implementation of the measures referred to in paragraph 1 above;

9. *Requests* the Chairman of the Committee to report orally at least every 90 days to the Council in detail on the overall work of the Committee and the Monitoring Group and stipulates that these updates shall include a summary of progress in submitting the reports referred to in paragraph 6 of resolution 1390 (2002) and paragraph 6 above;

10. *Requests* the Secretary-General to ensure that the Monitoring Group and the Committee and its Chairman have access to sufficient expertise and resources as and when required to assist in the discharge of their responsibilities;

11. *Requests* the Committee to consider, where and when appropriate, a visit to selected countries by the Chairman of the Committee and/or Committee members to enhance the full and effective implementation of the measures referred to in paragraph 1 above, with a view to encouraging States to implement all relevant Council resolutions;

12. *Requests* the Monitoring Group to submit a detailed work programme within 30 days of the adoption of this resolution and to assist the Committee in providing guidance for Member States on the format of the reports referred to in paragraph 6 above;

13. *Further requests* the Monitoring Group to submit two written reports to the Committee, the first by 15 June 2003 and the second by 1 November 2003, on implementation of the measures referred to in paragraph 1 above and to brief the Committee when the Committee so requests;

14. *Further requests* the Committee, through its Chairman, to provide the Council by 1 August 2003 and by 15 December 2003 with detailed oral assessments of Member State implementation of the measures referred to in paragraph 1 above based on Member State reports referred to in paragraph 6 above, paragraph 6 of resolution 1390 (2002) and all pertinent parts of Member State reports submitted under resolution 1373 (2001), and in line with transparent criteria to be determined by the Committee and communicated to all Member States, in addition to considering supplementary recommendations by the Monitoring Group, with a view to recommending further measures for Council consideration to improve the measures referred to in paragraph 1 above;

15. *Requests* the Committee, based on its oral assessments, through its Chairman, to the Council referred to in paragraph 14 above, to prepare and then to circulate a written assessment to the Council of actions taken by States to implement the measures referred to in paragraph 1 above;

16. *Decides* to remain actively seized of the matter.



Security Council

Distr.: General

20 January 2003

Resolution 1456 (2003)

**Adopted by the Security Council at its 4688th meeting, on
20 January 2003**

The Security Council,

Decides to adopt the attached declaration on the issue of combating terrorism.

Annex

The Security Council,

Meeting at the level of Ministers for Foreign Affairs on 20 January 2003 reaffirms that:

- terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security;
- any acts of terrorism are criminal and unjustifiable, regardless of their motivation, whenever and by whomsoever committed and are to be unequivocally condemned, especially when they indiscriminately target or injure civilians;
- there is a serious and growing danger of terrorist access to and use of nuclear, chemical, biological and other potentially deadly materials, and therefore a need to strengthen controls on these materials;
- it has become easier, in an increasingly globalized world, for terrorists to exploit sophisticated technology, communications and resources for their criminal objectives;
- measures to detect and stem the flow of finance and funds for terrorist purposes must be urgently strengthened;
- terrorists must also be prevented from making use of other criminal activities such as transnational organized crime, illicit drugs and drug trafficking, money-laundering and illicit arms trafficking;
- since terrorists and their supporters exploit instability and intolerance to justify their criminal acts the Security Council is determined to counter this by contributing to peaceful resolution of disputes and by working to create a climate of mutual tolerance and respect;
- terrorism can only be defeated, in accordance with the Charter of the United Nations and international law, by a sustained comprehensive approach involving the active participation and collaboration of all States, international and regional organizations, and by redoubled efforts at the national level.

* * *

The Security Council therefore calls for the following steps to be taken:

1. All States must take urgent action to prevent and suppress all active and passive support to terrorism, and in particular comply fully with all relevant resolutions of the Security Council, in particular resolutions 1373 (2001), 1390 (2002) and 1455 (2003);
2. The Security Council calls upon States to:
 - (a) become a party, as a matter of urgency, to all relevant international conventions and protocols relating to terrorism, in particular the 1999 international convention for the suppression of the financing of terrorism and to support all international initiatives taken to that aim, and to make full use of the sources of assistance and guidance which are now becoming available;

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- (b) assist each other, to the maximum extent possible, in the prevention, investigation, prosecution and punishment of acts of terrorism, wherever they occur;
 - (c) cooperate closely to implement fully the sanctions against terrorists and their associates, in particular Al-Qaeda and the Taliban and their associates, as reflected in resolutions 1267 (1999), 1390 (2002) and 1455 (2003), to take urgent actions to deny them access to the financial resources they need to carry out their actions, and to cooperate fully with the Monitoring Group established pursuant to resolution 1363 (2001);
 3. States must bring to justice those who finance, plan, support or commit terrorist acts or provide safe havens, in accordance with international law, in particular on the basis of the principle to extradite or prosecute;
 4. The Counter-Terrorism Committee must intensify its efforts to promote the implementation by Member States of all aspects of resolution 1373 (2001), in particular through reviewing States' reports and facilitating international assistance and cooperation, and through continuing to operate in a transparent and effective manner, and in that regard the Council;
 - (i) stresses the obligation on States to report to the CTC, according to the timetable set by the CTC, calls on the 13 States who have not yet submitted a first report and on the 56 States who are late in submitting further reports to do so by 31 March, and requests the CTC to report regularly on progress;
 - (ii) calls on States to respond promptly and fully to the CTC's requests for information, comments and questions in full and on time, and instructs the CTC to inform the Council of progress, including any difficulties it encounters;
 - (iii) requests the CTC in monitoring the implementation of resolution 1373 (2001) to bear in mind all international best practices, codes and standards which are relevant to the implementation of resolution 1373 (2001), and underlines its support for the CTC's approach in constructing a dialogue with each State on further action required to fully implement resolution 1373 (2001);
 5. States should assist each other to improve their capacity to prevent and fight terrorism, and notes that such cooperation will help facilitate the full and timely implementation of resolution 1373 (2001), and invites the CTC to step up its efforts to facilitate the provision of technical and other assistance by developing targets and priorities for global action;
 6. States must ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee, and humanitarian law;
 7. International organizations should evaluate ways in which they can enhance the effectiveness of their action against terrorism, including by establishing dialogue and exchanges of information with each other and with other relevant international actors, and directs this appeal in particular to those technical agencies and organizations whose activities relate to the control of the use of

or access to nuclear, chemical, biological and other deadly materials; in this context the importance of fully complying with existing legal obligations in the field of disarmament, arms limitation and non-proliferation and, where necessary, strengthening international instruments in this field should be underlined;

8. Regional and subregional organizations should work with the CTC and other international organizations to facilitate sharing of best practice in the fight against terrorism, and to assist their members in fulfilling their obligation to combat terrorism;
9. Those participating in the Special Meeting of the Counter-Terrorism Committee with international regional and subregional organizations on 7 March 2003 should use that opportunity to make urgent progress on the matters referred to in this declaration which involve the work of such organizations;

* * *

The Security Council also:

10. emphasizes that continuing international efforts to enhance dialogue and broaden the understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures, to further strengthen the campaign against terrorism, and to address unresolved regional conflicts and the full range of global issues, including development issues, will contribute to international cooperation and collaboration, which by themselves are necessary to sustain the broadest possible fight against terrorism;
11. reaffirms its strong determination to intensify its fight against terrorism in accordance with its responsibilities under the Charter of the United Nations, and takes note of the contributions made during its meeting on 20 January 2003 with a view to enhancing the role of the United Nations in this regard, and invites Member States to make further contributions to this end;
12. invites the Secretary General to present a report within 28 days summarizing any proposals made during its ministerial meeting and any commentary or response to these proposals by any Security Council member;
13. encourages Member States of the United Nations to cooperate in resolving all outstanding issues with a view to the adoption, by consensus, of the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism;
14. decides to review actions taken towards the realization of this declaration at further meetings of the Security Council.

Security CouncilDistr.: General
13 February 2003

Resolution 1465 (2003)**Adopted by the Security Council at its 4706th meeting, on
13 February 2003***The Security Council,*

Reaffirming the purposes and principles of the Charter of the United Nations and its relevant resolutions, in particular resolution 1373 (2001) of 28 September 2001,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

1. *Condemns* in the strongest terms the bomb attack in Bogota, Colombia, on 7 February 2003 in which many lives were claimed and people injured, and regards such act, like any act of terrorism, as a threat to peace and security;

2. *Expresses* its deepest sympathy and condolences to the people and the Government of Colombia and to the victims of the bomb attack and their families;

3. *Urges* all States, in accordance with their obligations under resolution 1373 (2001), to work together urgently and to cooperate with and provide support and assistance, as appropriate, to the Colombian authorities in their efforts to find and bring to justice the perpetrators, organizers and sponsors of this terrorist attack;

4. *Expresses* its reinforced determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations.



Security Council

Distr.: General
17 October 2005

Resolution 1631 (2005)

**Adopted by the Security Council at its 5282nd meeting, on
17 October 2005**

The Security Council,

Recalling Chapter VIII of the Charter of the United Nations,

Reaffirming its previous relevant resolutions and presidential statements,

Welcoming the adoption of the 2005 World Summit Outcome (A/RES/60/1),

Recalling its invitation of January 1993 to regional organizations to improve coordination with the United Nations, the Declaration of the General Assembly of December 1994 on the enhancement of cooperation between the United Nations and regional arrangements or agencies (A/RES/49/57), its meeting on “The Security Council and Regional Organizations: Facing the New Challenges to international Peace and Security”, held on 11 April 2003 under the Mexican presidency, and its debate on “Cooperation between the United Nations and regional organizations in stabilization processes”, held on 20 July 2004 under the Romanian presidency,

Welcoming the Conclusions of the Chairman of the Sixth High-Level Meeting between the United Nations and Regional and other Intergovernmental Organizations (25-26 July 2005),

Reiterating its primary responsibility for the maintenance of international peace and security,

Emphasizing that the growing contribution made by regional organizations in cooperation with the United Nations can usefully complement the work of the organization in maintaining international peace and security, and *stressing* in this regard that such contribution must be made in accordance with Chapter VIII of the United Nations Charter,

Recognizing the necessity to support capacity-building and cooperation at regional and subregional level in maintaining international peace and security, and noting in particular the importance of strengthening the capacity of African regional and subregional organizations,

Acknowledging the resolve of Heads of State and Government of the 2005 World Summit to expand, as appropriate, the involvement of regional organizations in the work of the Security Council, and to ensure that regional organizations that

have a capacity for the prevention of armed conflict or peacekeeping consider the option of placing such capacity in the framework of the United Nations Standby Arrangements System,

Welcoming the decision in the World Summit Outcome to establish a Peacebuilding Commission, and *looking forward* to it as an important opportunity for cooperation and close contact with regional and subregional organizations in post-conflict peacebuilding and recovery,

1. *Expresses its determination* to take appropriate steps to the further development of cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security, consistent with Chapter VIII of the United Nations Charter, and *invites* regional and subregional organizations that have a capacity for conflict prevention or peacekeeping to place such capacities in the framework of the United Nations Standby Arrangements System;

2. *Urges* all States and relevant international organizations to contribute to strengthening the capacity of regional and subregional organizations, in particular of African regional and subregional organizations, in conflict prevention and crisis management, and in post-conflict stabilization, including through the provision of human, technical and financial assistance, and *welcomes in this regard* the establishment by the European Union of the Peace Facility for Africa;

3. *Stresses* the importance for the United Nations of developing regional and subregional organizations' ability to deploy peacekeeping forces rapidly in support of United Nations peacekeeping operations or other Security Council-mandated operations, and *welcomes* relevant initiatives taken in this regard;

4. *Stresses* the potential role of regional and subregional organizations in addressing the illicit trade in small arms and light weapons and the need to take into account in the peacekeeping operations' mandates, where appropriate, the regional instruments enabling states to identify and trace illegal small arms and light weapons;

5. *Reiterates* the need to encourage regional cooperation, including through the involvement of regional and subregional organizations in the peaceful settlement of disputes, and to include, where appropriate, specific provisions to this aim in future mandates of peacekeeping and peacebuilding operations authorized by the Security Council;

6. *Welcomes* the efforts undertaken by its subsidiary bodies with responsibilities in counter-terrorism to foster cooperation with regional and subregional organizations, *notes with appreciation* the efforts made by an increasing number of regional and subregional organizations in the fight against terrorism and *urges all* relevant regional and subregional organizations to enhance the effectiveness of their counter-terrorism efforts within their respective mandates, including with a view to develop their capacity to help Member States in their efforts to tackle the threats to international peace and security posed by acts of terrorism;

7. *Expresses* its intention to hold regular meetings as appropriate with heads of regional and subregional organizations in order to strengthen the interaction and cooperation with these organizations in maintaining international peace and security,

ensuring if possible that such meetings coincide with the annual high-level meetings held by the United Nations with regional and other intergovernmental organizations for better efficiency of participation and substantive complementarity of agendas;

8. *Recommends* better communication between the United Nations and regional and subregional organizations through, notably, liaison officers and holding of consultations at all appropriate levels;

9. *Reiterates* the obligation for regional organizations, under article 54 of the Charter, to keep the Security Council fully informed of their activities for the maintenance of international peace and security;

10. *Invites* the Secretary-General to submit a report to the Security Council on the opportunities and challenges facing the cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security, *and encourages* the Secretary-General to explore with regional organizations the possibility of agreements establishing a framework for regional organizations' cooperation with and contributions to United Nations-led peacekeeping operations, taking into due consideration the cooperation guidelines already identified between the UN and certain regional organizations;

11. *Requests* the Secretary-General, where appropriate, to include in his regular reporting to the Security Council on peacekeeping and peacebuilding operations under its mandate, assessments of progress on the cooperation between the United Nations and regional and subregional organizations;

12. *Decides* to remain seized of the matter.



Resolution 2322 (2016)

**Adopted by the Security Council at its 7831st meeting, on
12 December 2016**

The Security Council,

Recalling its resolutions [1267 \(1999\)](#), [1333 \(2000\)](#), [1363 \(2001\)](#), [1373 \(2001\)](#), [1390 \(2002\)](#), [1452 \(2002\)](#), [1455 \(2003\)](#), [1526 \(2004\)](#), [1566 \(2004\)](#), [1617 \(2005\)](#), [1624 \(2005\)](#), [1699 \(2006\)](#), [1730 \(2006\)](#), [1735 \(2006\)](#), [1822 \(2008\)](#), [1904 \(2009\)](#), [1988 \(2011\)](#), [1989 \(2011\)](#), [2083 \(2012\)](#), [2129 \(2013\)](#), [2133 \(2014\)](#), [2170 \(2014\)](#), [2178 \(2014\)](#), [2195 \(2014\)](#), [2199 \(2015\)](#), [2214 \(2015\)](#), [2249 \(2015\)](#), [2253 \(2015\)](#) and [2309 \(2016\)](#),

Reaffirming its commitment to sovereignty, territorial integrity and political independence of all States in accordance with the Charter of the United Nations,

Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever, wherever, and by whomsoever committed,

Reaffirming that terrorism should not be associated with any religion, nationality, civilization or ethnic group,

Condemning terrorists and terrorist groups, in particular the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), Al-Qaida, and associated individuals, groups, undertakings, and entities, for ongoing and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims, destruction of property, and greatly undermining stability,

Deeply concerned by the increasing number of victims, especially among civilians of diverse nationalities and beliefs, caused by terrorism motivated by intolerance or extremism in various regions of the world, *reaffirming* its profound solidarity with the victims of terrorism and their families, and *stressing* the importance of assisting victims of terrorism and providing them and their families with support to cope with their loss and grief,

Gravely concerned that in some cases terrorists or terrorist groups, in particular ISIL, Al-Qaida, and associated individuals, groups, undertakings, and entities continue to profit from involvement in transnational organized crime, and



expressing concern that terrorists benefit from transnational organized crime in some regions, including from the trafficking of arms, persons, drugs, and artifacts, and from the illicit trade in natural resources including gold and other precious metals and stones, minerals, wildlife, charcoal and oil, as well as from kidnapping for ransom and other crimes including extortion and bank robbery,

Expressing concern at the continuing use, in a globalized society, by terrorists and their supporters, of information and communications technologies, in particular the Internet, to facilitate terrorist acts, and *condemning* their use to incite, recruit, fund, or plan terrorist acts,

Expressing concern also at the continued flow of international recruits to ISIL, Al- Qaida, and associated groups, and *recalling* its resolution 2178 (2014) deciding that Member States shall, consistent with international human rights law, international refugee law, and international humanitarian law, prevent and suppress the recruiting, organizing, transporting, or equipping of foreign terrorist fighters and the financing of their travel and of their activities,

Particularly concerned at the growing involvement of terrorist groups, especially in areas of conflict, in the destruction and the trafficking in cultural property and related offences, and recognizing the indispensable role of international cooperation in crime prevention and criminal justice responses to combat such trafficking and related offences in a comprehensive and effective manner,

Reiterating the obligation of Member States to prevent the movement of terrorists and terrorist groups, in accordance with applicable international law, by, inter alia, effective border controls, and, in this context, to exchange information expeditiously, improve cooperation among competent authorities to prevent the movement of terrorists and terrorist groups to and from their territories, the supply of weapons for terrorists, and financing that would support terrorists,

Stressing that terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States and international and regional organizations to impede, impair, isolate, and incapacitate the terrorist threat,

Underlining the importance of strengthening international cooperation, including by investigators, prosecutors and judges, in order to prevent, investigate and prosecute terrorist acts, and *recognizing* the persisting challenges associated with strengthening international cooperation in combating terrorism including in stemming the flow of FTFs to and returning from conflict zones, in particular due to the cross border nature of the activity,

Stressing that the development and maintenance of fair and effective criminal justice systems should be a fundamental basis of any strategy to counter terrorism and transnational organized crime,

Recalling that timely cooperation and action, in accordance with international obligations, can help States to prevent FTFs from travelling to conflict zones, develop effective strategies to deal with returnees, preserve through law enforcement and judicial authorities critical evidence for legal proceedings, and facilitate the implementation of procedures for prosecution,

Noting the significant increase in the requests for cooperation in gathering digital data and evidence from the Internet and *stressing* the importance of considering the re-evaluation of methods and best practices, as appropriate, in particular, related to investigative techniques and electronic evidence,

Calling upon Member States to continue exercising vigilance over relevant financial transactions and improve information-sharing capabilities and practices, in line with applicable international and national law, within and between governments through relevant authorities including judicial authorities and channels, including law enforcement, intelligence, security services, and financial intelligence units, and also *calling upon* Member States to improve integration and utilization of financial intelligence with other types of information available, such as that provided by the private sector to national governments, to more effectively counter the terrorist financing threats posed by ISIL, Al-Qaida, and associated individuals, groups, undertakings and entities, including through actions related to investigative techniques, evidence gathering and prosecution,

Calling upon Member States to continue information-sharing, through appropriate channels and arrangements, and consistent with international and domestic law, on individuals and entities implicated in terrorist activities, in particular their supply of weapons and sources of material support, and on the ongoing international counter-terrorism cooperation including among special services, security agencies and law enforcement organizations and criminal justice authorities,

Welcoming the efforts by UNODC to upgrade its existing networks of Central Authorities to encompass the ones responsible for counter terrorism matters,

Recalling that the obligation in paragraph 1(d) of resolution 1373 (2001) also applies to making funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of terrorist organizations or individual terrorists for any purpose, including but not limited to recruitment, training, or travel, even in the absence of a link to a specific terrorist act,

1. *Reiterates* its call upon all states to become party to the international counter-terrorism conventions and protocols as soon as possible, whether or not they are a party to regional conventions on the matter, and to fully implement their obligations under those to which they are a party;
2. *Reaffirms* that those responsible for committing or otherwise responsible for terrorist acts, and violations of international humanitarian law or violations or abuses of human rights in this context, must be held accountable;
3. *Calls upon* States to share, where appropriate, information about foreign terrorist fighters and other individual terrorists and terrorist organizations, including biometric and biographic information, as well as information that demonstrates the nature of an individual's association with terrorism via bilateral, regional and global law enforcement channels, in compliance with international and domestic national law and policy, and *stresses* the importance of providing such information to national watch lists and multilateral screening databases;

4. *Recognizes* the important role of national legislation in enabling international judicial and law enforcement cooperation on terrorist-related offences, and *calls upon* Member States to enact, and where appropriate, review their respective counterterrorism legislation in view of the evolving threat posed by terrorist groups and individuals;

5. *Calls upon* States to consider, where appropriate, downgrading for official use intelligence threat data on foreign terrorist fighters and individual terrorists, to appropriately provide such information to front-line screeners, such as immigration, customs and border security, and to appropriately share such information with other concerned States and relevant international organizations in compliance with international and domestic national law and policy;

6. *Emphasizes* the importance of States establishing as a serious criminal offence in their domestic laws and regulations the willful violation of the prohibition on financing of terrorist organizations or individual terrorists for any purpose, including but not limited to recruitment, training, or travel, even in the absence of a direct link to a specific terrorist act, and *urges* States to exchange information about such activity consistent with international and national law and *emphasizes* further the recent FATF guidance on Recommendation 5 on the criminalization of terrorist financing for any purpose, in line with resolutions [2199 \(2015\)](#) and [2253 \(2015\)](#);

7. *Further encourages* States to cooperate in the implementation of targeted financial and travel sanctions against terrorist groups and individual terrorists under resolution [1373 \(2001\)](#) and the implementation of targeted financial and travel sanctions and arms embargo against those listed under [2253 \(2015\)](#) by sharing information with other relevant States and international organizations about such individuals and groups to the greatest degree possible, consistent with international and national law;

8. *Recalls* that all States shall afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings, and *urges* States to act in accordance with their obligations under international law, in order to find and bring to justice, extradite or prosecute any person who supports, facilitates, participates or attempts to participate in the direct or indirect financing of activities conducted by terrorists or terrorist groups;

9. *Calls upon* all States to:

(a) Exchange information, in accordance with international and domestic law and cooperate on administrative, police and judicial matters to prevent the commission of terrorist acts and to counter the FTF threat, including returnees;

(b) Consider the possibility of allowing through appropriate laws and mechanisms, the transfer of criminal proceedings, as appropriate, in terrorist-related cases;

(c) Enhance cooperation to prevent terrorists from benefiting from transnational organized crime, to investigate and to build the capacity to prosecute such terrorists and transnational organized criminals working with them;

(d) Enhance cooperation to deny safe haven to those who finance, plan, support, commit terrorist acts, or provide safe havens;

10. *Calls upon all* States to ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

11. *Urges* also as a matter of priority that Member States consider, as appropriate, ratifying, acceding to, and implementing other relevant international conventions to support international cooperation in criminal matters, such as the UN Convention against Transnational Organized Crime of 2000 and the Protocols thereto;

12. *Urges* States to develop, including, upon request, with the assistance of UNODC and in close cooperation with UNESCO and INTERPOL, broad law enforcement and judicial cooperation in preventing and combating all forms and aspects of trafficking in cultural property and related offences that benefit or may benefit terrorist or terrorist groups, and to introduce effective national measures at the legislative and operational levels where appropriate, and in accordance with obligations and commitments under international law and national instruments, to prevent and combat trafficking in cultural property and related offences, including considering to designate such activities that may benefit terrorist or terrorist groups, as a serious crime in accordance with article 2 of the UN Convention against Transnational Organized Crime;

13. *Calls upon* all States to:

(a) Use applicable international instruments to which they are parties as a basis for mutual legal assistance and, as appropriate, for extradition in terrorism cases, and encourages States, in the absence of applicable conventions or provisions, to cooperate when possible on the basis of reciprocity or on a case by case basis;

(b) Enact and, where appropriate, review and update extradition and mutual legal assistance laws in connection with terrorism-related offences, consistently with their international obligations, including their obligations under international human rights law, and to consider reviewing national mutual legal assistance laws and mechanisms related to terrorism and updating them as necessary in order to strengthen their effectiveness, especially in the light of the substantial increase in the volume of requests for digital data;

(c) Consider strengthening implementation, and where appropriate, reviewing possibilities for enhancing the effectiveness of their respective bilateral and multilateral treaties concerning extradition and Mutual Legal Assistance in criminal matters related to counter-terrorism;

(d) Consider ways within the framework of the implementation of existing applicable international legal instruments to simplify extradition and MLA requests in appropriate terrorism-related cases, while recognizing the need for due consideration, in light of the need to uphold relevant legal obligations;

(e) Designate mutual legal assistance and extradition Central Authorities or other relevant criminal justice authorities and ensure that such authorities have

adequate resources, training and legal authority, in particular for terrorism related offences;

(f) Take measures, where appropriate, to update current practices on MLA regarding acts of terrorism, including considering, where appropriate, the use of electronic transfer of requests to expedite the proceedings between Central Authorities or, as appropriate, other relevant criminal justice authorities with full respect to existing treaty obligations;

(g) Consider providing UNODC with information for its repository database with contacts and other relevant details of designated authorities;

(h) Consider developing and participating in regional mutual legal assistance cooperation platforms and developing and enhancing arrangements for expeditious cross-regional cooperation for terrorism related offences;

14. *Encourages* Member States to act cooperatively to prevent terrorists from recruiting, to counter their violent extremist propaganda and incitement to violence on the Internet and social media, including by developing effective counter narratives, while respecting human rights and fundamental freedoms and in compliance with obligations under international law, and stresses the importance of cooperation with civil society and the private sector in this endeavor;

15. *Calls upon* all States, in conformity with international law, to consider establishing appropriate laws and mechanisms that allow for the broadest possible international cooperation, including the appointment of liaison officers, police to police cooperation, the creation/use, when appropriate, of joint investigation mechanisms, and enhanced coordination of cross-border investigations in terrorism cases, and also *calls upon* States to increase, where appropriate, their use of electronic communication and universal templates, in full respect for fair trial guarantees of the accused;

16. *Recognizes* the proven effectiveness of I-24/7, INTERPOL's secure global communication system, as well as its array of investigative and analytical databases, and its system of notices in the framework of the fight against terrorism, *encourages* States to increase the capacity of their National Central Bureaus to utilize them and to designate a 24 hour/seven days a week point of contact for this network and to take the necessary measures to ensure its adequate training in its use to counter terrorism and foreign terrorist fighters, including illicit international travel;

17. *Encourages also* States, to consider extending access to, and where appropriate, integrate into their national systems, the INTERPOL I-24/7 police information network beyond the National Central Bureaus to other national law enforcement entities at strategic locations such as remote border crossings, airports, customs and immigration posts or police stations;

18. *Encourages* Member States, international, regional and sub-regional organizations to consider the possibility of developing 24/7 networks to counter terrorism while taking into account their existing arrangements for cooperation, and in this regard, *takes note* of the creation of a 24 hours seven days a week point of contact cooperation network in the Additional Protocol to the Council of Europe

Convention on the Prevention of Terrorism (May 2015) to combat terrorism, in furtherance of the implementation of resolution 2178 (2014);

19. *Directs* the Counter Terrorism Committee, with the support of CTED to:

(a) Include in its dialogue with international, regional and subregional organizations and Member States their efforts to promote international law enforcement and judicial cooperation in counter-terrorism matters and to work closely with international, regional and subregional organizations and relevant UN bodies that have developed relevant networks and cross regional cooperation in order to facilitate international cooperation to counter terrorism and foreign terrorist fighters, including returnees, particularly by providing analysis on capacity gaps and recommendations based on CTED's country assessments;

(b) Identify gaps or trends in current international cooperation among Member States, including through CTC briefings to exchange information on good practices, and facilitate capacity building, including through sharing good practices and exchange of information in this regard;

(c) Work with CTITF entities, in particular UNODC, to identify areas where it is appropriate to deliver technical assistance to Member States, upon their request, to implement this resolution, including through the training of prosecutors, judges and other relevant officials involved in international cooperation, particularly by providing analysis on capacity gaps and recommendations based on CTED's country assessments;

(d) Identify and raise awareness on good practices on international judicial and law enforcement cooperation in counter-terrorism matters;

20. *Requests* UNODC to further enhance, in close consultation with the Counter-terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and of relevant United Nations resolutions and further requests UNODC, together with Member States, to continue to promote, inter alia, international cooperation in criminal matters related to terrorism, including foreign terrorist fighters, especially with regard to extradition and mutual legal assistance;

21. *Requests* the Counter Terrorism Executive Directorate, with the assistance of UNODC and in consultation with CTITF office to prepare a report on the current state of international law enforcement and judicial cooperation related to terrorism, identifying major gaps and providing the Counter Terrorism Committee with recommendations to address them within ten months;

22. *Requests* CTC to update the Council in twelve months on the implementation of this resolution.



General Assembly

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[without reference to a Main Committee (A/60/L.62)]

60/288. The United Nations Global Counter-Terrorism Strategy

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and reaffirming its role under the Charter, including on questions related to international peace and security,

Reiterating its strong condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security,

Reaffirming the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 51/210 of 17 December 1996, and the 2005 World Summit Outcome,¹ in particular its section on terrorism,

Recalling all General Assembly resolutions on measures to eliminate international terrorism, including resolution 46/51 of 9 December 1991, and Security Council resolutions on threats to international peace and security caused by terrorist acts, as well as relevant resolutions of the General Assembly on the protection of human rights and fundamental freedoms while countering terrorism,

Recalling also that, in the 2005 World Summit Outcome, world leaders rededicated themselves to support all efforts to uphold the sovereign equality of all States, respect their territorial integrity and political independence, to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations, to uphold the resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial domination or foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion, international cooperation in solving international problems of an economic, social, cultural or

¹ See resolution 60/1.

humanitarian character, and the fulfilment in good faith of the obligations assumed in accordance with the Charter,

Recalling further the mandate contained in the 2005 World Summit Outcome that the General Assembly should develop without delay the elements identified by the Secretary-General for a counter-terrorism strategy, with a view to adopting and implementing a strategy to promote comprehensive, coordinated and consistent responses, at the national, regional and international levels, to counter terrorism, which also takes into account the conditions conducive to the spread of terrorism,

Reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Reaffirming also that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming further Member States' determination to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism, including by resolving the outstanding issues related to the legal definition and scope of the acts covered by the convention, so that it can serve as an effective instrument to counter terrorism,

Continuing to acknowledge that the question of convening a high-level conference under the auspices of the United Nations to formulate an international response to terrorism in all its forms and manifestations could be considered,

Recognizing that development, peace and security, and human rights are interlinked and mutually reinforcing,

Bearing in mind the need to address the conditions conducive to the spread of terrorism,

Affirming Member States' determination to continue to do all they can to resolve conflict, end foreign occupation, confront oppression, eradicate poverty, promote sustained economic growth, sustainable development, global prosperity, good governance, human rights for all and rule of law, improve intercultural understanding and ensure respect for all religions, religious values, beliefs or cultures,

1. *Expresses its appreciation* for the report entitled "Uniting against terrorism: recommendations for a global counter-terrorism strategy" submitted by the Secretary-General to the General Assembly;²

2. *Adopts* the present resolution and its annex as the United Nations Global Counter-Terrorism Strategy ("the Strategy");

3. *Decides*, without prejudice to the continuation of the discussion in its relevant committees of all their agenda items related to terrorism and counter-terrorism, to undertake the following steps for the effective follow-up of the Strategy:

² A/60/825.

- (a) To launch the Strategy at a high-level segment of its sixty-first session;
 - (b) To examine in two years progress made in the implementation of the Strategy, and to consider updating it to respond to changes, recognizing that many of the measures contained in the Strategy can be achieved immediately, some will require sustained work through the coming few years and some should be treated as long-term objectives;
 - (c) To invite the Secretary-General to contribute to the future deliberations of the General Assembly on the review of the implementation and updating of the Strategy;
 - (d) To encourage Member States, the United Nations and other appropriate international, regional and subregional organizations to support the implementation of the Strategy, including through mobilizing resources and expertise;
 - (e) To further encourage non-governmental organizations and civil society to engage, as appropriate, on how to enhance efforts to implement the Strategy;
4. *Decides* to include in the provisional agenda of its sixty-second session an item entitled “The United Nations Global Counter-Terrorism Strategy”.

*99th plenary meeting
8 September 2006*

Annex

Plan of action

We, the States Members of the United Nations, resolve:

1. To consistently, unequivocally and strongly condemn terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security;
2. To take urgent action to prevent and combat terrorism in all its forms and manifestations and, in particular:
 - (a) To consider becoming parties without delay to the existing international conventions and protocols against terrorism, and implementing them, and to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism;
 - (b) To implement all General Assembly resolutions on measures to eliminate international terrorism and relevant General Assembly resolutions on the protection of human rights and fundamental freedoms while countering terrorism;
 - (c) To implement all Security Council resolutions related to international terrorism and to cooperate fully with the counter-terrorism subsidiary bodies of the Security Council in the fulfilment of their tasks, recognizing that many States continue to require assistance in implementing these resolutions;
3. To recognize that international cooperation and any measures that we undertake to prevent and combat terrorism must comply with our obligations under international law, including the Charter of the United Nations and relevant international conventions and protocols, in particular human rights law, refugee law and international humanitarian law.

I. Measures to address the conditions conducive to the spread of terrorism

We resolve to undertake the following measures aimed at addressing the conditions conducive to the spread of terrorism, including but not limited to prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance, while recognizing that none of these conditions can excuse or justify acts of terrorism:

1. To continue to strengthen and make best possible use of the capacities of the United Nations in areas such as conflict prevention, negotiation, mediation, conciliation, judicial settlement, rule of law, peacekeeping and peacebuilding, in order to contribute to the successful prevention and peaceful resolution of prolonged unresolved conflicts. We recognize that the peaceful resolution of such conflicts would contribute to strengthening the global fight against terrorism;

2. To continue to arrange under the auspices of the United Nations initiatives and programmes to promote dialogue, tolerance and understanding among civilizations, cultures, peoples and religions, and to promote mutual respect for and prevent the defamation of religions, religious values, beliefs and cultures. In this regard, we welcome the launching by the Secretary-General of the initiative on the Alliance of Civilizations. We also welcome similar initiatives that have been taken in other parts of the world;

3. To promote a culture of peace, justice and human development, ethnic, national and religious tolerance and respect for all religions, religious values, beliefs or cultures by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society. In this regard, we encourage the United Nations Educational, Scientific and Cultural Organization to play a key role, including through inter-faith and intra-faith dialogue and dialogue among civilizations;

4. To continue to work to adopt such measures as may be necessary and appropriate and in accordance with our respective obligations under international law to prohibit by law incitement to commit a terrorist act or acts and prevent such conduct;

5. To reiterate our determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including the Millennium Development Goals. We reaffirm our commitment to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all;

6. To pursue and reinforce development and social inclusion agendas at every level as goals in themselves, recognizing that success in this area, especially on youth unemployment, could reduce marginalization and the subsequent sense of victimization that propels extremism and the recruitment of terrorists;

7. To encourage the United Nations system as a whole to scale up the cooperation and assistance it is already conducting in the fields of rule of law, human rights and good governance to support sustained economic and social development;

8. To consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives. In this regard, we encourage States to request the relevant United Nations entities to help them to develop such national

systems. We will also strive to promote international solidarity in support of victims and foster the involvement of civil society in a global campaign against terrorism and for its condemnation. This could include exploring at the General Assembly the possibility of developing practical mechanisms to provide assistance to victims.

II. Measures to prevent and combat terrorism

We resolve to undertake the following measures to prevent and combat terrorism, in particular by denying terrorists access to the means to carry out their attacks, to their targets and to the desired impact of their attacks:

1. To refrain from organizing, instigating, facilitating, participating in, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that our respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens;

2. To cooperate fully in the fight against terrorism, in accordance with our obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or perpetration of terrorist acts or provides safe havens;

3. To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of national and international law, in particular human rights law, refugee law and international humanitarian law. We will endeavour to conclude and implement to that effect mutual judicial assistance and extradition agreements and to strengthen cooperation between law enforcement agencies;

4. To intensify cooperation, as appropriate, in exchanging timely and accurate information concerning the prevention and combating of terrorism;

5. To strengthen coordination and cooperation among States in combating crimes that might be connected with terrorism, including drug trafficking in all its aspects, illicit arms trade, in particular of small arms and light weapons, including man-portable air defence systems, money-laundering and smuggling of nuclear, chemical, biological, radiological and other potentially deadly materials;

6. To consider becoming parties without delay to the United Nations Convention against Transnational Organized Crime³ and to the three protocols supplementing it,⁴ and implementing them;

7. To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum-seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in section II, paragraph 1, above;

8. To encourage relevant regional and subregional organizations to create or strengthen counter-terrorism mechanisms or centres. Should they require cooperation and assistance to this end, we encourage the Counter-Terrorism Committee and its Executive Directorate and, where consistent with their existing

³ Resolution 55/25, annex I.

⁴ Resolution 55/25, annexes II and III; and resolution 55/255, annex.

mandates, the United Nations Office on Drugs and Crime and the International Criminal Police Organization, to facilitate its provision;

9. To acknowledge that the question of creating an international centre to fight terrorism could be considered, as part of international efforts to enhance the fight against terrorism;

10. To encourage States to implement the comprehensive international standards embodied in the Forty Recommendations on Money-Laundering and Nine Special Recommendations on Terrorist Financing of the Financial Action Task Force, recognizing that States may require assistance in implementing them;

11. To invite the United Nations system to develop, together with Member States, a single comprehensive database on biological incidents, ensuring that it is complementary to the biocrimes database contemplated by the International Criminal Police Organization. We also encourage the Secretary-General to update the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged use. In addition, we note the importance of the proposal of the Secretary-General to bring together, within the framework of the United Nations, the major biotechnology stakeholders, including industry, the scientific community, civil society and Governments, into a common programme aimed at ensuring that biotechnology advances are not used for terrorist or other criminal purposes but for the public good, with due respect for the basic international norms on intellectual property rights;

12. To work with the United Nations with due regard to confidentiality, respecting human rights and in compliance with other obligations under international law, to explore ways and means to:

(a) Coordinate efforts at the international and regional levels to counter terrorism in all its forms and manifestations on the Internet;

(b) Use the Internet as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard;

13. To step up national efforts and bilateral, subregional, regional and international cooperation, as appropriate, to improve border and customs controls in order to prevent and detect the movement of terrorists and prevent and detect the illicit traffic in, inter alia, small arms and light weapons, conventional ammunition and explosives, and nuclear, chemical, biological or radiological weapons and materials, while recognizing that States may require assistance to that effect;

14. To encourage the Counter-Terrorism Committee and its Executive Directorate to continue to work with States, at their request, to facilitate the adoption of legislation and administrative measures to implement the terrorist travel-related obligations and to identify best practices in this area, drawing whenever possible on those developed by technical international organizations, such as the International Civil Aviation Organization, the World Customs Organization and the International Criminal Police Organization;

15. To encourage the Committee established pursuant to Security Council resolution 1267 (1999) to continue to work to strengthen the effectiveness of the travel ban under the United Nations sanctions regime against Al-Qaida and the Taliban and associated individuals and entities, as well as to ensure, as a matter of priority, that fair and transparent procedures exist for placing individuals and entities on its lists, for removing them and for granting humanitarian exceptions. In

this regard, we encourage States to share information, including by widely distributing the International Criminal Police Organization/United Nations special notices concerning people subject to this sanctions regime;

16. To step up efforts and cooperation at every level, as appropriate, to improve the security of manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use, while recognizing that States may require assistance in doing so. In this regard, we invite the International Criminal Police Organization to enhance its database on stolen and lost travel documents, and we will endeavour to make full use of this tool, as appropriate, in particular by sharing relevant information;

17. To invite the United Nations to improve coordination in planning a response to a terrorist attack using nuclear, chemical, biological or radiological weapons or materials, in particular by reviewing and improving the effectiveness of the existing inter-agency coordination mechanisms for assistance delivery, relief operations and victim support, so that all States can receive adequate assistance. In this regard, we invite the General Assembly and the Security Council to develop guidelines for the necessary cooperation and assistance in the event of a terrorist attack using weapons of mass destruction;

18. To step up all efforts to improve the security and protection of particularly vulnerable targets, such as infrastructure and public places, as well as the response to terrorist attacks and other disasters, in particular in the area of civil protection, while recognizing that States may require assistance to this effect.

III. Measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard

We recognize that capacity-building in all States is a core element of the global counter-terrorism effort, and resolve to undertake the following measures to develop State capacity to prevent and combat terrorism and enhance coordination and coherence within the United Nations system in promoting international cooperation in countering terrorism:

1. To encourage Member States to consider making voluntary contributions to United Nations counter-terrorism cooperation and technical assistance projects, and to explore additional sources of funding in this regard. We also encourage the United Nations to consider reaching out to the private sector for contributions to capacity-building programmes, in particular in the areas of port, maritime and civil aviation security;

2. To take advantage of the framework provided by relevant international, regional and subregional organizations to share best practices in counter-terrorism capacity-building, and to facilitate their contributions to the international community's efforts in this area;

3. To consider establishing appropriate mechanisms to rationalize States' reporting requirements in the field of counter-terrorism and eliminate duplication of reporting requests, taking into account and respecting the different mandates of the General Assembly, the Security Council and its subsidiary bodies that deal with counter-terrorism;

4. To encourage measures, including regular informal meetings, to enhance, as appropriate, more frequent exchanges of information on cooperation and technical assistance among Member States, United Nations bodies dealing with counter-terrorism, relevant specialized agencies, relevant international, regional and

subregional organizations and the donor community, to develop States' capacities to implement relevant United Nations resolutions;

5. To welcome the intention of the Secretary-General to institutionalize, within existing resources, the Counter-Terrorism Implementation Task Force within the Secretariat in order to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;

6. To encourage the Counter-Terrorism Committee and its Executive Directorate to continue to improve the coherence and efficiency of technical assistance delivery in the field of counter-terrorism, in particular by strengthening its dialogue with States and relevant international, regional and subregional organizations and working closely, including by sharing information, with all bilateral and multilateral technical assistance providers;

7. To encourage the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, to enhance, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions;

8. To encourage the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime and the International Criminal Police Organization to enhance cooperation with States to help them to comply fully with international norms and obligations to combat money-laundering and the financing of terrorism;

9. To encourage the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons to continue their efforts, within their respective mandates, in helping States to build capacity to prevent terrorists from accessing nuclear, chemical or radiological materials, to ensure security at related facilities and to respond effectively in the event of an attack using such materials;

10. To encourage the World Health Organization to step up its technical assistance to help States to improve their public health systems to prevent and prepare for biological attacks by terrorists;

11. To continue to work within the United Nations system to support the reform and modernization of border management systems, facilities and institutions at the national, regional and international levels;

12. To encourage the International Maritime Organization, the World Customs Organization and the International Civil Aviation Organization to strengthen their cooperation, work with States to identify any national shortfalls in areas of transport security and provide assistance, upon request, to address them;

13. To encourage the United Nations to work with Member States and relevant international, regional and subregional organizations to identify and share best practices to prevent terrorist attacks on particularly vulnerable targets. We invite the International Criminal Police Organization to work with the Secretary-General so that he can submit proposals to this effect. We also recognize the importance of developing public-private partnerships in this area.

IV. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism

We resolve to undertake the following measures, reaffirming that the promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism:

1. To reaffirm that General Assembly resolution 60/158 of 16 December 2005 provides the fundamental framework for the “Protection of human rights and fundamental freedoms while countering terrorism”;

2. To reaffirm that States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and international humanitarian law;

3. To consider becoming parties without delay to the core international instruments on human rights law, refugee law and international humanitarian law, and implementing them, as well as to consider accepting the competence of international and relevant regional human rights monitoring bodies;

4. To make every effort to develop and maintain an effective and rule of law-based national criminal justice system that can ensure, in accordance with our obligations under international law, that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in support of terrorist acts is brought to justice, on the basis of the principle to extradite or prosecute, with due respect for human rights and fundamental freedoms, and that such terrorist acts are established as serious criminal offences in domestic laws and regulations. We recognize that States may require assistance in developing and maintaining such effective and rule of law-based criminal justice systems, and we encourage them to resort to the technical assistance delivered, inter alia, by the United Nations Office on Drugs and Crime;

5. To reaffirm the important role of the United Nations system in strengthening the international legal architecture by promoting the rule of law, respect for human rights and effective criminal justice systems, which constitute the fundamental basis of our common fight against terrorism;

6. To support the Human Rights Council and to contribute, as it takes shape, to its work on the question of the promotion and protection of human rights for all in the fight against terrorism;

7. To support the strengthening of the operational capacity of the Office of the United Nations High Commissioner for Human Rights, with a particular emphasis on increasing field operations and presences. The Office should continue to play a lead role in examining the question of protecting human rights while countering terrorism, by making general recommendations on the human rights obligations of States and providing them with assistance and advice, in particular in the area of raising awareness of international human rights law among national law-enforcement agencies, at the request of States;

8. To support the role of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Special Rapporteur should continue to support the efforts of States and offer concrete advice by corresponding with Governments, making country visits, liaising with the United Nations and regional organizations and reporting on these issues.

Joint Declaration

The first Summit between the EU and India was held in Lisbon, Portugal on 28th June 2000. The EU was represented by the Prime Minister of Portugal Antonio GUTERRES in his capacity as President of the European Council assisted by the Secretary General / High Representative for Common Foreign and Security Policy Javier SOLANA, and the President of the European Commission Romano PRODI. India was represented by Prime Minister Atal Behari VAJPAYEE.

The Portuguese Ministers Jaime GAMA (Foreign Affairs) and José Mariano GAGO (Science and Technology) and Vitor RAMALHO (deputy Minister for Economy), the European Commissioners Christopher PATTEN (External Relations), Pascal LAMY (Trade) and Philippe BUSQUIN (Research), as well as the Indian Ministers Jaswant SINGH (External Affairs), Yashwant SINHA (Finance), Murasoli MARAN (Commerce and Industry) and Pramod MAHAJAN (Information and Technology) also participated in the Summit.

The Summit agreed on the following Declaration

On this historic occasion, we resolve that in the 21st century the EU and India shall build a new strategic partnership founded on shared values and aspirations characterised by enhanced and multi-faceted co-operation.

We, based on the shared universal values of democracy and the respect for human rights, rule of law and fundamental freedoms, stress our commitment to promote socio-economic development and prosperity, as well as international peace, stability and security. We also derive strength from our traditions of diversity, plurality and tolerance.

We are convinced that the process of economic reform and liberalisation in India leading to enhanced and sustained growth on the one hand, and gradual integration and enlargement of the EU on the other, provide us with an excellent opportunity to launch a new phase of constructive and mutually beneficial partnership.

We reaffirm our commitment to the strengthening and deepening of our consultations and enhancing our co-ordination on bilateral, regional and multilateral issues of common concern.

EU-India Partnership In The 21st Century

1. We believe that the EU and India must rise to the occasion to work together towards a world in which the aspirations of our people can be fulfilled. To this end, we re-affirm our commitment to democracy, the respect of human rights and fundamental freedoms as well as the promotion of peace, stability and security, and the encouragement of socio-economic development and prosperity.
2. Based on our common shared values we recognise the need to build a coalition of interests in order to meet the challenges of the 21st century. The EU and India are important partners in the shaping of the emerging multipolar world.

3. It is in this context that we resolve to enhance our political dialogue, to promote mutual understanding and to improve co-ordination on political and economic issues of bilateral, regional and multilateral dimensions.
4. In recognition of our enhanced relations of a new strategic partnership in the new century, we will hold further regular EU-India Summit meetings in alternating capitals or elsewhere. The EU welcomes India's invitation to hold the next Summit, in 2001, in India. We shall continue to fully exploit the potential of the existing annual dialogue at the level of Foreign Ministers. In between these meetings, Senior Officials from both sides will meet to ensure follow up. We will look into possibilities to complement this dialogue with consultations at expert level on foreign policy issues.
5. The EU and India recognise the need to work together more closely to promote peace, stability and security in their respective regions and beyond through bilateral dialogue and confidence building measures among the countries concerned. They reaffirm their strong commitment to the settlement of disputes by peaceful means, in accordance with international law, bilateral agreements and the principles of the United Nations Charter. In this context, both sides agree to pursue regular contacts, within the framework of the political dialogue, to address security issues of common concern.
6. We emphasise the importance of co-ordinating efforts to promote and protect human rights. In this respect, we reaffirm the need to promote and protect all human rights and fundamental freedoms, taking into account their universal, interdependent and indivisible character, as confirmed by our commitment to the Charter of the United Nations and the Universal Declaration on Human Rights. We will also work towards the universal ratification and implementation of all major international human rights instruments. We shall continue to fully implement our obligations which we have undertaken under the UN instruments and agreements.
7. We share the conviction that terrorism remains a major threat to regional and international peace and security, and constitutes a serious violation of the rights of innocent individuals and of the integrity of states. We reaffirm our unreserved condemnation of terrorism in all its forms, wherever it occurs and whatever its motives and origin. We will strengthen our co-operation in preventing and combating terrorism, guided by the principles of international law and relevant UN Conventions. We will bolster joint efforts to counter terrorism and meet all other challenges arising from it both in the regional and international context. We agree therefore to strive for a Comprehensive Convention on International Terrorism.
8. We note with deep concern the increase in drug trafficking as a global problem which constitutes a major threat to health and reinforces international crime and terrorism. We agree on the need to strengthen co-operation to combat drug trafficking and drug abuse.
9. We are convinced that co-operation in multilateral fora should be one of the priorities in the future development of our relationship. We re-affirm our commitment to co-operating closely in identifying and furthering common interests in international organisations, particularly in the framework of the United Nations, and in the ASEAN Regional Forum. We also re-affirm our commitment to the United Nations and agree to work together for making it a more effective instrument of international co-operation. We shall work to strengthen the international security system, namely the UN and support it in its peace-keeping efforts.

10. We are resolved to be partners in promoting global peace and security. We continue to work together to eradicate chemical and biological weapons. We re-iterate our unequivocal commitment to the ultimate goal of a complete elimination of nuclear weapons under strict and effective international control. The EU welcomes India's current voluntary moratorium on nuclear explosive testing and its willingness to move towards a de jure formalisation of this basic obligation of the CTBT. India is engaged in discussions on a range of issues including CTBT. India remains ready to bring these discussions to a successful conclusion based on the creation of a positive environment as it works towards building the widest possible consensus domestically. We will work together to prevent the proliferation of nuclear weapons and their means of delivery. We stress our readiness to work with others for an early commencement of negotiations for a treaty ending the production of fissile materials for nuclear weapons and reaffirm our commitment to stringent and effective export controls, including the spreading of dangerous materials and technologies.
11. We agree that socio-economic development and prosperity flourish on the basis of regional and global stability, for which a peaceful and secure environment are essential preconditions. Regional co-operation based on existing instruments should create the necessary trust to work towards resolving tensions.
12. We recognise the importance of further enhancing mutual understanding and dialogue between our respective civil societies. To this end, we have agreed to initiate an India-EU Round Table of eminent non official personalities and a Network of EU and Indian Think Tanks. These are important steps towards creating the ground for better people-to-people contacts and understanding, which are essential elements of a dynamic and durable partnership.
13. We recognise the importance of the 1993 Co-operation Agreement for Partnership and Development, and the work carried out by the EU-India Joint Commission, its Sub-Commissions and working groups. We shall continue to strengthen the High Level Economic and Commercial Dialogue on bilateral and multilateral trade, economic and financial issues of common concern as well as to promote business links.
14. We share the belief that democracy is the basis for equitable and sustained economic growth and development. The EU acknowledges and supports India's commitment to economic reforms and liberalisation aimed at ensuring high and sustainable growth rates, and integrating its economy into the global economy. A strong Indian economy will not only generate greater prosperity at home, but also benefit the global economy. Globalisation presents challenges and opens up opportunities that, if properly harnessed, can bring the world closer together and benefit developed and developing countries alike. We also recognise that globalisation should take into account the development aspirations of developing countries while bringing the world closer together. In such an environment, we are convinced that there is tremendous potential for greater economic co-operation.
15. We recognise the significant growth achieved in India in respect of information technology. We also recognise the mutual benefit of a substantial increase in flows of investment, technology, expertise and service providers between the EU and India in the new knowledge-based economy, particularly in the areas of information technology, telecommunications and biotechnology. We agree to work closely with each other in these sectors which have a vast potential to improve the standards of living and quality of life for our citizens.

16. We look forward to intensifying our discussions with a view to rapidly concluding an Agreement on Co-operation in Science & Technology. This will provide the framework for joint research and technological development, not only in the frontiers of science but also in addressing the challenges of disease, hunger and poverty and in bringing together entrepreneurs, investors, scientists and the traditional holders of knowledge to share the benefits of research and development.
17. We stress the importance to further expand academic contacts between the EU and India and agree to also look into possibilities of promoting co-operation in the field of culture and education.
18. We are consistent in our belief that a key objective of development co-operation is to enhance and to promote human development, in particular by raising standards of literacy and health, thereby contributing to progressive improvement in the quality of life and alleviating human suffering. These are critical inputs for sustainable development. We will continue to work towards intensifying our co-operation in key areas including elementary education, health services and environment.
19. We are deeply concerned about growing environmental degradation. We share a commitment to enhance multilateral co-operation in addressing the twin challenges of protecting the environment and promoting sustainable development. We shall address global environmental issues of mutual concern, including climate change in accordance with the principle of common and differentiated responsibility. We shall institute a joint working group on environment to promote common initiatives in the environmental field to explore the potential for joint collaborative projects, facilitate transfer of technologies, develop opportunities for investments in the public and private sectors, launch an environmental awareness programme and facilitate co-ordination on multilateral environmental issues.
20. We recognise that the rapid development of infrastructure, including telecommunications, energy, transport, roads, airports and ports is important for the economic growth of India. We share the commitment to further enhance economic co-operation in all these sectors. We are pleased to note that we are signing a Financing Agreement for a joint civil aviation project, which will further increase co-operation in this important area.
21. The EU is India's largest trading partner. However, we share the view that the current volume of bilateral trade and investment between the EU and India falls far short of its potential. We are conscious of the fact that there is need for much greater collaboration between the EU and India in strengthening industry and business links. We are, therefore, determined to working jointly to promote and increase the flows of goods and services between the EU and India. In this context, the EU supports the economic reforms being undertaken by India, which contribute to creating a climate more favourable to trade and investment and welcomes India's determination to further pursue these efforts. We also share the view that foreign direct investment plays an important role for the development of our economies. In this sense, we agree on the importance of addressing all obstacles with a view to stimulating EU investment in India.
22. We share the view that it is important to progressively liberalise trade and to oppose protectionist trends in our march towards economic growth and development. We share the commitment towards an open, equitable and non-discriminatory rule-based multilateral trading system and we shall work together to strengthen it.

23. We stressed the importance of maintaining the momentum towards further trade liberalisation and strengthening of the WTO, based on an agenda that adequately reflects the interest of all members of the multilateral trading system. While we recognise that there is as yet no consensus on the scope of future WTO negotiations, we agree that the objective of any such negotiations should be to enhance market access, develop and strengthen WTO rules and disciplines, support the economic growth, development needs, and integration into the trading system of developing countries, and contribute to the goal of sustainable development. In this context, particular importance should be given to improving market access for developing countries. India and the EU underlined that careful preparation will be required in order to achieve this objective. We also noted the importance of the commitment by all members to constructive negotiations under the built-in agenda, which includes agriculture and services, and agreed on the importance of finding solutions as quickly as possible to the implementation concerns of developing countries.
24. We agree that our bilateral co-operation on WTO matters should be put on a more solid and structured basis. We therefore instruct our senior officials to meet, at least twice a year, in a regular high level dialogue covering all WTO matters, with a view in particular to identifying common approaches that India and the EU could take on these matters. In this way India and the EU can strengthen their traditional co-operation within the WTO.



EU-India

Joint Declaration on International Terrorism

Brussels, 10 December 2010

The EU, its Member states and India:

Acknowledge that International Terrorism is one of the most serious threats to international peace and security;

Emphasize that EU and India stand united in combating threats to international peace and security caused by terrorist acts;

Condemn terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purpose;

Denounce those who sponsor, abet and instigate terrorism and provide terrorists safe havens;

Underline that cooperation in combating International Terrorism, including cross border terrorism is one of the key political priorities in the India-EU strategic partnership.

Recall their commitments to enhance counter terrorism cooperation, as contained in the 2005 EU-India Joint Action Plan, as well as in the 2009 EU-India Summit Declaration;

Further recall that their Strategic Partnership is rooted in shared values and principles-democracy, pluralism, constitutional and legal rights and freedoms, and the rule of law

Attach great importance to counter terrorism cooperation in the framework of United Nations and share a commitment to universal ratification and full implementation of all UN Counter Terrorism conventions;

Reaffirm their conviction that the proposed Comprehensive Convention on International Terrorism should become a vital component of the international legal framework against terrorism, and to intensify efforts to bring negotiations to a successful conclusion.

In this spirit, India and EU have come together to declare their resolve to cooperate in combating international terrorism within the following framework, details of which will be worked out through designated authorities:

P R E S S

FOR FURTHER DETAILS:

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Political dialogue:

- Continue to discuss Counter Terrorism cooperation at high level meetings within our security dialogue.
- Encourage all countries to deny safe haven to terrorists and to dismantle terror infrastructure on the territories under their control.

Law enforcement and police cooperation:

- Identify, including through seminars, areas of cooperation with respect to the designated agencies, according to their respective competencies.
- Continue efforts to prevent access by terrorists to financial and other resources.
- Enhance efforts for accessing and sharing strategic information, so as to better disrupt and prevent terrorist activity.
- Intensify efforts to render the widest possible measure of mutual legal assistance and to expedite processing of extradition requests and to explore the possibility of an EU - India Mutual Legal Assistance Agreement and an EU – India Agreement on Extradition.

Research, Technology and Cybersecurity:

- Agree to closer India–EU cooperation and mutual assistance in this area.

Transport, aviation and border security:

- Work together in ICAO, to improve international security standards for passengers, cargo and mail, including in transit.
- Coordinate efforts against terrorists and terrorist groups so as to deny them safe haven and freedom of travel in accordance with international law.
- Encourage more efficient controls on issuance of identity and travel documents to prevent movement of terrorist and terrorist groups across national borders.

Consequence Management:

- Share experiences and best practices on managing the consequences of a terrorist attack.

Cooperation in the Multilateral system, including United Nations:

- Increase cooperation in multilateral fora like the UN, and intensify efforts to bring about a rapid adoption of CCIT.
- Build on the opportunities of coordination provided by the membership of Financial Action Task Force of EU Member States and India by intensifying efforts to prevent access by terrorists to financial and other resources and by sharing best practices on financial controls.

- Reaffirm commitment to implement the 2006 UN Global Counter Terrorism Strategy as a unique instrument to enhance national, regional and global efforts to counter terrorism.
 - Encourage global ratification and effective implementation of all relevant conventions on counter terrorism.
 - Promote initiatives, under the auspices of UN, inter alia, on Alliance of Civilization initiative, to enhance dialogue and broaden understanding among civilizations.
 - The EU and India agree that an effective and comprehensive approach to diminish the long term threat of violent extremism is an important component of our efforts to combat terrorism.
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INDIA-EU JOINT STATEMENT ON COOPERATION IN COMBATING TERRORISM

New Delhi, 6 October 2017

1. Prime Minister Narendra Modi, President Donald Tusk, and President Jean-Claude Juncker strongly condemned recent heinous terrorist attacks in India and the member states of the European Union and reaffirmed their determination to jointly combat terrorism and violent extremism in all their forms and manifestations irrespective of their motivations, wherever and by whomever they are committed.
2. Acknowledging the developing partnership on security, including counter-terrorism, between India and EU, the Leaders expressed satisfaction with the progress made at the 10th meeting of the India-EU Counter-Terrorism Dialogue on 30 August 2017 in New Delhi. They welcomed the joint commitment to explore opportunities to develop cooperation between the relevant institutions on both sides, to, inter alia, share information, best practices, including on countering the on-line threat of radicalization, and to engage in capacity building activities, such as training and workshops. They welcomed the resolve to deepen cooperation on domestic and international terrorist designation listing proposals through exchange of information.
3. Recalling the 2016 India-EU Joint Declaration on the Fight against Terrorism, the Leaders reiterated their commitment to a comprehensive approach, and resolved to step up cooperation to prevent and counter terrorism, violent extremism and radicalization, disrupt recruitment, terrorist activities and the flow of Foreign Terrorist Fighters, stop sources of terrorist financing, dismantle terrorist infrastructure and prevent the supply of arms to terrorists. They reaffirmed that it is crucial that perpetrators of violence and terrorism are brought to justice.
4. Condemning the recent terror attacks in Pathankot, Uri, Nagrota, Anantnag (Amarnath Yatra), Srinagar, Paris, Brussels, Nice, London, Stockholm, Manchester, Barcelona, Turku, and other terrorist attacks and recalling the November 2008 terror attacks in Mumbai, the Leaders called for the perpetrators of these attacks to be brought to justice. They further called for greater unity, stronger international partnership and concerted action by the international community in addressing the menace of terrorism.
5. Considering the urgent need to establish a comprehensive international legal framework to address the growing global menace of terrorism, the leaders called for an early conclusion of negotiations and the adoption of the Comprehensive Convention on International Terrorism in the United Nations, as an instrument for a global alliance of nations against terrorism which would reinforce the message that no cause or grievance justifies terrorism. They also affirmed to work together to prevent proliferation of weapons of mass destruction and their delivery systems and to deny access to such weapons by terrorists and non-state actors.

6. The leaders called for the effective implementation of existing international commitments on countering terrorism, including the UN Global Counter-Terrorism Strategy, relevant UN Security Council resolutions and targeted sanctions relating to terrorism. In this regard, they recalled that responsible States should take adequate measures to ensure that their territory is not used for terrorist activities.
 7. Both sides resolved to work together to drive forward international efforts in multilateral forums like the Global Counter-Terrorism Forum and the Financial Action Task Force so as to cut the flows of funds, and other financial assets and economic resources to individuals and entities involved in terrorism including those proscribed under the relevant United Nations' Sanctions.
 8. The leaders agreed to strengthen cooperation to take decisive and concerted actions against globally proscribed terrorists and terror entities, including Hafeez Saeed, Zaki-ur-Rehman Lakhvi, Dawood Ibrahim, Lashkar-e-Tayibba, Jaish-e-Mohammad, Hizb-ul-Mujahideen, Haqqani Network, Al Qaeda, ISIS (Da'esh) and their affiliates.
 9. Reiterating that India and the European Union share liberal and pluralistic values that are rooted in secular democracy, both sides reaffirmed that, terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group and agreed to enhance their cooperation in combating radicalization and violent extremism. The Leaders expressed concern at the increased incidence of radicalization of youth and the use of the internet to this end.
 10. Both sides agreed to enhance people-to-people contacts and exchanges between thought leaders, civil society and academics to promote peace, tolerance, inclusiveness and welfare and reaffirmed their shared confidence that humanist ideals will eventually succeed in overcoming the hatred and violence perpetrated by the disruptive forces of extremism and terrorism.
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ASEM IV - Fourth Asia Europe Meeting Summit

Copenhagen, September 22-24, 2002 (ASEM 4)

Declaration on Cooperation against International Terrorism

At the fourth Asia-Europe Meeting (ASEM 4), held in Copenhagen on 23-24 September 2002, Leaders, recalling in particular the terrorist attacks in the United States on September 11 2001, had in-depth discussions on various new security challenges, especially international terrorism and its possible links with transnational organized crime. Leaders agreed to issue the following declaration:

1. We, the ASEM Leaders gathered in Copenhagen on 23 and 24 September 2002 for the fourth Asia-Europe Meeting, declare that acts of international terrorism constitute one of the most serious threats to international peace and security and a challenge to all states and to all of humanity. Terrorism not only endangers the lives of innocents, but also threatens the very foundations upon which our societies are built. We condemn all acts of terrorism as criminal and unjustifiable, irrespective of their motivation, forms and manifestations. International cooperation in anti-terrorism activities, including regional cooperation such as that of the EU and ASEAN, as well as bilateral cooperation, has greatly progressed. It is essential that the international community steadily continue efforts in this regard.

2. We pledge to work together to combat this threat to global peace and security, sustainable economic development and political stability, and emphasize that the fight against terrorism must be based on the principles of the UN Charter and basic norms of international law. The fight against terrorism requires a comprehensive approach by the international community comprising political, economic, diplomatic, military and legal means in accordance with our respective domestic laws, duly taking into account root causes of terrorism without acknowledging these as justifications for terrorist and/or criminal activities.

3. We emphasize the importance of sustaining the momentum of international cooperation against terrorism and the leading role of the United Nations. We welcome and fully support UN Security Council Resolutions 1373 (2001) and 1377 (2001) and reiterate our commitment to implement these resolutions. We attach great importance to the work of the Counter Terrorism Committee and recognize the need for providing technical assistance to third countries in order to implement UN Security Council Resolution 1373 (2001). We will work towards the accession to and implementation of the existing international counter-terrorism conventions. We stress the importance of bringing the ongoing negotiations on the United Nations Comprehensive Convention on International Terrorism and the International Convention for the Suppression of Acts of Nuclear Terrorism to a successful conclusion.

4. We acknowledge that the proliferation of weapons of mass destruction to terrorist groups is a serious threat to global peace and security. In this regard, we reaffirm our commitment to General Assembly Resolution 56/24/T on multilateral cooperation in the area of disarmament and non-proliferation and global efforts against terrorism.

5. We acknowledge that terrorism, including its possible links with transnational organized crime such as money laundering, trafficking in human beings and arms as well as the production of and trafficking in illicit drugs, forms part of a complex set of new security challenges. This calls for a multi-faceted approach to the problems we are facing.

6. We are determined to strengthen consultation, cooperation and coordination on new security challenges by expanding ASEM initiatives directed against the scourge of terrorism and transnational organized crime.

7. Our cooperation will build upon the unique ASEM dialogue and cross-cultural understanding. We reject any attempt to associate terrorism with any religion, race or nationality, and also reject any notion that we can be divided along these lines.

8. We have adopted an ASEM Copenhagen Cooperation Programme on Fighting International Terrorism in order to ensure the implementation of the above-mentioned objectives.

9. Activities to be undertaken in the short- to medium term include the establishment of an informal ad hoc consultative mechanism among ASEM Coordinators and Senior Officials as well as regular contacts between relevant regional and national agencies of ASEM partners to facilitate cooperation in the common fight against terrorism and transnational organized crime. Long-term activities focus on the elimination of cultural misconceptions, as well as on the identification and elimination of the root causes of terrorism without acknowledging these as justifications for terrorist and/or criminal activities.

Copenhagen, 23 September 2002

**Joint Statement of the
Twelfth Bay of Bengal Initiative for Multisectoral Technical and Economic Cooperation
(BIMSTEC) Ministerial Meeting
Nay Pyi Taw, Union of Myanmar on 11 December 2009.**

The Twelfth Bay of Bengal Initiative for Multisectoral Technical and Economic Cooperation (BIMSTEC) Ministerial Meeting was held in Nay Pyi Taw, Union of Myanmar on 11 December 2009.

The Meeting was attended by H.E. Dr. Dipu Moni, M.P. . Minister for Foreign Affairs of the People's Republic of Bangladesh, H.E. Lyonpo Ugyen Tshering, Minister for Foreign Affairs of the Kingdom of Bhutan, H.E. Mr. S.M. Krishna, External Affairs Minister of the Republic of India, H.E. U Nyan Win, Minister for Foreign Affairs of the Union of Myanmar, H.E Ms. Sujata Koirala, Deputy Prime Minister and Minister for Foreign Affairs of Federal Democratic Republic of Nepal. H.E. Mr. Rohitha Bogollagama, M.P., Minister of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka and H.E. Mr. Kasit Piromya, Minister of Foreign Affairs of the Kingdom of Thailand.

His Excellency General Thein Sein, Honourable Prime Minister of the Government of the Union of Myanmar addressed the Opening Session.

H. F. U Nyan Win, Minister for Foreign Affairs of the Union of Myanmar assumed chairmanship of the BIMSTEC Ministerial Meeting from H.E. Mr. S.M. Krishna., External Affairs Minister of the Republic of India.

Heads of Delegation expressed their sincere appreciation and profound gratitude to the Government of the Union of Myanmar for the cordial reception and generous hospitality to the delegations and for the excellent arrangements made for the Meeting.

The Meeting considered and approved the Report of the 14th Meeting of the Senior Officials held on 10 December 2009 At the conclusion of the Meeting, the Heads of Delegation issued the following Joint Statement:

We, the Heads of Delegation to the Twelfth BIMSTEC Ministerial Meeting, having convened in Nay Pyi Taw on 11 December 2009, reiterated our commitment to the founding objectives and principles of BIMSTEC to promote socio-economic development and to create an enabling environment for cooperation among Member States.

We noted with deep concern the critical challenges that climate change poses for the world at large, and for our region in particular. Climate change threatens human security in areas as diverse as food, energy and livelihood security; it also poses existential challenges such as climate change induced large scale displacement.

We welcomed the inclusion of Climate Change as the 14th priority area of cooperation, as recommended by the 13th BIMSTEC SOM and endorsed by the 11th Ministerial Meeting held in New Delhi in November 2008. We accepted with appreciation the initiative by Bangladesh to be the lead country for Climate Change. We are confident that the inclusion of this new area of cooperation will contribute significantly to the joint efforts on the mitigation and adaptation to climate change in the BIMSTEC region.

We recalled with appreciation the finalization of the following four documents by the 10th Ministerial Meeting.

- i. BIMSTEC Convention on Cooperation in Combating international Terrorism, Transnational Organized Crime and Illicit Drug Trafficking.
- ii. Memorandum of Association (MoA) among the Bay of Bengal Initiative for Multi-sectoral Technical and Economic Cooperation (BIMSTEC) Member Countries for the Establishment of the BIMSTEC Energy Centre.
- iii. Memorandum of Association (MoA) among the Bay of Bengal Initiative for Multi-sectoral Technical and Economic Cooperation (BIMSTEC) Member Countries Concerning Establishment of a BIMSTEC Centre for Weather and Climate.
- iv. Memorandum of Understanding (MoU) on the Establishment of the BIMSTEC Cultural Industries Commission (BCIC) and BIMSTEC Cultural Industries Observatory (BOO).
- v.

We welcomed the signing of the BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organized Crime and Illicit Drug Trafficking at Nay Pyi Taw on 11 December 2009. We encouraged the Member States to sign the remaining three documents at the earliest.

We reviewed the ongoing progress in the following priority areas of cooperation in BIMSTEC.

Trade and Investment

We reaffirmed the importance of the BIMSTEC FTA in promoting trade and investment in a mutually beneficial manner for all Member States, and enhancing competitiveness and socio-economic development in the BIMSTEC region.

We welcomed the finalization of the text of the Agreement on Trade in Goods and other provisions relating to the Rules of Origin, Operational Certification Procedures and the Agreement on Customs Cooperation at the 18th Meeting of the BIMSTEC TNC at Phuket in June 2009.

We called upon the TNC to finalize the Annexes to the BIMSTEC FTA Agreement on Trade in Goods at the earliest. We welcomed India's kind offer to host the 19th Meeting of the BIMSTEC TNC.

We took note of the ongoing negotiations on the Agreements on Services and Investment under BIMSTEC FTA, and urged the Member States to conclude them as soon as possible.

Transport and Communication

We agreed that improved transportation and communication linkages and greater connectivity between our Member States are important elements for the BIMSTEC process that will provide direct benefits to our peoples. We expressed our satisfaction at the endorsement by all Member States of the BIMSTEC Transport Infrastructure and Logistics Study (BTILS) conducted by the Asian Development Bank (ADB) and requested the Chair of BIMSTEC to formally communicate the decision to the ADB. We advised the BIMSTEC Working Group in Bangkok to liaise with ADB to initiate further steps with regard to the implementation of the recommendations of the Study.

Tourism

We appreciated the finalization of the Terms of Reference (TOR) at the 10th BIMSTEC Ministerial Meeting held in New Delhi in August 2008, and the establishment of the Tourism Working Group for the BIMSTEC to implement tourism cooperation programmes and to follow up the Plan of Action.

We welcomed the setting up of the BIMSTEC Information Center by India for exchange of tourism information. We expressed confidence that the joint promotion and marketing of tourism destinations will promote the tourism industries of the Member States and also create tourism awareness and better understanding among the peoples of the Member States.

Energy

We stressed the importance of strengthening cooperation amongst Member States in the fields of grid connectivity, gas pipelines, hydro power, renewable sources of energy, energy efficiency and energy sector reforms and regulations, and sharing of experiences and best practices with a view to ensuring energy security in the BIMSTEC region. We took note of Thailand's proposal to sign the MoA for the Establishment of the BIMSTEC Energy Centre during the Second BIMSTEC Energy Ministers Meeting to be held in Thailand in 2010

We reiterated our belief that the proposed BIMSTEC Energy Centre in India which was approved at the 10th Ministerial Meeting would contribute to enhancing cooperation in the energy sector among the BIMSTEC Member States.

Technology

We reiterated the need to enhance cooperation in advanced areas of fundamental and applied scientific and technological research among the member states and took note of the revised concept paper submitted by Sri Lanka regarding the establishment of the BIMSTEC Centre for Technology Transfer/Exchange Facility as agreed to by the Second BIMSTEC Summit.

Fisheries

We reaffirmed our commitment to continue cooperation for the sustainable use of marine resources through effective conservation and management of resources in the Bay of Bengal and decided to include inland fisheries in the scope of cooperation in this area. We welcomed the progress in terms of the Joint Survey undertaken during 2007 followed by the relevant workshop in 2008.

We also considered that more workshops should be conducted to further promote cooperation in this sector.

Poverty Alleviation

We welcomed the progress made at the first Ministerial Meeting on Poverty Alleviation held in Dhaka in July 2008 and particularly noted the observations of the Ministerial meeting.

We focused on discussions on poverty alleviation in the context of ensuring food security in the BIMSTEC region. We took note of the Plan of Action circulated by Nepal and requested Member States to send their comments as soon as possible. We also welcomed the kind offer of Nepal to host the 2nd BIMSTEC Ministerial Meeting on Poverty Alleviation in 2010.

We welcomed the decision to establish the BIMSTEC Poverty Alleviation Centre in Bangladesh as a step forward for the realization of the MDGs in the BIMSTEC region.

Cultural Cooperation

We recalled the Paro Initiative and Plan of Action adopted at the First BIMSTEC Ministerial Meeting on Cultural Cooperation held in Bhutan in May 2006. We reiterated our commitment to expand cooperation in culture to include cultural values, diversity and heritage and agreed to extend cultural exchanges among Member States.

We looked forward to the early signing of the MoA on the Establishment of the BIMSTEC Cultural Industries Commission and BIMSTEC Cultural Industries Observatory in Bhutan by the Member States. We expressed the hope that the BIMSTEC Cultural Industries Observatory (BCIO) would be operational as soon as possible.

Agriculture

We welcomed the progress made during the 2nd Expert Group Meeting held in India and a wide range of cooperation activities. We expressed hope that these concrete activities and projects would be implemented expeditiously. We felt the need to address the issues relating to agricultural productivity, post harvest technologies and management, and competitiveness in the region. In this regard, we emphasized the importance of further collaboration in research and development, technology transfer and private sector participation among the Member States.

Counter-Terrorism & Transnational Crime

We welcomed the signing of the BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organized Crime and Illicit Drug Trafficking by the Member States which reflects the resolve of our Governments and peoples to combat the menace posed by terrorism, organized crime and drug trafficking. We reiterated the significance of the work done in the Joint Working Group on Counter Terrorism and Transnational Crime and its four sub-groups covering Intelligence Sharing: Legal and Law Enforcement Issues; Combating the Financing of Terrorism and Prevention of Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursor Chemicals

Environment & Disaster Management

We agreed that the BIMSTEC Centre for Weather and Climate to be established in India, as approved by the 10th Ministerial Meeting, would be an effective mechanism in promoting regional cooperation on disaster risk reduction and management among BIMSTEC Member States.

Public Health

We took note of the efforts in enhancing cooperation in the area of traditional medicine and welcomed Thailand's offer to host the 2nd BIMSTEC Meeting on the Network of National Centres of Coordination in Traditional Medicine in 2010. We expressed our appreciation for Thailand's continued support to BIMSTEC Member States in capacity building in public health.

We also took note with appreciation India's initiative on capacity building by granting scholarships to the nationals of BIMSTEC Member States to study traditional medicine in India.

People-to-People Contact

We expressed appreciation for initiatives taken by India to set up a BIMSTEC Network of Policy Think Tanks. We expressed our hope that the forthcoming meeting of the Network to be organized by the Research & Information System for Developing Countries (RIS). India, in 2010, would significantly enhance mutual understanding and goodwill through people-to-people contact in the BIMSTEC region.

We also expressed appreciation for Thailand's hosting the 12th Anniversary of BIMSTEC to promote people-to-people contact and interaction among Member States

We encouraged the Member States to observe the BIMSTEC Day (6 June) to create greater public awareness about BIMSTEC.

Permanent Secretariat

We stressed the need for early establishment of the BIMSTEC Secretariat to impart greater dynamism and added momentum to cooperation among Member States in the BIMSTEC region. We agreed that the Chair, in consultation with Member States, will devise the mechanism in order to decide the venue for the Permanent Secretariat

In this context, we directed the Chair of BIMSTEC Joint Working Group to conclude its assigned tasks as decided at the 11th Ministerial Meeting in November 2008, at the earliest.

BIMSTEC Centre

We thanked Thailand for its continued contribution to the BIMSTEC Centre for the past five years.

13th Ministerial Meeting

We decided that the 13th BIMSTEC Ministerial Meeting and 15th Senior Officials Meeting will be held in 2010 in Myanmar.

ASEAN-INDIA JOINT DECLARATION FOR COOPERATION TO COMBAT INTERNATIONAL TERRORISM

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Viet Nam, Member Countries of the Association of Southeast Asian Nations (ASEAN), and the Republic of India, hereinafter referred to collectively as "the participants";

MINDFUL of the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, which, inter alia, undertakes to strengthen cooperation at bilateral, regional and international levels in combating terrorism in a comprehensive manner and affirms that at the international level the United Nations should play a major role in this regard;

REAFFIRMING their commitment to counter, prevent and suppress all forms of terrorist acts in accordance with the Charter of the United Nations, international law and all the relevant United Nations resolutions or declarations on international terrorism, in particular the principles outlined in United Nations Security Council Resolutions 1373, 1267 and 1390;

VIEWING acts of terrorism in all its forms and manifestations, committed wherever, whenever and by whomsoever, as a profound threat to international peace and security, which require concerted action to protect and defend all peoples and the peace and security of the world;

REJECTING any attempt to associate terrorism with any religion, race or nationality;

RECOGNISING the principles of sovereign equality, territorial integrity and non-intervention in the domestic affairs of other States;

ACKNOWLEDGING the value of cooperation on security, intelligence and law enforcement matters, and desiring to enter into such a cooperation to combat international terrorism through the ASEAN Ministerial Meeting on Transnational Crime, as a leading ASEAN body for combating terrorism, and other mechanisms;

RECOGNISING the transnational nature of terrorist activities and the need to strengthen international cooperation at all levels in combating terrorism in a comprehensive manner;

DESIRING to enhance counter-terrorism cooperation between the relevant agencies of the participants' governments;

Solemnly declare as follows:

Objectives:

1. The participants reaffirm the importance of having a framework for cooperation to prevent, disrupt and combat international terrorism through the exchange and flow of information, intelligence and capacity-building.
2. The participants emphasize that the purpose of this cooperation is to enhance the efficacy of those efforts to combat terrorism.

Scope and Areas of Cooperation:

3. The participants stress their commitment to seek to implement the principles laid out in this Declaration, in accordance with their respective domestic laws and their specific circumstances, in any or all of the following activities:
 - i. Continue and improve intelligence and terrorist financing information sharing on counter-terrorism measures, including the development of more effective counter-terrorism policies and legal, regulatory and administrative counter-terrorism regimes.
 - ii. Enhance liaison relationships amongst their law enforcement agencies to engender practical counter-terrorism regimes.
 - iii. Strengthen capacity-building efforts through training and education; consultations between officials, analysts and field operators; and seminars, conferences and joint operations as appropriate.
 - iv. Provide assistance on transportation, border and immigration control challenges, including document and identity fraud to stem effectively the flow of terrorist-related material, money and people.
 - v. Comply with United Nations Security Council Resolutions 1373, 1267, 1390 and other United Nations resolutions or declarations on international terrorism.
 - vi. Explore on a mutual basis additional areas of cooperation.

Participation:

4. Participants are called upon to become parties to all 12 of the United Nations conventions and protocols relating to terrorism.
5. The participants are each called upon to designate an agency to coordinate with law enforcement agencies, authorities dealing with countering terrorism financing and other concerned government agencies, and to act as the central point of contact for the purposes of implementing this Declaration.

Disclosure of Information:

6. The participants expect that no participant would disclose or distribute any confidential information, documents or data received in connection with this Declaration to any third party, at any time, except to the extent agreed in writing by the participant that provided the information.

Implementation:

7. All the participants are urged to promote and implement in good faith and effectively the provisions of the present Declaration in all its aspects.

ADOPTED by the Heads of State/Government of ASEAN Member States and the Republic of India on this Eighth Day of October 2003 in Bali, Indonesia.

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**TREATY ON MUTUAL ASSISTANCE
IN CRIMINAL MATTERS BETWEEN THE
REPUBLIC OF INDIA AND THE
UNION OF MYANMAR**

The Republic of India and The Union of Myanmar (hereinafter referred to as Contracting States);

Guided by the traditional friendly relations between the two countries;

Recognising the need to facilitate the widest measures of mutual assistance in the service of summons, execution of warrants and other judicial documents and commissions;

Desiring to improve the effectiveness of both countries in the prevention, investigation and prosecution of crime, including crime related to terrorism and tracing, restraint, forfeiture or confiscation of funds meant for financing of terrorism as also the proceeds and instruments of crime, through cooperation and mutual assistance in criminal matters;

Have agreed as follows:

Article 1
Scope of Application

1. The Contracting States shall, in accordance with this Treaty, provide each other with the widest measure of mutual assistance in criminal matters.
2. Mutual assistance is any assistance given by the Requested State in respect of investigations, prosecutions or proceedings to the Requesting State in criminal matters, irrespective of whether the assistance is sought or is to be provided by a court or some other authority.
3. Assistance shall be provided without regard to whether the conduct, which is the subject of the investigation, prosecution or proceedings in the Requesting State, would constitute an offence under the laws of the



Requested State.

4. Assistance shall include -

- (a) locating and identifying persons and objects;
- (b) serving documents, including documents seeking the attendance of persons;
- (c) providing information, documents and records;
- (d) providing objects, including lending exhibits;
- (e) search and seizure;
- (f) taking evidence and obtaining statements;
- (g) authorizing the presence of persons from the Requesting State at the execution of requests;
- (h) making detained persons available to give evidence or assist investigations;
- (i) facilitating the appearance of witnesses or the assistance of persons in investigations;
- (j) taking measures to locate, restrain or forfeit the proceeds of crime;
- (k) taking measures to locate, freeze and confiscate any funds or finances meant for the financing of acts of terrorism in the territory of either party; and
- (l) any other form of assistance not prohibited by the law of the Requested State.

5. This Treaty shall also apply to any requests for mutual assistance relating to acts or omissions committed before its entry into force.

Article 2
Definitions

For the purpose of this Treaty -

1. "Criminal Matters" mean investigation, prosecution and judicial proceedings in respect of an offence, punishable with imprisonment for a term of one year and above, in accordance with the domestic law of either Contracting State, provided that the assistance shall not be denied in cases where the offender has been charged with multiple offences and at least one of these offences carries punishment as imprisonment for a period of at least one year.
2. Criminal matters shall include investigations, prosecutions or proceedings relating to offences concerning taxation, duties, customs and foreign exchange.

Article 3
Central Authorities

The Central Authorities shall transmit and receive all requests for the purposes of this Treaty. The Central Authority for the Republic of India is the Ministry of Home Affairs; and the Central Authority for the Union of Myanmar shall be the Ministry of Home Affairs.

Article 4
Execution of Requests

1. Requests for assistance shall be executed promptly in accordance with the law of the Requested State and, insofar as not prohibited by that law, in the manner specified by the Requesting State.
2. The Requested State shall, upon request, inform the Requesting State of the date and place of execution of the request for assistance.
3. The Requested State shall not refuse to execute a request on the ground of bank secrecy.



Article 5
Contents of Requests

1. In all cases, requests for assistance shall indicate -
 - (a) the name of the competent authority conducting the investigation, prosecution or proceedings to which the request relates;
 - (b) the nature of the investigation, prosecution or proceedings, and include a summary of the facts and a copy of the applicable laws;
 - (c) the purpose of the request and the nature of the assistance sought;
 - (d) the degree of confidentiality required and the reasons therefor; and
 - (e) any time limit within which the request should be executed.

2. In the following cases, requests for assistance shall include:
 - (a) in the case of requests for the taking of evidence, search and seizure, or the location, restraint or forfeiture of proceeds of crime, or of funds meant for financing of acts of terrorism, a statement indicating the basis for belief that evidence or proceeds may be found in the Requested State;
 - (b) in the case of requests to take evidence from a person, an indication as to whether sworn or affirmed statements are required and a description of the subject matter of the evidence or statement sought;
 - (c) in the case of lending of exhibits, the current location of the exhibits in the Requested State and an indication of the person or class of persons who will have custody of the exhibits in the Requesting State, the place to which the exhibit is to be removed, any tests to be conducted and the date by which the exhibit will be returned;
 - (d) in the case of making detained persons available, an indication of the person or class of persons who will have custody during the

transfer, the place to which the detained person is to be transferred and the probable date of that person's return;

- (e) in case of requests in respect of proceeds of crime/search and seizure, a statement describing the basis of belief that the money or property are the proceeds of crime or are liable for search and seizure; and
- (f) In case of requests for seizure and confiscation of funds meant for financing acts of terrorism, the basis for belief that the funds are being so used.

3. If necessary, and where possible, requests for assistance shall include-

- (a) the identity, nationality and location of a person or persons who is/are the subject of the investigation, prosecution or proceedings;
- (b) details of any particular procedure or requirement that the Requesting State wishes to be followed and the reasons therefor.

4. If the Requested State considers that the information is not sufficient to enable the request to be executed, it may request additional information to enable the request to be dealt with.

5. A request for assistance shall be made in writing. However, in urgent circumstances or where otherwise permitted by the Requested State, a request may be made orally but shall be confirmed in writing promptly thereafter.

Article 6
Refusal or Postponement of Assistance

1. Assistance may be refused if in the opinion of the Requested State, the execution of the request would impair its sovereignty, security, public order, essential public interest or prejudice the safety of any person.

2. Assistance may be refused if the execution of the request would be contrary to the domestic law of the Requested State.

- 3. Assistance may be refused if the request relates to an offence in respect of which the accused person had been finally acquitted or pardoned.
- 4. Assistance may be refused if the request seeking restraint, forfeiture or confiscation of proceeds of crime or seizure of property are in respect of conduct/activity which cannot be made basis for such restraint, forfeiture, confiscation or seizure in the Requested State.
- 5. Assistance may be postponed by the Requested State if execution of the request would interfere with an ongoing investigation or prosecution in the Requested State.
- 6. The Requested State shall promptly inform the Requesting State of its decision not to comply in whole or in part with a request for assistance, or to postpone execution, and shall give reasons for that decision.
- 7. Before refusing a request for assistance or before postponing the execution of a request, the Requested State shall consider whether assistance may be provided subject to such conditions as it deems necessary. If the Requesting State accepts assistance subject to those conditions, it shall comply with them.

Article 7
Service of Documents

- 1. The Requested State shall serve any document transmitted to it for the purpose of service.
- 2. The Requesting State shall transmit a request for the service of a document pertaining to a response or appearance in the Requesting State within a reasonable time, before the scheduled response or appearance.
- 3. The Requested State shall return a proof of service in the manner required by the Requesting State.

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Article 8

Provision of Information, Documents, Records and Objects

1. The Requested State shall provide copies of publicly available information, documents and records of government departments and agencies.
2. The Requested State may provide any information, documents, records and objects in the possession of a government department or agency, but not publicly available, to the same extent and under the same conditions as they would be available to its own law enforcement and judicial authorities.
3. The Requested State may provide certified true copies of documents of records, unless the Requesting State expressly requests originals.
4. Original documents, records or objects provided to the Requesting State shall be returned to the Requested State as soon as possible upon request.
5. Insofar as not prohibited by the law of the Requested State, documents, records or objects shall be provided in a form or accompanied by such certification as may be specified by the Requesting State in order to make them admissible according to the law of the Requesting State.

Article 9

Search and Seizure

1. The Requested State shall execute a request for a search and seizure.
2. Search and seizure shall be conducted by the Requested State to the same extent and under the same conditions as to be got done for its own law enforcement and judicial authorities in accordance with its laws.
3. The competent authority that has executed a request for a search and seizure shall provide such information as may be required by the Requesting State concerning, but not limited to, the identity, condition, integrity and continuity of possession of the documents, records or objects seized and the circumstances of the seizure.

Article 10
Taking Evidence in the Requested State

1. A person including a person in custody, requested to testify and produce documents, records or objects in the Requested State may be compelled by subpoena or order to appear, testify and produce such documents, records or objects, in accordance with the law of the Requested State.

2. Subject to the law of the Requested State, commissioners, other officials of the Requesting State and persons concerned in the proceedings in the Requesting State shall be permitted to be present when evidence is taken in the Requested State and to participate in the taking of such evidence in the manner as may be specified by the Requested State.

3. The right to participate in the taking of evidence includes the right to pose questions. The persons present at the execution of a request may be permitted to make a verbatim transcript of the proceedings. The use of technical means to make such a verbatim transcript may be permitted.

Article 11
Presence of Persons at the Execution of Requests

To the extent not prohibited by the law of the Requested State, persons specified in the request shall be permitted to be present at the execution of the request.

Article 12
Making Detained Persons Available to give Evidence or Assist Investigations

1. Upon request, a person serving a sentence in the Requested State shall be temporarily transferred to the Requesting State to assist investigations or to testify, provided that the person consents.

2. When the person transferred is required to be kept in custody under the law of the Requested State, the Requesting State shall hold that person in custody and shall return the person in custody at the conclusion of the execution of the request.

3. When the sentence imposed expires, or where the Requested State advises the Requesting State that the transferred person is no longer required to be held in custody, that person shall be set at liberty and be treated as a person present in the Requesting State pursuant to a request seeking that person's attendance.

Article 13

Providing Evidence or Assisting Investigations in the Requesting State

The Requested State shall invite the person to assist in the investigation or to appear as a witness in the proceedings and seek that person's concurrence thereto. That person shall be informed of any expenses and allowances payable.

Article 14

Safe Conduct

1. Subject to Article 12(2), a person present in the Requesting State in response to a request shall not be prosecuted, detained or subjected to any other restriction of personal liberty in that State for any acts or omissions which preceded that person's departure from the Requested State, nor shall that person be obliged to give evidence in any proceeding other than that to which the request relates.

2. Paragraph 1 of this Article shall cease to apply if a person, being free to leave the Requesting State, has not left within thirty (30) days after receiving official notification that the person's attendance is no longer required or, having left, has voluntarily returned.

3. Any person who fails to appear in the Requesting State may not be subjected to any sanction or compulsory measure in the Requested State.

Article 15

Funds meant for financing acts of terrorism

Where either of the Contracting States have reasons to believe that any person or group of persons in their jurisdiction has collected or has been collecting or has contributed or has been contributing to any funds meant, directly or indirectly for the financing or furthering the acts of terrorism in the territory of the other State, it shall bring these facts to the notice of the other signatory State and shall take steps as permitted by its law for search, seizure and confiscation of such funds and the prosecution of the individual concerned.

Article 16

Proceeds and Instruments of Crime

1. The Requested State shall, upon request, endeavour to ascertain whether any proceeds or instruments of a crime are located within its jurisdiction and shall notify the Requesting State of the results of its inquiries.
2. When, pursuant to paragraph 1 of this Article, suspected proceeds or instruments of crime are found, the Requested State shall take such measures as are permitted by its law to restrain and forfeit those proceeds or instruments.
3. Proceeds or instruments forfeited or confiscated pursuant to this Treaty shall accrue to the Requested State, unless and otherwise agreed.

Article 17

Confidentiality

1. The Requested State may require, after consultation with the Requesting State, that information or evidence furnished or the source of such information or evidence be kept confidential, disclosed or used only subject to such terms and conditions as it may specify.
2. The Requesting State may require that the request, its contents, supporting documents and any action taken pursuant to the request be kept confidential. If the request cannot be executed without breaching the

confidentiality requirement, the Requested State shall so inform the Requesting State prior to executing the request and the latter shall then determine whether the request should nevertheless be executed.

Article 18
Limitation of Use

The Requesting State shall not disclose or use information or evidence furnished for purposes other than those stated in the request, without the prior consent of the Requested State.

Article 19
Authentication

Documents, records or objects transmitted pursuant to this Treaty shall not require any form of authentication, except as specified in Article 8, or as required by the Requesting State.

Article 20
Language

1. Requests shall be submitted in the English language.
2. Supporting documents, if not in the English language, shall be accompanied by an English translation.

Article 21
Expenses

The Requested State shall meet the cost of executing the request for assistance, except that the Requesting State shall bear -

- (a) the expenses associated with conveying any person to or from the territory of the Requested State at the request of the Requesting State, and any expenses payable to that person while in the Requesting State pursuant to a request under Article 12 or 13 of this

Treaty;

- (b) the expenses and fees of experts either in the Requested State or the Requesting State;
- (c) the expenses of translation, interpretation and transcription; and
- (d) the expenses associated with the taking of evidence from the Requested State to the Requesting State via video, satellite or other technological means.

2. If it becomes apparent that the execution of the request requires expenses of an extraordinary nature, the Contracting States shall consult to determine the terms and conditions under which the requested assistance can be provided.

Article 22
Compatibility with other Treaties

Assistance and procedures set forth in this Treaty shall not prevent either State from granting assistance to the other State through the provisions of other applicable international conventions/agreements, or through the provisions of its domestic law. The States may also provide assistance pursuant to any bilateral arrangement, agreement or practice which may be applicable.

Article 23
Consultation

The Central Authorities of the Contracting States shall consult, at times mutually agreed to by them, to promote the most effective implementation of this Treaty. The Central Authorities may also agree on such practical measures as may be necessary to facilitate the implementation of this Treaty.

Article 24
Entry into Force, Amendment and Termination

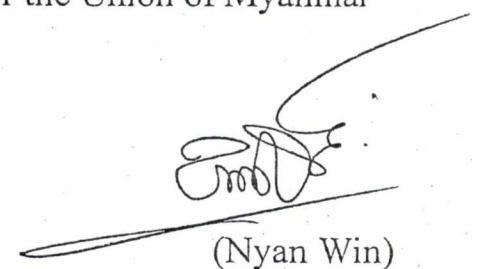
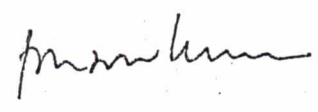
1. This Treaty is subject to ratification and the instruments of ratification shall be exchanged as soon as possible.
2. This Treaty shall enter into force from the date of exchange of instruments of ratification.
3. This Treaty may be amended by mutual consent.
4. Either Contracting State may terminate this Treaty. The termination shall take effect six (6) months from the date on which it was notified to the other Contracting State:
5. The States may also by mutual consent terminate this Treaty on such terms and conditions as may be agreed to between the States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

DONE at New Delhi on the 27th day of July, 2010 (Two Thousand and ten) in two originals each, in Hindi, Myanmar and English all texts being equally authentic. However, in case of divergence of interpretation, the English text shall prevail.

For the Republic of India

For the Union of Myanmar



(P Chidambaram)

(Nyan Win)


Home Minister

Minister for Foreign Affairs

FINAL REPORT IN THE FORM OF
CHARGESHEET
u/s 173 CrPC

CASE NO. RC-03/2015/NIA-GUW

Date of Submission- 19.12.2015

Office of the District & Sessions Court Muzhapal East	
Receipt No.	1737
Date	19-12-2015
	
	Receipt Asst.





CHARGE SHEET
(Under Section 173 Cr. PC)

IN THE COURT OF NIA SPECIAL JUDGE, IMPHAL.

1	Name of the Branch	NIA Branch Office, Guwahati, Assam
	FIR No. year and date	NIA case no. RC-03/2015/NIA-GUW Dated 07/06/2015 arising out of Tengnoupal PS case FIR no. 14(6)2015 Dated 04-06- 2015.
2	Final Report / Charge Sheet No.	08/2015
3	Date	19.12.15
4	Sections of Law (in FIR)	Sections 302, 307, 120B, 121, 121A of IPC, Sections 25(1)(c) of Arms Act, Section 5 of Explosive Substances Act, Sections 16 and 20 of Unlawful Activities (Prevention) Act, 1967.
5	Type of Final Report	Chargesheet
6	If Final Report Un- occurred/ false/ Mistake of fact or law/Civil Nature/ Non-Cognizable	Not Applicable

7	If Charge-sheeted: Original / Supplementary	Original
8	Name of Investigating Officer	T J Singh, Addl. Superintendent of Police. NIA Branch office, Guwahati, Assam
9	Name of the Complainant/ Informant	Captain K. Subash, RMO. 06 Dogra Regiment of Indian Army
10	Details of Properties /Articles/ Documents seized during the investigation & relied upon	[REDACTED]

11.1 Particulars of accused person charge sheeted :

Name	(A-3) Khumlo Abi Anal @ Ambison
Whether verified	Yes
Father's Name	(Late) Khumlo Khunjo Anal
Year/Date of Birth	37 years
Sex	Male
Nationality	Indian
Passport No.	NA
Place of issue	NA
Date of issue	NA
Religion	Christian
Occupation	Member of NSCN(K)
Address (Present/ Permanent)	Permanent - , r/o- Chandel Lambung

	Village. PS – Chandel. District- Chandel. Manipur. Temporary – Lamphel Near Sanakeithel. PS- Lamphel. District-Imphal West. Manipur.
Whether verified	Yes
Provisional Criminal No.	NA
Regular Criminal No. (if known)	NA
Date of Arrest	29.06.2015
Date of release on bail	NA
Under Acts & Sections (of charge sheet)	Sections 18 and 20 of Unlawful Activities (Prevention) Act, 1967 as amended.
Name(s) of bailer / sureties and address	NA
Previous convictions with case reference	NA
Status of the accused	Arrested and presently under Judicial custody at Manipur Central Jail, Sajiwa, Manipur.

12. Particulars of accused persons not charge sheeted :

Sl	Name and particulars	Role in Crime	Status
A-1	Rajalung Kamei, @ Raza s/o Amu Kamei, r/o Noney Part 1. Tamenglong. Manipur.	He was part of the ambush team.	Not charged as the accused is dead and killed in ambush.
A-2	Keishak Rajen Singh. s/o K. Khamba Singh, r/o Nongemban Leikai, PS Lamlai, Imphal East. Manipur	He was part of the ambush team.	Not charged as the accused is dead and killed in ambush.

A-4	Moirangthem Uttam @ Tamba S/o N. Krishnamani R/o Pallel Mamang Leikai, Thoubal District, Manipur.	Member of KYKL and he was part of the ambush team.	Absconding. NBW for his arrest issued against him.
A-5	Sana (KYKL) r/o- Lillong, under District Thoubal, Manipur.	Member of KYKL and he was part of the ambush team.	Absconding. His full identity is being established.
A-6	Tapan Rai S/o Anil Chandra Rai R/o - Jhapusha Bari Village, Part -I, PS- Agomani, Dubri District, Assam. (KLO)	Member of KLO and he was part of the ambush team.	Absconding. Notice u/s 41A CrPC served.
A-7	Laishram Jinen @Angou @ Laba S/o- L. Ibomcha Singh and L. (O) Ashangbi Devi R/o Thanga Ngaram Maning Leikai, Bishnupur District, Manipur.	Member of KYKL and he was part of the ambush team.	Absconding NBW for his arrest issued against him.
A-8	Pukrambam Samananda Singh @ Sumon (29) S/o- P. Khelen Singh, r/o- Ithing Takmu Leikai, PO & PS- Moirang, Bishnupur District, Manipur.	Member of KYKL and he was part of the ambush team.	Absconding. NBW for his arrest issued against him.
A-9	Nongmaithem Premanada @ Inaoba s/o- N. Ingocha Singh, r/o Kumbi Kangjeibung, Bishnupur District, Manipur.	Member of KYKL and he was part of the ambush team.	Absconding. NBW for his arrest issued against him.
A-10	Thokchom Gandhi @ Paona S/o Th. Imochouba R/o Kakching Khullen, Thoubal District, Manipur.	Member of KYKL and he was part of the ambush team.	Absconding. NBW for his arrest issued against him.

A-11	Laishram Gulliver @ Simon S/o L. Isobanta Singh R/o Phubala Awang Leikai P.S. Moirang Bishnupur District, Manipur.	Member of KCP and he was part of the ambush team.	Absconding. NBW for his arrest issued against him.
A-12	Raghu @ Raghuveer Singh, s/o- Umor, R/o Kotha village near Lai Haraopham Laampak. PS-Moreh, Chandel District, Manipur.	Member of KYKL and he was part of the ambush team.	Absconding NBW for his arrest issued against him.
A-13	Kshetrimayum Brojen @ Sanathoi @ Momocha, S/o- Ksh. Jibon, R/o- Leishangthem Khong Manung Mamang Leikai, Thoubal, Manipur.	Member of KYKL and he was part of the ambush team.	Absconding. NBW for his arrest issued against him.
A-14	Angom Sanatomba @ Dinesh @ Akai s/o- (Late). K. Chandramani Singh, R/o- Phayeng Mayai Leikai, Imphal West District, Manipur.	Member of KYKL and he was part of the ambush team.	Absconding. NBW for his arrest issued against him.
A-15	Naorem Premkanta Singh @ Van Dam. S/O Naorem Ibomcha Singh R/o- Kakching Irum Mapal, Thoubal District, Manipur.	Member of KYKL and he was part of the ambush team.	Absconding. NBW for his arrest issued against him.

A-16	Herajit @ Pamheiba of Kakching Khunou, Thoubal District, Maniipur (KYKL).	Member of KYKL and he was part of the ambush team.	Absconding. His full identity is being established.
A-17	Thoudam Somorendra Singh @ Kabolakpa @ Somo @ Tamulakpa (39 Yrs) s/o Late TH. Ibotombi Singh. r/o Naharup Awang Leikai. PS Porompat, Imphal West district, Manipur.	SS Captain of KCP and he was part of the ambush team.	Absconding. NBW for his arrest issued against him.
A-18	Landaba, KYKL cadre of 24 TH Batch. Rank- SS Corporal	He was part of the ambush team.	Absconding. His full identity is under investigation.
A-19	His name and particulars not known.	He was part of the ambush team.	Absconding. His full identity is under investigation.
A-20	His name is Machathoi, a KYKL cadre.	A cadre of KYKL and he was part of the ambush team.	Absconding. His full identity is under investigation.
A-21	Nameirakpam Nanao @ Konao @Cuba (32 Yrs), S/o N. Nongyai Singh R/o Sekmai Kon. Sekmai Mamang Leikai, Imphal West District, Manipur.	Member of KCP and he was part of the ambush team.	Absconding. NBW for his arrest issued against him.
A-22	Lamyamba	A cadre of KYKL of SS Private rank and he was part of the ambush team.	Absconding. His full identity is under investigation.

A-23	His name and particulars not known.	He was part of the ambush team.	Absconding. His full identity is under investigation.
A-24	Shangwang Shangyung Khaplang Pangmei @ Khaplang @ Baba – Chairman NSCN (K). UNLFWSEA. Reported to be staying at Taga camp, Naga Self-Administered Zone, Sagaing Province, Myanmar.	Commander of NSCN(K), he directed the terrorist act.	Absconding.
A-25	Nikki Sumi @ Nikki Sema –Military Supervisor, NSCN(K), s/o- Nvioshe Sumi, r/o – Zunheboto District and Naharbari, Dimapur, Nagaland.	Senior leader Military Supervisor of NSCN(K), he directed the terrorist act.	Absconding.
A-26	Starson Lamkang, s/o- Amung Lamkang, H/o- Wahengbam Babita Devi, r/o Palace Compound, Wangkhei, PS- Porompat, Imphal East District, Manipur.	Chaplee Kilonser (Self-Styled-Finance Minister) of NSCN (K) and he was part of the conspiracy behind the ambush.	Absconding. NBW for his arrest issued against him.
A-27	Kshtrimayum Noyon Singh @ Hemanta @ Ibohal @ Achouba @ Kirankumar @ Laba @ Kumar, s/o- (L) Ksh. Amu Singh, r/o- Sekta Awang Leikai, PS-Lamlai, Imphal East District, Manipur.	KCP, President. He was part of the conspiracy behind the ambush.	Absconding. NBW for his arrest issued against him.
A-28	Namoijam Okendro Singh @ Oken @ Inaobi @ Sunil @ Gopen Singh, s/o- (L) N. Gulap Singh, r/o- Khurai Soibam Leikai, PS-	Chairman of KYKL. He was part of the conspiracy behind the ambush.	Absconding. NBW for his arrest issued against him.

	Porompat, Imphal East District, Manipur.		
A-29	Thoudam Thoiba @Mahesh, Dy. Secretary, Publicity n Research, KYKL, r/o- Khurai Thoudam Leikai, PS- Porompat, Imphal East District, Manipur.	He was part of the conspiracy behind the ambush.	Absconding.
A-30	S. Mangal @Panthoi- Member -in- Charge, Information and Publicity, KCP, r/o- Thoubal Kiyam Siphai, PS- District Thoubal, Manipur.	He was part of the conspiracy behind the ambush.	Absconding.
A-31	Kughalu Molatonu	Named as accused in FIR.	His roles and involvement in the instant case is under investigation.
A-32	Alezo Chakesang.	Named as accused in FIR	His roles and involvement in the instant case is under investigation.

13. (i) Particulars of witnesses examined : ██████████

(ii) List of Documents : ██████████

(iii) List of Material Objects : ██████████

14. If FIR is false, action taken : Not applicable.

15. **Result of laboratory analysis** : As mentioned in respective Para.

16. **Brief facts of the case:**

- 16.1 A convoy of 4(four) army vehicles carrying supplies and stores of the 6 Dogra Regiment army was moving with a total of 46 army personnel under the command of Subedar Dharam Chand from their Battalion HQ. at Moltuk to Imphal when they were ambushed by a joint armed group of about 20-25 terrorists belonging to National Socialist Council of Nagaland (Khaplang) {hereinafter referred to as NSCN(K) }, Kanglei Yaol Kanba Lup {hereinafter referred to as KYKL also}, Kangleipak Communist Party {hereinafter referred to as KCP also}, Kamtapur Liberation Organisation {hereinafter referred to as KLO also} near Paralaon Village of Chandel district of Manipur on 04.06.15 at about 8:15 AM.
- 16.2 The terrorist group exploded IED's as well as attacked the army convoy with heavy fire from sophisticated firearms and area weapons like Lethod gun and RPG's as well as used incendiary explosives, which caused heavy casualties to the army personnel travelling in the vehicles. The first two vehicles of the convoy were completely burnt and many deceased Army personnel were charred beyond recognition. A total of 18 (eighteen) Army personnel were killed in the ambush and 15 (fifteen) were grievously injured who were evacuated for treatment. The army personnel also retaliated immediately and reinforcement was also launched from the Battalion HQ, about 7 kms away. In the ensuing retaliation one cadre of the ambush team was found killed near the place of occurrence.
- 16.3 Subsequently, a written complaint by Captain K. Subhash of 6 Dogra Regiment was received at Tengenupal PS same day and registered as case FIR no. 14(6)2015 Tengenupal PS same day, i.e. 04.06.15. The PS staff visited the crime scene and seized a large no. of exhibits from crime scene and they were also handed over a no. of exhibits that the Army units had

seized from the search of the PO and its adjoining areas during their combing operations in the area right up to Myanmar border which is about 10-12 kms from the PO. As per information from reliable sources, the terrorist group had sneaked into Indian Territory 2-3 days before the ambush, carried out the ambush and then immediately retreated back into Myanmar territory.

- 16.4 Thereafter, on **06.06.2015** MHA issued an order no. 11034/66/2015-IS.IV, directing NIA to take over the investigation of FIR No. 14(6)2015. Accordingly, the case was re-registered as case no. RC-03/2015/NIA-GUW at NIA Branch Office Guwahati on 7-06-2015.
- 16.5 During the course of investigation, it had been revealed that the above noted terrorist attack was carried out by a joint armed cadres of NSCN (K), KYKL and KCP in pursuance of a criminal conspiracy hatched by the senior leaders of the said terrorist organizations. Subsequently one of the accused person namely Khumlo Abi Anal @Ambison (A3) was arrested in connection with the instant case.

17. Facts Disclosed During Investigation:

- 17.1 The place of occurrence of the instant case falls under the jurisdiction of Tengenoupal PS which comes under Chandel district of Manipur. The place of occurrence lies around 10 to 12 Km from the International Boundary with the Republic of Myanmar and is completely a mountainous region with semi thick jungles and thin population.
- 17.2 During the course of investigation, it had been revealed that the above noted terrorist attack of killing 18 soldiers and injuring 15 other soldiers of Indian army was a result of a criminal conspiracy hatched by the senior leaders of terrorist organizations of KYKL, KCP and NSCN (K). Both KYKL and KCP are proscribed terrorist organizations mentioned in the *First Schedule* of The

Unlawful Activities (Prevention) Act, 1967, as amended.

17.3 During the course of investigation, the investigation team along with the experts of CFSL, Kolkata and experts of National Security Guards Bomb Disposal Unit of New-Delhi, visited the place of occurrence on 09.06.15 and collected material evidence for the purpose of examinations by the forensic experts. A large nos. of items had been seized by the local police during their search of the crime scene immediately after the incident. Further the local Army Unit had also carried out combing operations of the area and seized a large Nos. of exhibits from crime scene and adjoining areas. All these items were lawfully seized during the instant investigation and sent to CFSL Kolkata for forensic examination.

17.4 The recovered and seized materials include the followings :

- a) Arms and ammunition and explosives and residue of the same recovered from crime scene
- b) Large Nos. of personal belongings of one dead terrorist recovered at crime scene, including an AK series rifle.
- c) Large no. of empty cases of AK series and 9 mm ammunition
- d) DNA swabs collected by the CFSL experts from the objects found at crime scene.
- e) Mobile phone and SIM card
- f) Live as well as demolished residue of ammunition of Lethod gun
- g) A numbers of sampled exhibits from the burnt vehicles in the convoy, made by the CFSL team on crime scene.
- h) Miscellaneous articles suspected to belonging to the terrorist group members.

All the above noted recovered and seized materials had been submitted to

CFSI. Kolkata and reports of the same are awaited though some of the reports had been collected.

17.5 Investigation, on the basis of the details collected from the Office of IGAR(South), Mantripukhri, Manipur as well as on the basis of the revelation of the individuals who survived the terrorist attack had established that the convoy of 06 Dogra upon which the terrorist attack took place consisted of total four vehicles. The investigation on the basis of the vehicle inspection report no.1/2/DTO(1W)MVI (Mech) 89Accdt. Dated 26th June 2015 the damage caused to the above noted vehicles of the convoy are as noted below-

- i. **BA No. 12 C 095034 K, 2.5 Ton TATA-** whole parts and whole body damaged due to burnt. It was carrying 01 JCO & 14 Other Ranks
- ii. **BA No. 03 D 153754 P, ALS** – whole parts, whole body damaged due to burnt. It was carrying 01 JCO and 04 Other Ranks
- iii. **BA No. 12 D 188713 N, ALS** – 46 nos. of bullet holes on driver cabins along with wind shield glass, rear right side body 36 bullet holes and front side tyres punctured due to 2 bullet holes each. It was carrying 01 JCO and 20 Other Ranks.
- iv. **BA No. 12C 095000 X, 2.5 Ton TATA** – five bullet holes on driver cabin and back side. It was carrying 01 JCO and 04 Other Ranks.

17.6 During the investigation, on the basis of the scrutiny of the Post Mortem/ Injury reports done on the dead bodies/ bodies of injured victims it has been revealed that all these victims died due to fatal injuries caused from bullets and severe burns due to explosives and incendiary materials. The post mortem and Inquest Reports of these 18 dead soldiers have been collected and the reports indicate that the death is homicidal in nature, as a result of the injuries sustained in the ambush, including burn injuries.



Sl.	Name of deceased	Opinion of cause of death
01	J. K. Kushwaha (Sepoy Driver) Age 26 Years.	The death was due to laceration of brain along with intracranial haemorrhage resulting from blast injuries to the body and homicidal in nature.
02	Manoj Kumar (31years)	The death was due to shock and haemorrhage resulting from laceration of intestine and mesentery following fire arm injury. Injuries 2 to 6 were produced by blast. Homicidal in nature.
03.	Sunil Kumar Sharma (36 years)	The death could be due to burn. Homicidal in nature.
04.	Ram Prasad Yadav (40years)	The death due to burnt. Homicidal in nature.
05.	L/NK Kuldeep Rai (33yrs)	The death due to burnt. Homicidal in nature.
06.	L/NK Rajneesh Singh	The death could be due to burn. Homicidal in nature.
07	C/K (V.H) Bharatesuwar P. (32yrs)	The death could be due to burn. Homicidal in nature.
08	Sepoy Sohan Singh (26yrs)	The death could be due to burn. Homicidal in nature.
09	Hav. Randeep Singh (39yrs)	The death could be due to burn. Homicidal in nature.
10	Hav. Jagveer Singh (39yrs)	The death could be due to burn. Homicidal in nature.
11	Vinay Kumar (27yrs)	The death was due to laceration of right lung, resulting from firearm injury. Homicidal in nature.
12	Nk/Sub Ram Singh (39years)	The death was due to laceration of heart and lung along with fracture of ribs caused by blast injury to the body. Homicidal in nature.
13	Prakash Chand, Hav. (37years)	The death was due to shock and haemorrhage resulting from laceration of right common carotid artery following firearm injury. Homicidal in nature.
14.	Sepoy Manjit Singh (24 years)	The death was due to shock and haemorrhages resulting from blast/ injury. Homicidal in nature.

15.	Rakesh Kumar (37yrs)	The death was due to laceration of brain with fracture skull bones resulting from firearm injury. Homicidal in nature.
16.	Hav. Satpal Bhasim (40 yrs)	The death was due to firearm injury to the body. Injuries were caused by blast.
17	NK. Ashok Kumar (36yrs)	The death was due to laceration of brain with fracture skull bones resulting from firearm injury. Injury no. 3 to 8 was caused by blast. Homicidal in nature.
18	Sepoy Vikash Bhardwas	The death was due to laceration of brain along with fracture of skull resulting from firearm injury to the body. Injury no.2 to 6 was caused by blast.

17.7 During the investigation, the injury reports of 15 army personnel have been collected which indicates grievously injured caused by bullets and splinters of Improvised Explosive Devices.

Sl.	Name of injured (all of 6 Dogra Regiment)	Details of injuries
01	[REDACTED]	Fracture fema (R) & Dislocation knee.
02	[REDACTED]	Splinter injuries (L) shoulder bled.
03	[REDACTED]	Multiple splinter injuries.
04	[REDACTED]	Multiple splinter injuries.
05	[REDACTED]	Open wound injury over (R) leg, (L) arm & laceration over back of chest.
06	[REDACTED]	Splinter injuries (L) foot, back of the chest & (L) shoulder, (L) hand avulsion of muscles, tendons of little and index finger and splinter injuries on poplital area.
07	[REDACTED]	GSW abdomen, GSW (L) side chest back and fracture ribs.
08	[REDACTED]	Multiple splinter injuries on (R) shoulder, (R) thigh and (R) side of chest.
09	[REDACTED]	Multiple splinter injuries on left shoulder, back and right hand.
10	[REDACTED]	Multiple splinter injuries.

11	██████████	Multiple splinter injuries on back side left and right arm and right shoulder.
12	██████████	Multiple splinter injuries over the back of the chest.
13	██████████	Multiple injuries on the right knees and right wrist.
14	██████████	Multiple splinter injuries over the left lower leg.
15	██████████	Multiple splinter injury on the left cheek.

17.8 **Investigation into the circumstances of the ambush and examination of**

Army personnel travelling in convoy caught in ambush : During the course of investigation, 10 numbers of Army personnel who were got trapped in the ambush have been examined and their statements were recorded under section 161 CrPC. They have stated in detail about the sudden surprise ambush sprung by the group of militants who were hiding in the hill features by the side of the hilly road. The first two vehicles bore the major brunt of the ambush as they were caught in the main field of fire and both of them immediately caught fire under impact of fire from sophisticated weapons and area weapons. Therefore, the maximum casualties were in the first and the second vehicle where many of the deceased were charred beyond recognition. The Army personnel in 3rd and 4th vehicles immediately dismounted and retaliated the fire and also alerted the Battalion Headquarters from where reinforcement materialised. The ambush lasted for 10-15 minutes and the extremist immediately escaped from the PO. In the retaliation by the army personnel, the dead body of one militant was found near the PO along with a damage AK-47 rifle and other belongings.

17.9 One dead body of a terrorist who was killed in retaliation by Army personnel was found at crime scene. About two days later, reports were received of another dead terrorist whose body had been recovered in a village called Libong, which is about 10 kms from the place of ambush and is en-route to the International Myanmar border. Based on the press releases issued by the

terrorist organisations claiming the two deceased as the members of Ambush team, their identities were verified and found as follows :

SL	Name and particulars.
1.	Rajalung Kamei (32 years), s/o – Alu Kamei, r/o- Noney Part-1, PS-Nungba, District-Tamenglong, Manipur. Claimed as a member of NSCN(K) in press release.
02.	Keisam Rajen Singh, s/o- K. Khamba Singh, r/o-Nongembam Leikai, PS-Lamlai, Imphal East district, Manipur. Claimed as member of KYKL as per the press release.

17.10 Investigation about status of KYKL, KCP, KLO and NSCN(K) on the date of crime :

- a. KYKL, KCP and KLO are notified as terrorist organisations as per the *schedule* of Unlawful Activities (Prevention) Act 1967, as amended. NSCN (K) has the status of a terrorist gang, on the date of occurrence of the crime, its members having been found to be involved in several terrorist acts prior to the instant crime and all such acts being claimed and hailed by the leaders of the organisation through communication to the media.
- b. On the basis of the press releases and other records of the Government of India, investigation had revealed that NSCN (K) has been under a ceasefire agreement with the Government of India since the year 2002. However, it unilaterally withdrew from the ceasefire on 26th March 2015 and started attacking the security forces of Government of India at various parts of the country such as Nagaland, Arunachal Pradesh and Manipur, including the instant deadly attack upon the convoy of Indian army at Paraolon, Chandel district of Manipur. As a result, the Government of India has notified NSCN(K) as a terrorist organization under the gazette notification no. S.O.3016(E) dated 6th November 2015.

17.11 **Role of UNLFWESA in the crime :** On the 17th of April 2015, **United National Liberation Front of Western South East Asia (hereinafter called as 'UNLFWESA')** a new umbrella organisation of likeminded terrorist groups was constituted by publishing a declaration which was sent to media houses in India and Myanmar. By this declaration NSCN-K, United Liberation Front of Assam (Independent) hereinafter referred to as ULFA (I), Kamtapur Liberation Organisation (hereinafter referred to as KLO), and National Democratic Front of Bodoland (Songbijit) committed themselves to "have a united and total struggle to liberate their ancestral homes situated in the Western South East Asia, to secure their Sovereign political future from occupation and domination". The choice of words in the press release, is unequivocally declarative of their designs of waging war against the lawfully established Government of India. This investigation has also revealed that this instant terrorist act was to give effect above mentioned declaration by UNLFWSEA.

17.12 As per investigation, in the instant ambush, elements of 2 partners of UNLFWSEA – NSCN (K) and KLO is evident. Despite difference in their ideological leanings, constituent groups of UNLFWSEA have high congruence in terms of their political objectives. Their stated objectives are 'to liberate their area from Indian occupying forces', 'to wage war against India' etc. Their terrorist activities include extortion, drugs and arms smuggling, political killings and inter factional warfare among others. Despite their overt differences in public most of these terrorist groups are fairly networked with each other financially, politically and operationally and cooperate on mutual need basis.

17.13 Support given to UNLFWSEA by other valley based insurgent groups of Manipur like KYKL and KCP in the instant crime and investigation thereon :

- a. Media reports have published that other valley based insurgent terrorist organizations like KCP and KYKL had also pledged support to the formation and objectives of UNLFWSEA.
- b. Immediately after the instant crime, the media had published the press release on 5th June, 2015, that it had received from the terrorist outfits through email communication on 4th June, 2015. Thereafter on 9th June, 2015, the local and national electronic media started showing a group photograph showing 20 cadres with sophisticated arms in combat dress along with a press release signed jointly by leaders of NSCN(K), KCP and KYKL which was sent by mail on 9th June, 2015. It was published in many local newspapers of Manipur on 10.06.15. The joint press release, claimed the responsibility for the terrorist act and that it was carried out jointly by NSCN (K), KYKL and KCP and also claimed that the 20 individuals in that group photograph had carried out deadly terrorist attack upon the convoy of 06 Dogra at Paraolon village of Chandel district Manipur on 04.06.15.
- c. Statements of the respective editors of the media houses which received the email from email address [REDACTED] have been recorded and a copy of the email containing the press release have been lawfully seized from the offices of the editors of the media houses.
- d. A technical examination on the properties of the above noted digital photograph received through email has established that the digital photograph has been taken using [REDACTED] and the locational properties of the photograph establish that the location of the photograph is at [REDACTED] North and [REDACTED] East and this GPS location on map falls under the territory of [REDACTED]



[REDACTED]

This establishes that the cadres responsible for the terrorist act had fled back to safe hideouts in Republic of Myanmar.

- e. Investigation has been conducted to establish the identities of the cadres as visible in the photograph. A total of 20 cadres are visible in the digital photo of which faces of 18 faces are clearly discernible, 1 face is partially hidden by cap and 1 face is totally not discernible.

17.14 During investigation, on the basis of the statements of witnesses, including protected witnesses and family members and acquaintances of the involved cadres visible in the aforementioned photograph, the identities of the cadres of NSCN(K), KYKL, KLO and KCP, who are present in the group photograph as noted above, have been established who are arraigned as accused in instant crime. Their names & particulars are as noted below:

- i. **Kshetrimayum Brojen Singh @ Sanathoi @ Momocha (26)**, s/o- Ksh. Jibon Singh, r/o- Leishangthem Khongmanung Mayai Leikai. PS - Thoubal, District Thoubal, Manipur.
- ii. **Thokchom Gandhi Singh @ Paona Singh**, s/o Th. Imochouba Singh, r/o- Kakching Khullen Ningthou Leikai. P.S & P.O Kakching, District Thoubal, Manipur.
- iii. **Naorem Premkanta Singh @ Van Damme (32)** s/o- N. Ibomcha Singh, r/o- Kaakching Irum Mapan, PS- Kakching, District Thoubal, Manipur.
- iv. **Raghu @ Raghuv eer**, s/o Umor of Kotha village, near Lai Haraopham Lampak, PS- Moreh, District Chandel, Manipur.
- v. **Angom Sanatomba Singh @ Akai @ Dinesh (28)**, s/o (L) A. Chandramani Singh, r/o- Phayeng Mayai Leikai (Umang Leikai). Ball Lampak, PS- Lamsang, District Imphal West, Manipur.

- vi. **Nongmaithem Premananda Singh @ Inaoba @ Yaima (30) s/o N. Ingocha Singh r/o Kangjeibu Lampak, Kumbi Awang Leikai. P.S. Kumbi, Bishnupur District.**
- vii. **Laishram Jinen Singh @ Laba @ Angou Singh s/o L. Ibomcha Singh of Thanga Ngaram Club Makha Maning Leikai, P.S Moirang District Bishnupur.**
- viii. **Moirangthem Tamba @ Utam, s/o- M. Krishnamani Singh, r/o- Pallel Mamang Leikai, PS- Kakching, District Thoubal, Manipur.**
- ix. **Pukhrambam Samananda Singh (27). s/o - P. Khelen Singh, r/o- Ithing Takmu Leikai, PS- Bishnupur. District Bishnupur, Manipur.**
- x. **Laishram Simon @ Gulliver Singh, s/o- L. Isobanta Singh of Phubala Awang Leikai, P.S- Moirang, District Bishnupur, Manipur.**
- xi. **Thoudam Somorendro Singh @ Tamulakpa @ Kabolakpa @ Somo. s/o - (L) Th. Ibotombi Singh of Naharup Awang Leikai. PS- Porompat, District Imphal East, Manipur.**
- xii. **Nameirakpam Nanao Singh @ Kona @ Cuba, s/o- N. Nongyai Singh. r/o- Sekmai Kon. Sekmai Mamang Leikai, PS- Sekmai. Imphal West District, Manipur.**
- xiii. **Lamyamba of KYKL, SS Corporal.**
- xiv. **Landaba of KYKL**
- xv. **Machathoi of KYKL, SS Private.**
- xvi. **Herojit @ Pamheiba of Kakching Khunou, Thoubal District. Maniipur (KYKL)**
- xvii. **Sana (KYKL), r/o- Lillong, under, District Thoubal, Manipur.**

17.15 Petitions for issuing of Non Bailable Warrants of arrest (NBW) against 15 accused persons had also been submitted before by the NIA Special Court at Imphal. after these accused persons failed to appear before the investigation even after serving notices u/s 41A CrPC to their last known addresses.



Subsequently, Non Bailable Warrants against these 15 identified accused persons had been issued by the NIA Special Court at Imphal, Manipur.

17.16 Investigation, on the basis of the above noted press releases and other evidence had established that the following senior leaders of NSCN(K), KYKL and KCP are directly involved in conspiring and giving effect to terrorist act under investigation.

- i. **Shangwang Shangyung Khaplang Pangmei @ Khaplang @** Baba – Chairman NSCN (K), UNLFWSEA. Taga camp, Naga Self-Administered Zone, Sagaing Province, Myanmar.
- ii. **SS Col. Isaak Sumi @ Sir Isaak** – PRO, Finance Secretary, NSCN/GPRN, r/o- Hosepu Village, Agunato, Zunheboto District, Nagaland. [As per Electoral roll - Name- Isak, s/o Hevito, r/o- 34-Aghunato, AC/PS 24- Hosepu A&B.]
- iii. **Ksh. Noyon Singh @ Hemanta @** Laba Meitei @ Ibohal @ Achouba @ Shyamkumar – President KCP. s/o- Ksh. Amu. r/o- Sekta Awang Leikai, Imphal East, Manipur.
- iv. **Namoijam Okendro Singh @ Oken @** Inaobi @ Sunil @ Gopen Singh, s/o- (L) N. Gulap Singh, r/o- Khurai Soibam Leikai, PS-Porompat, Imphal East District, Manipur.
- v. **Starson Lamkang**, Chaplee Kilonser, (Finance Minister) NSCN/GPRN, s/o- Amung Lamkang, H/o- Wahengbam Babita Devi, r/o Palace Compound, Wangkhei, PS- Porompat, Imphal East District, Manipur.
- vi. **Thoudam Thoiba @ Mahesh**. Dy. Secretary, Publicity n Research, KYKL, r/o- Khurai Thoudam Leikai, PS-Porompat, Imphal East District, Manipur



- vii. **S. Mangal @Panthoi** – Member –in- Charge, Information and Publicity, KCP, r/o- Thoubal Kiyam Siphai, PS & District Thoubal, Manipur.
- viii. **Nikki Sumi @ Nikki Sema** – SS Military Supervisor, NSCN(K), s/o- Nvioshe Sumi, r/o – Zunheboto District as well as Naharbari, Dimapur, Nagaland.

17.17 Therefore the above noted senior leaders have been arraigned as accused persons in the instant crime and Non Bailable warrants for the arrest of some of them have been applied for in this Hon'ble Court and the same will be applied for the rest of them shortly.

17.18 During the course of investigation, one Khumlo Abi Anal @ Ambison (A-3), s/o (Late) Khumlo Khunjo Anal, resident of Chandel Lambung Village, PS & district Chandel, Manipur was arrested by police of **Imphal West Police station** on 11th June, 2015, for his close association with the NSCN(K), he being the Chairman of the NSCN(K) for the Chandel region. On the basis of the further analysis of the matrix revealed from the analysis of the call data records (CDRs) of his mobile phone, the linkage of accused Khumlo Abi Anal @ Ambison (A-3) was revealed during the investigation. Therefore, he was shown arrested in the instant case on 29.06.15 and examined in police custody for 9 (nine) days. A Blackberry mobile phone with SIM card no. [REDACTED] was seized from his possession and the same were re-seized by the investigation team from the concerned IO of the local police.

17.19 During the course of investigation, on the basis of the statements of five [REDACTED] witnesses, who were closely associated with accused Khumlo Abi Anal @ Ambison (A-3) it has been established that accused Khumlo Abi Anal @ Ambison (A-3) had been an active member of NSCN (K) till he was



arrested on 11.06.15 and he was holding the charge of Chairman of Chandel region, also known as Amamcht region of NSCN (K) in Chandel district of Manipur.

17.20 Statement of one [REDACTED] a close associate of accused Khumlo Abi Anal @ Ambison (A-3) has been recorded u/s 164 CrPC, where he has deposed that Khumlo Abi Anal @ Ambison (A-3) was a member of the terrorist gang NSCN (K), which committed the instant crime, and he asked [REDACTED] to work for NSCN(K) and collect information about the locations of security check points in Tegnoupal area in May 2015 i.e. few days before the instant terrorist attack took place. The investigation, on the basis of statements of other [REDACTED] witnesses, has also established that the crime was committed during the self styled Chairmanship of the accused Khumlo Abi Anal @ Ambison (A-3) of the Amamcht region for the NSCN(K) and the [REDACTED] village is situated in the aforesaid Amamcht region designated by NSCN(K) corresponding to the Chandel district.

17.21 Investigation, on the basis of statements of two witnesses - [REDACTED] [REDACTED] who were close associates of accused Khumlo Abi Anal @ Ambison (A-3), have also revealed that Ambison (A-3) asked them to collect the information about the movements of security forces and deployment of check points in Tegnoupal area which covers the place of occurrence of the instant case. He also revealed to them that they were planning to do some attacks upon the security forces in Manipur. Henceforth, investigation has established that the accused was collecting information relating to movement of security forces in his area of responsibility on behalf of NSCN(K) before the instant terrorist attack took place which clearly amounts to an act preparatory to the planning and commission of the terrorist act of the instant case.



17.22 The analysis of the CDR of mobile phone no. [REDACTED] used by arrested accused Khumlo Abi Anal @ Ambison (A-3) in his [REDACTED] phone, which was seized from him during the time of his arrest, has established that he was regularly and constantly in communication with Myanmar based contact nos. as well as Indian nos. which are being used by senior leaders of NSCN (K) organization at their Taga camp and other hideouts in Myanmar as well as in India. Further, it had been established during investigation that Myanmar based no. [REDACTED] is being used by [REDACTED] of NSCN (K) and other cadres of NSCN(K) at Taga camp at Myanmar and this no. is frequently in communication with the mobile no. [REDACTED] used by Ambison (A-3).

17.23 The investigation has also established that on the day of the crime, i.e. 4th June, 2015, Ambison (A-3) had made frequent communication through his mobile phone with the leaders at the NSCN(K) HQrs at Taga camp in Myanmar and many senior leaders of NSCN(K).

17.24 Statement of a [REDACTED] has established that the Myanmar based contact no. [REDACTED] is used by NSCN (K) senior cadres at Taga camp of NSCN (K) as a control room contact no. for the Taga camp. It is also established that mobile no. [REDACTED] belongs to [REDACTED] of NSCN (K) which is found to be frequent communication with mobile no. [REDACTED] used by Ambison (A-3).

17.25 **Analysis Report of the CERT-In** dated 04.08.15, in respect of forensic analysis of the [REDACTED] handset recovered and seized from



accused Khumlo Abi Anal @ Ambison (A-3) and the deceased NSCN (K) cadre Rajalung Kamei (A-1) had established that the above noted Myanmar based contact no. [REDACTED] is saved in his mobile handset under the name of "Anglu", who as per investigation is revealed to be the caretaker of this Myanmar based landline no. at Taga camp of NSCN (K) in Myanmar. Similarly, mobile no. [REDACTED] had been found to have been saved under the name of "Pink" who has been revealed to be [REDACTED] (which corresponds to a minister) [REDACTED] of NSCN(K). Moreover, another mobile no. [REDACTED] has been found saved as "Mancy" in the mobile handset of accused Khumlo Abi Anal @ Ambison (A-3). As per the investigation, "Mancy" is a senior cadre of NSCN (K).

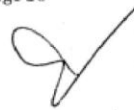
17.26 During course of investigation, statement of one [REDACTED] has been recorded under section 164 CrPC, as a [REDACTED] witness wherein he has established the identities of 12 cadres of KYKL who were part of the combined team of NSCN (K), KYKL and KCP who carried out the attack upon the convoy of 06 Dogra on 04.06.15 at Paraolon village of Chandel district Manipur. He was an eye witness who was present in the KYKL camp when the above noted cadres were sent out for this special operation.

17.27 Investigation on the basis of the press releases dated 4th June and 9th June, 2015, released and published to the media house jointly by NSCN (K), KYKL and KCP and sent through Email has established that the instant terrorist act was committed by the combined group of cadres of NSCN (K), KYKL and KCP and it was carried out in pursuance of a terrorist conspiracy hatched by the senior leaders of NSCN (K), KYKL and KCP. Investigation has established that direct responsibility of this terrorist act was taken by the senior leadership of these terrorist organizations.

17.28 Investigation, on the basis of the statements of the witnesses as well as on the basis of the joint press releases of NSCN(K), KYKL and KCP, has also established that the joint armed group of NSCN(K), KYKL and KCP, in pursuance of a criminal conspiracy hatched jointly by their respective senior leaders, sneaked into the territory of India from their camps in Myanmar and carried out the terrorist attack upon the convoy of 06 Dogra on 04.06.15 at Paraolon Village, Chandel District, Manipur, India. Thereafter, they all left the site of the attack and sneaked backed into the territory of Myanmar in order to take shelter and escape from any actions from the security forces of India.

17.29 Investigation, on the basis of the press releases dated 4th June and 9th June, 2015 released and published jointly by NSCN(K), KYKL and KCP had established that the three senior leaders representing each organization, viz. Ksh. Laba Meitei @ Noyon, President KCP, N. Oken, Chairman KYKL and Starson, Chaplee Kilonser NSCN/GPRN accorded a warm victory reception to the joint assault team that returned after carrying out the attack upon the convoy of 06 Dogra at Paraolon village Chandel district on 04.06.15. In addition, Col. Isaak Sumi of NSCN/GPRN along with army chiefs of KYKL and KCP were also present in that reception ceremony. This conduct as self proclaimed by the terrorist organisations in the press release, clearly establishes the conduct and the involvement in the conspiracy of the senior leadership of NSCN(K), KYKL and KCP.

17.30 Thus, the investigation in respect of accused person Khumlo Abi Anal @ Ambison (A3) is complete and it has been established that he associated with the conspiracy and thereby conspired with senior leadership of NSCN(K).



being a senior office bearer of the terrorist gang NSCN(K), in carrying out the terrorist act of ambush on the convoy of Army personnel on 4th June, 2015, near village Paralaon under Chandel district in Manipur, in which 18 soldiers were killed and 15 others injured.

17.31 Investigation had found that the two accused in the crime namely **Rajalung Kamei, @ Raza (A-1) and Keisham Rajen Singh (A-2)**, who were killed while committing the crime, were involved in carrying out the terrorist attack of the instant case. However, the proceedings against them may be abated as they are dead.

17.32 **The investigation is to be continued under section 173(8) CrPC, to arrest the remaining accused persons in the instant case and collect more evidences as regards to the roles and involvements of each and every accused persons in the crime of the instant case.**

18. CHARGE:

As per the above noted submissions, it is concluded that sufficient material evidences have been adduced during investigation to charge accused Khumlo Abi Anal @ Ambison (A-3) for his commission of offences under section 18 and 20 of Unlawful Activities Prevention Act, 1967, as amended and he should be charged accordingly.

18.1 The sanction for prosecution under Section 45(1) (ii) of The Unlawful Activities (Prevention) Act, 1967 as amended has been obtained from the competent authority and enclosed

18.2 All the aforesaid offences have been committed within the jurisdiction of this Hon'ble Court. Hence, this Hon'ble Court has got jurisdiction to try the



above offences.

18.3 It is, therefore, prayed that this Hon'ble court may be pleased to take cognizance of the offences, as mentioned above, against accused A3 and issue process to him to stand trial in accordance with law.

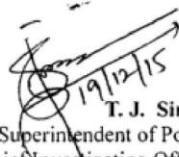
19. Despatched on : 19th Dec, 2015.

20. No. of enclosures : 05

21. List of enclosures :


[REDACTED]

(Note : The identities and the statements [u/s 164 and 161 of CrPC] of the [REDACTED] witnesses, [REDACTED] are being submitted inside a closed envelop sealed with NIA Guwahati seal and it is requested that the copies of the same may not be furnished to accused person as per provisions of section 173(6) CrPC.)


T. J. Singh,
Addl. Superintendent of Police
Chief Investigating Officer
NIA Branch Office : Guwahati

(T J SINGH)
Addl. Superintendent of Police
National Investigation Agency
Ministry of Home Affairs
Guwahati-07, Assam

Forwarded by


Addl. Superintendent of Police (T J SINGH)
Chief Investigating Officer Addl. Superintendent of Police
NIA Branch Office : Guwahati National Investigation Agency
Ministry of Home Affairs
Guwahati-07, Assam

**Press Information Bureau
Government of India
Ministry of Defence**

09-June-2015 19:04 IST

Army Statement on Operations in North East

Army statement on operations in North East read out by Major General Ranbir Singh, Additional Director General of Military Operations (A) on 09 Jun 15 is appended below :-

“You are all aware that following the attack on our security personnel on 04 June 2015 in Chandel, Manipur, we have been on a high alert. In the course of the last few days, credible and specific intelligence was received about further attacks that were being planned within our territory. These attacks were to be carried out by some of the groups involved in earlier attacks on our security personnel and their allies.

In view of the imminent threat, an immediate response was necessary. Based on intelligence, we conducted operations to counter these planned assaults. Early this morning, the Indian Army engaged two separate groups of insurgents along the Indo-Myanmar border at two locations, along the Nagaland and Manipur borders. Significant casualties have been inflicted on them. As a consequence, threats to our civilian population and security forces were averted.

We are in communication with the Myanmar authorities on this matter. There is a history of close cooperation between our two militaries. We look forward to working with them to combat such terrorism.

While ensuring peace and tranquility along the border and in the border states, any threat to our security, safety and national integrity will meet a firm response”.

Col Rohan Anand, SM PRO (Army)

BJP Election Manifesto 2014

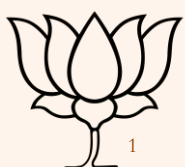
Highlights

Our Pledge

- **Ek Bharat – Shreshtha Bharat**
 - Vibrant and Participatory **Democracy**
 - Empowered and Inspired **People**
 - Inclusive and Sustainable **Development**
 - **Quality life** in Villages and Cities
 - Basic **Amenities** to All
 - Flourishing **Agriculture**
 - Productive **Youth**
 - Involved **Women**
 - Robust physical and social **Infrastructure**
 - Innovative and Technologically driven **Society**
 - Globally competitive **Economy**
 - **Brand India** built on Quality
 - Strong, Effective and Futuristic **Institutions**
 - Open, Transparent and Systems-based **Government**
 - Pro-active, Pro-people Good **Governance**
- **Sabka Saath, Sabka Vikas**
 - To build a Modern India: the best **foundation** is our own **Culture**;
 - the best **tool** our own hands; and the best **material** our own aspirations

Preface

- Many **countries**, even with smaller size and lesser resources, have **surpassed** us in development.
- 6 year rule of BJP-led NDA was a **beacon of light** - gave the Nation many firsts.
- We missed a **historic national opportunity** under UPA since 2004. UPA has taken out:
 - **Genuineness** from Governance.
 - **Authenticity** from Administration.
- UPA has given:
 - Governance of Enactment not **Action**.
 - Administration of Entitlement without **Delivery**.
 - Polity of Promises and not **Performance**
 - Economy of **Deficits**.
 - **Work culture** of delays and an asset base of deficiency.
 - Global synonym of **Corruption**, Scandal and **Stagnation**.
- Socio-economic and political paradigm of Governance - drawn from **civilizational consciousness** of India.
- Today, India is blessed with rare capacity and opportunity of **Democracy, Demography and Demand**.
- Goal: **Ek Bharat, Shrestha Bharat!**
- Path: **Sabka Saath, Sabka Vikas**



Price Rise

- **Special Courts** to stop hoarding and black marketing.
- **Price Stabilisation Fund.**
- Use technology to disseminate **Real time data** to farmers.

Employment

- Develop high impact domains like **Labour-intensive Manufacturing** and **Tourism.**
- Transform Employment Exchanges into **Career Centres.**

Corruption

- Establish System which eliminates the **scope for corruption.**
- **e-Governance** - making it transparent and minimizing citizen-government interface.
- **System-based, policy-driven** governance - minimizing discretion.
- Rationalization and **Simplification** - bestowing faith in the citizens, institutions and establishments.
- Commitment for tracking down and bringing back Black Money -**Task Force.**
- Pro-actively engage with **foreign Governments** to facilitate information sharing on black money.

Policy Paralysis

- Development brought to a **grinding halt** by decade of Maladministration, Scams and Policy Paralysis.
- **Reignite Engine** of Government - with strong **willpower** and commitment to **public interest.**
- Encourage **Bureaucracy** - to take right decisions and contribute in building a modern India.

Poor Delivery

- Intent to do the right thing and the will to do things rightly - missing.
- Remove **bottlenecks** and **missing links** - **in all sectors, activities and services.**
- Strive for **Scale** and **Speed with futuristic vision.**
- Build **Institutions** for today and tomorrow.

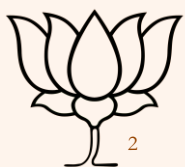
Credibility Crisis

- Intentions, integrity and initiatives of Congress-led UPA all questionable.
- Restore the **Trust** and **Credibility** in Government - chain of **accountability** built into the system.

Strengthen the Framework

Team India

- **Team India** shall not be limited to the Prime Minister led team sitting in Delhi, but will also include Chief Ministers and other functionaries as equal partners.
- Model of **national development**, which is **driven by the states** – Centre an enabler and facilitator in the rapid progress of states, helping them mobilize resources.
- State Governments involved in the promotion of **foreign trade** and commerce.
- **Regional Councils of States** with common problems and concerns.



Integrating the Nation

- Highest priority to bringing **Eastern part** of country on par with Western.
- Planning along **regional aspirations, strengths and potentials** - evolving appropriate strategies for various zones of the country: hilly regions, plains, desert and coastal areas.
- Greater decentralization through **smaller States**.
- **North–East**: Special emphasis on enhancing the connectivity within the region and to the rest of the country. Address the issue of infiltration and illegal immigrants in the North-East on priority basis.
- **Jammu and Kashmir**: J&K was, is and shall remain an integral part of the Union of India. Facilitate the return of **Kashmiri Pandits** and rights of **POK refugees**.
- **Seemandhra + Telangana**: Full justice to Seemandhra + address governance issues of both.

Decentralization

- From Representative to **Participatory** democracy.
- Developmental process a people's movement – **Jan bhagidari**.
- Strengthen **self-Governance** - empowering **Panchayati Raj Institutions** with devolution of **Functions, Functionaries** and **Funds**. Additional developmental grants to performing Panchayats.
- **Openness** in the Government - actively involve people in **policy formulation** and **evaluation**.

Reform the System

India First

- India First puts **national interest first** while taking any decision or step.
- India First means nurturing and protecting **all the elements which India is made of**. It does not exclude anyone or anything – it only includes everything and everyone. It is complete India; **without exclusion, without exception**.
- It means whatever is in the interest of India - will be in the interest of all elements that India is made of.

Good Governance

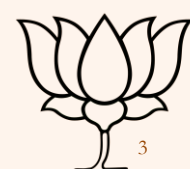
- **Open** Government and **Accountable** Administration.
- **People–centric**, Policy driven & Time bound.
- **Minimum Government, Maximum Governance**.
- Mandatory **Performance Review, Social and Environment Audit** for all Government programmes.

E-Governance

- **Digital India** - making every household and every individual digitally literate and empowered.
- High-speed **Digital Highways** to unite the nation - Deployment of **broadband** to every village.
- Engage people through **Social Media** - participative governance and public grievance redressal.
- **eBhasha** - National Mission for the promotion of IT in Indian Languages.
- **Digitization** of all government work and records - reduce corruption and delays.

Administrative reform

- Administrative Reform through an appropriate body under the **PMO**.
- Good performance **rewarded**.
- Rationalization and convergence among the Ministries etc - to **focus on delivery**.
- **Eliminate the obsolete** in laws, regulations, administrative structures, practices.



- **Open up government** to draw expertise from the industry, academia and society.
- Youth tapped in governance - **Fellowship** and **Internship** programmes.

Judicial reform

- **Justice for All** – prompt and accessible.
- **Computerization** and **networking** of courts.
- **Fast track courts** at all layers of judiciary.
- Alternative Dispute Resolution mechanisms through **Lok Adalats** and Tribunals.
- Reduce significantly cases in which the Government is a **litigant**.
- Comprehensive **National e-Library**, empowering Lawyers.
- National network of **specialized universities** – like Forensics, Arbitration, IPR, International Law.
- Develop India into a Global Hub for **Arbitration** and **Legal Process Outsourcing**.
- Legal system more **accessible** to common man - **Simplify** complex legislation, procedure and language.

Police reform

- **Networking** of police stations across the country - for intelligence sharing and crime control.
- Specialized expertise in **Investigation** through continuous training.
- Overhaul **Intelligence** set up - focus on coordination and integration of human and technological intel.
- Evolve **common national standards** and protocols.

Electoral reform

- Electoral reforms to **eliminate criminals**.
- Evolve method of holding **Assembly** and **Lok Sabha elections** simultaneously.

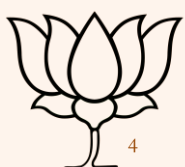
Widen the Platform

Poor

- Government of the **poor, marginalized and left behind**.
- With firm belief in **Antyodaya** (uplifting the poorest of the poor) treat **Extreme Poverty** as a National priority, addressing on Mission Mode.
- Identify **100 most backward districts** of the country to bring on par with other districts through prioritized and integrated development.
- Universal **Food Security** - incorporate best practices of successful **PDS** models. **Un-bundle FCI** operations into procurement, storage and distribution; for greater efficiency.

SCs, STs, OBCs and Other Weaker Sections

- **Samajik Nyay** (social justice) and **Samajik Samrasata** (social harmony) - needs to be complemented with **Economic justice** and **Political empowerment**.
- Enabling ecosystem of **equal opportunity** – for education, health and livelihood.
- High priority to ensuring their security, especially the **prevention of atrocities** against SCs & STs.
- Eradication of **Untouchability** and **Manual Scavenging** at all levels.
- National level **Tribal Development** Programme, overseen by dedicated authority.
- **National Centre** for Tribal Research and Culture to preserve tribal culture and languages.



Minorities

- **Equal opportunity** - India cannot progress if any segment of Indians is left behind.
- Augment traditional **artisanship** + entrepreneurial skill - through better market linkages, branding and access to credit.
- Empower **Waqf Boards** in consultation with religious leaders.
- Curate rich **heritage** and **culture** - heritage sites; digitization of archives; promotion of **Urdu**.
- **Peaceful** and **secure** environment - no place for either the perpetrators or exploiters of fear.
- Permanent **Inter-faith Consultative mechanism** - to promote harmony and trust.

Neo-Middle class

- New class which has risen above poor category, but yet to stabilize in the middle class.
- **Proactive handholding** to protect from falling back into poor category.
- **Better public service delivery** to meet increasing aspirations – education, health, housing, public transport.

Rural areas

- **Rural Rejuvenation** - integrated strategies for personal, economic and social well being.
- **Rurban** - bring urban amenities to rural areas, while retaining the soul of the village.
- Village-level **Infrastructure** - roads, water, education, health, supply chain, electricity, broadband.

Urban areas

- Look at urbanisation as an **Opportunity** rather than a Threat.
- **100 new cities** - focused on specialized domains.
- Integrated habitat development – building on concepts like **Twin cities** and **Satellite towns**.
- **Cleanliness** and **Sanitation** prioritized – integrated infrastructure rolled out in Model towns.
- **Wi-Fi** facilities made available in public places and commercial centers.
- **GIS-based mapping** –for scientific, strategic and long term town planning.

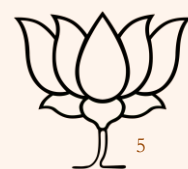
Leap Forward

Social Security

- **Children:** Reduce burden of **books** on children without compromising on quality of education - using technology. Special emphasis on **vulnerable** children - migrants, street dwellers, specially-abled.
- **Senior citizens:** Harness **experience** for national Interest - engage in government programmes.
- **Specially-abled:** Web based disability **registration system** - identify every special needs person. **Disabled-friendly access** to public facilities and places. Higher **tax relief** for family.

Youth

- Youth participation in decision-making - **National Youth Advisory Council**.
- **Young Leaders programme** + neighbourhood **Youth Parliaments** - for vibrant communities.
- **Student loans** simpler and affordable.
- **Sports** culture at school level - made compulsory part of **school curriculum**.
- National program for **identifying** and training extraordinary sporting talent.



Women

- **Beti Bachao – Beti Padhao** - national campaign for saving the girl child and educating her.
- Comprehensive scheme to encourage **positive attitude** amongst families towards the girl child.
- **Women healthcare** - especially focusing on domains of Nutrition and Pregnancy.
- Dedicated **Women ITIs** + Women wings in other ITIs.
- Support and strict implementation of laws for **Rape + Acid Attack** victims.
- Women friendly **Police stations**.
- **Self defence** as a part of school curriculum.

Education

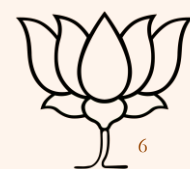
- **Equality of opportunity** in ‘access’ and ‘success’ to all learners.
- **Public spending** on education raised to 6% of GDP.
- **Performance Audit** and **Real-time Information** on Primary Education.
- Universalization of **Secondary Education** and skills development.
- National **E-Library** - to empower school teachers and students.
- Multi-country student **Exchange Programme**.
- Revisit Apprenticeship Act to facilitate youth to **Earn while they Learn**.
 - **Knowledge society** - that reverberates with educated skilled manpower.

Skills

- Prepare **World’s Largest Workforce**.
- Develop India as a **Knowledge Powerhouse**.
- Focus on need-based skill development and **Employability**.
- **National Multi-skill Mission**.
- **Skill Mapping** - scientifically identify and plan national human resource development for every sector, both established and emerging.
- **Short-term courses**, in the evenings, focusing on employable skills.
- **Centres of Excellence** in various sectors in partnership with the Industry.
- **Industry responsive manpower** - bringing together industry, universities and government.
- **Academic Equivalence** to vocational qualifications – break segregation of education and skill development.
- Emphasis on **soft skills** to enhance employability - national program for **computer literacy**.
- Greater **practical** and **research training** - real world experience (internships and apprenticeships).
- **Massive Open Online Courses** (MOOC) and virtual classrooms.

Health

- **Health Assurance** to all Indians - reducing out of pocket spending on health care.
- **AIIMS-like** institute in every state.
- Promote **Yoga** and **Ayurveda** - integrated courses, standardization and validation.
- **Pre-emptive care** model - thrust on child health and prevention.
- **School Health Program** - health and hygiene part of school curriculum.
- **National eHealth Authority** – framework for leveraging telemedicine and mobile healthcare.
- Universalization of emergency medical services - **108**.
- Mission mode project to eradicate **Malnutrition**.
- Mission mode drive for **Swachh Bharat** by Gandhiji’s 150th birth anniversary in 2019.
- **Open defecation** free India.



- **Sanitation Ratings** - ranking cities and towns on 'sanitation'; rewarding best performers.
- **Drinking water** to all - translating into **Diarrhoea-free** India.

Economic Revival

- Bring back **Credibility** and **Trust** in Government + Confidence in **India story** - domestically and internationally.
- Stable and Balanced **Economic Growth** - through consistent, long-term policies.
- Strict **Fiscal discipline** - without compromising on funds for development work and asset creation.
- Re-visit Policy Framework for **Investments**, both foreign and domestic.
- **Banking** reforms - to enhance ease, access and accountability.
- Non-adversarial and conducive **Tax environment** - Tax Policy **Roadmap**.
- Rationalization and simplification of **Tax Regime**.
- Adopt **GST** - bringing on board all State governments + setting up robust IT network.
- Tax **incentives** for investments into **R&D** for **indigenization** of technology and innovation.
- Commitment to protect interests of **small retailers** and SMEs.

Agriculture

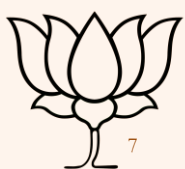
- **Welfare** measures for old, small and marginal farmers and farm labours.
- Low water-consuming irrigation techniques and optimum utilization of **water** resources.
- **Seed culture** labs + Agriculture **innovation** labs + **Soil testing** labs.
- **Agro food processing** clusters - high value, export-quality processing facilities.
- **Organic Farming** and Fertilizer Corporation of India to promote organic farming and produce.
- **Farm Insurance scheme** to take care of crop loss due to unforeseen natural calamities.
- Horticulture, Floriculture, Pisciculture, Bee-keeping, Poultry, Aqua culture.
- Cluster based **storage** systems.
- Consumer friendly **Farmers' Markets** - reduce wastages, increase incomes.
- Regional **Kisan TV** channels.

Industry

- Conducive, enabling **environment** - cutting Red Tape + simplifying procedures.
- **Economic freedom** - break open the economic space to new entrants, especially in MSMEs.
- Move towards **Single-window system** of clearances through a Hub-spoke model.
- **Centre- State** coordination and synergy in giving clearances to mega projects.
- **Environment clearances** decision-making transparent and time-bound.
- **Global Manufacturing Hub** - World class **Investment** and **Industrial regions**.
- Cost-competitive labour-intensive **Mass Manufacturing** hub
- **Electronic** hardware manufacturing units.
- Enhanced competitiveness of **SME** sector - international linkages, availability of credit, supply chain efficiencies, adoption of IT, support in R&D and innovation.
- **Handicrafts** - move up the value chain driven by a focus on: Quality, Market linkages, access to Credit and Information, Skill up-gradation and Value addition (branding, packaging and technology).

Services

- **Export Promotion Mission** integrating all stakeholders.
- **50 tourist circuits** on mission mode around themes.



Labour

- Harmonious relationship between labour and the industry - '**Industry Family**'.
- **Identity cards** to unorganized sector labourers - quality **Health** and **Education** services + **Skilling**.
- Access to modern **Financial Services** to labour – including dedicated Workers Bank.
- Strengthen **Pension** and **Health Insurance** safety nets for all labourers.

Housing

- **Pucca house** for every Family by 2022 - equipped with the basic facilities of **Toilet**, **Piped water supply**, **Electricity** and proper **Access**.
- Converge and dovetail existing programmes + add missing links.
- Massive **Low cost Housing programme**.
- Encourage housing sector - through credit availability and interest subvention schemes.

Physical Infrastructure

- **Freight Corridors** and attendant **Industrial Corridors** expedited.
- **North East** and **J&K** connected with rest of India through world class highways and rail lines.
- National Highway construction projects expedited - especially **Border** and **Coastal highways**.
- **Sagar Mala** project – stringing together modern ports.
- **PPP** encouraged - institutional framework + regulators given greater autonomy as well as accountability.
- **Integrated Public transport** - including roadways, railways and waterways.
- **Railways** modernized and upgraded - focusing on national development, rather than political exigency.
- **Agri Rail** network.
- **Tourist Rail** – including Pilgrimage Rail.
- Convert all **unmanned crossings** into manned crossings in a phased manner.
- Initiate R&D for indigenous railways, coach design and signals.
- **Diamond Quadrilateral project** – of High Speed Train network (**bullet train**).
- **Gas Grids** to make gas available to households and industry.
- National **Optical-Fibre Network** up to the village level.
- Advanced **Satellite technology** for development.

Water

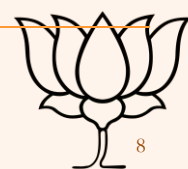
- Pradhan Mantri Gram Sinchayee Yojana with a motto of '**har khet ko paani**'.
- Multi-pronged '**Water strategy**' for reducing farmer's dependence on monsoon.
- Increase **irrigated land** - completing long pending irrigation projects on priority.
- Nurture **ground water recharge** harnessing rain water to reduce dependence on ground water.
- **Inter-linking of rivers** based on feasibility.
- **Drinking water** to all – driven by water grid infrastructure and decentralized community-management.

Energy

- **Energy security** - maximize potential of Oil, Gas, Hydel, Ocean, Wind, Coal and Nuclear sources.
- **Renewable Energy** an important component of India's energy mix.
- Energy **efficiency** and **conservation** - crucial to energy security.

Science and Technology

- Ecosystem for **Fundamental research** and **Innovation**.
- Synergy between industry and scientific research - autonomous **technology transfer**.



- **Multi-country** and inter-disciplinary **collaborative** research system.
- World class **Centres of Excellence** of scientific research.
- **Intellectual Property Rights** Regime - maximizing incentive for generation and protection of IPR.
- Institute for **Big Data** and Analytics.

Flora, Fauna and Environment

- **Sustainability** at the centre of thoughts and actions - **Climate Change** mitigation initiatives.
- **Ecological Audit** of projects and **pollution indexing** of cities and townships.
- Guidelines for **Green buildings** and energy efficient work places.
- Citizen's participation in reforestation, agro-forestry and social **forestry**.
- **Himalayan Sustainability Fund** and **National Mission on Himalayas** - inter-governmental partnership for coordinated policy making and capacity building across states and sectors.

Natural & National Resources

- **National policies** on critical natural resources like coal, minerals, spectrum etc.
- State Governments taken into confidence for harnessing of natural resources.
- **Resource mapping**, exploration and management using technology.
- **Value addition** across all resources, instead of just marketing.

Internal Security

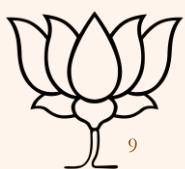
- Comprehensive **national security** – borders, military, economic, cyber, energy, food, water, health and social cohesion and harmony.
- Revive **anti-terror mechanism** dismantled by the Congress.
- Strengthen **Civil Defence** and **Home Guards** - for community defence and disaster management.
- National plan in consultation with state Governments - to address **Maoist insurgency**.

External Security

- Deal with **cross border terrorism** with a firm hand.
- R&D in defence - developing **indigenous** defence technologies.
- Global platform for **defence hardware** manufacture and software production.
- Maximization of **Technology transfer** in defence manufacturing.
- 4 dedicated **Defence Universities**.
- Greater participation of Armed Forces in Ministry of Defence decision-making process.
- Implement **One rank, One pension**.
- **War Memorial** to recognize and honour gallantry of our soldiers.

Foreign Relations

- Reboot and reorient **foreign policy** - diplomatic, economic, scientific, cultural and security interests.
- Strong, self-reliant and self-confident India, regaining rightful place in comity of nations – guided by **वसुधैव कुटुम्बकम्**.
- Integrate **Soft power** into external interchange - spiritual, cultural and philosophical dimensions.
- **Brand India** - 5 T's: Tradition, Talent, Tourism, Trade and Technology.
- Champion uniform international opinion on issues like Terrorism and **Global Warming**.
- Harness reservoir of **NRIs**, PIOs and professionals settled abroad for strengthening Brand India.



Cultural Heritage

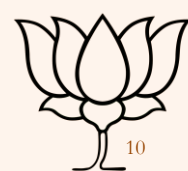
- **Ram Mandir:** Explore all possibilities within constitutional framework to facilitate construction of Ram Temple in Ayodhya.
- **Ram Setu:** Part of our cultural heritage and of strategic importance due to its vast thorium deposits.
- **Ganga:** Ensure the cleanliness, purity and uninterrupted flow of the Ganga on priority. Massive **Clean Rivers Programme** across the country driven by people's participation.
- **Cow:** Necessary legal framework to protect cow + **National Cattle Development Board** for improvement of indigenous livestock breeds.
- **Heritage Sites: Digitization** of archives and archeological and museological records. National Mission for beautifying and improving infrastructure and amenities at **pilgrimage centres** of all faiths.
- **Languages:** Promote and develop Indian languages.

Uniform Civil Code

- Draft Uniform Civil Code drawing upon best traditions and harmonizing them with modern times. There cannot be **gender equality** till India adopts a Uniform Civil Code which protects rights of all women.

Conclusion – Amritmay Bharat

- Aim: build a modern, prosperous and vibrant India - based on our ethos and values.
- **Knowledge-based society** - powered by experience, tools of technology and energy of our people.
- **Amrit Mahotsav** in 2022; when we celebrate 75 years of India's Independence - dedicated to make **Amritmay Bharat**.



THE TERRORIST AFFECTED AREAS (SPECIAL COURTS) ACT, 1984

ACT NO. 61 OF 1984

[31st August, 1984.]

An Act to provide for the speedy trial of certain offences in terrorist affected areas and for matters connected therewith.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Terrorist Affected Areas (Special Courts) Act, 1984.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 14th day of July, 1984.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) “Code” means the Code of Criminal Procedure, 1973 (2 of 1974);

(b) “High Court”, in relation to a Special Court, means the High Court within the territorial limits of whose jurisdiction such Special Court is proposed to be, or is, established;

(c) “judicial zone” means a judicial zone constituted under sub-section (1) of section 3;

(d) “notification” means a notification published in the Official Gazette;

(e) “Public Prosecutor” means a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor appointed under section 9 and includes any person acting under the directions of the Public Prosecutor;

(f) “scheduled offence” means an offence specified in the Schedule being an offence committed in a terrorist affected area;

(g) “Special Court” means a Special Court or an Additional Special Court established under section 4;

(h) “terrorist” means a person who indulges in wanton killing of persons or in violence or in the disruption of services or means of communications essential to the community or in damaging property with a view to—

(i) putting the public or any section of the public in fear; or

(ii) affecting adversely the harmony between different religious, racial, language or regional groups or castes or communities; or

(iii) coercing or overawing the Government established by law; or

(iv) endangering the sovereignty and integrity of India;

(i) “terrorist affected area” means an area declared as a terrorist affected area under section 3;

(j) words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them in the Code.

(2) Any reference in this Act to the Code or any provision thereof shall, in relation to an area in which the Code or such provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

3. Declaration of terrorist affected area.—(1) If the Central Government is of the opinion that offences of the nature specified in the Schedule are being committed in any area by terrorists on such a scale and in such a manner that it is expedient for the purpose of coping with the activities of such terrorists to have recourse to the provisions of this Act, it may, by notification,—

(a) declare such area to be a terrorist affected area; and

(b) constitute such area into a single judicial zone or into as many judicial zones as it may deem fit.

(2) A notification issued under sub-section (1) in respect of an area shall specify the period during which the area shall, for the purposes of this Act, be a terrorist affected area, and where the Central Government is of the opinion that terrorists had been committing in that area, from a date earlier than the date of issue of the notification, offences of the nature specified in the Schedule on such a scale and in such a manner that it is expedient to commence the period specified in the notification from such earlier date, the period specified in the notification may commence from that date:

Provided that—

(a) no period commencing from a date earlier than six months from the date of publication of the notification shall be specified therein; and

(b) so much of the period specified in such notification as is subsequent to the date of publication of the notification shall not, in the first instance, exceed six months, but the Central Government may, by notification, extend such period from time to time by any period not exceeding six months at any one time, if the Central Government, having regard to the activities of terrorists in such area, is of the opinion that it is expedient so to do.

Explanation.—For the avoidance of doubts, it is hereby declared that the period specified in a notification issued under this section may commence from a date earlier than the date of commencement of this Act.

4. Establishment of Special Courts.—(1) For the purpose of providing for speedy trial of scheduled offences committed in a judicial zone, the Central Government may establish, by notification, a Special Court in relation to such judicial zone—

(a) within such judicial zone; or

(b) if the Central Government having regard to the exigencies of the situation in such judicial zone considers it expedient so to do, at any place outside such judicial zone but within the State in which such judicial zone is situated.

(2) Notwithstanding anything contained in sub-section (1), if, having regard to the exigencies of the situation prevailing in a State, the State Government is of the opinion that it is expedient to establish in relation to a judicial zone, or in relation to two or more judicial zones, in the State, an Additional Special Court outside the State, for the trial of such scheduled offences committed in the judicial zone or judicial zones, the trial whereof within the State—

(a) is not likely to be fair or impartial or completed with utmost dispatch; or

(b) is not likely to be feasible without occasioning a breach of peace or grave risk to the safety of the accused, the witnesses, the Public Prosecutor and the Judge or any of them; or

(c) is not otherwise in the interests of justice,

the State Government may request the Central Government to establish in relation to such judicial zone or judicial zones an Additional Special Court outside the State and thereupon the Central Government may, after taking into account the information furnished by the State Government and making such inquiry, if any, as it may deem fit, establish, by notification, such Additional Special Court at such place outside the State as may be specified in the notification.

5. Composition and appointment of Judges of Special Courts.—(1) A Special Court shall be presided over by a judge to be appointed by the Central Government with the concurrence of the Chief Justice of the High Court.

(2) The Central Government may also appoint, with the concurrence of the Chief Justice of the High Court, Additional judges to exercise jurisdiction in a Special Court.

(3) A person shall not be qualified for appointment as a Judge or an Additional judge of a Special Court unless he is immediately before such appointment a Sessions Judge or an Additional Sessions Judge in any State.

(4) For the removal of doubts, it is hereby provided that the attainment by a person, appointed as a Judge or an Additional Judge of a Special Court, of age of superannuation under the rules applicable to him in the Service to which he belongs, shall not affect his continuance as such Judge or Additional Judge.

(5) Where any Additional Judge or Additional Judges is, or are, appointed in a Special Court, the Judge of the Special Court may, from time to time, by general or special order, in writing, provide for the distribution of business of the Special Court among himself and the Additional Judge or Additional Judges and also for the disposal of urgent business in the event of his absence or the absence of any Additional Judge.

6. Place of sitting.—A Special Court may, if it considers it expedient or desirable so to do, sit for any of its proceedings at any place, other than the ordinary place of its sitting, in the State in which it is established:

Provided that if the Public Prosecutor certifies to the Special Court that it is in his opinion necessary for the protection of the accused or any witness or otherwise expedient in the interests of justice that the whole or any part of the trial should be held at some place other than the ordinary place of its sitting, the Special Court may, after hearing the accused, make an order to that effect unless, for reasons to be recorded in writing, the Special Court thinks fit to make any other order.

7. Jurisdiction of Special Court.—(1) Notwithstanding anything contained in the Code or in any other law, a scheduled offence committed in a judicial zone in a State at any time during the period during which such judicial zone is, or is part of, a terrorist affected area shall be triable, whether during or after the expiry of such period, only by the Special Court established for such judicial zone in the State:

Provided that where the period specified under sub-section (2) of section 3 as the period during which an area declared by notification under sub-section (1) of that section to be a terrorist affected area commences from a date earlier than the date on which such notification is issued, then—

(a) nothing in the foregoing provisions of this sub-section shall apply to a scheduled offence committed in such area in which the whole of the evidence for the prosecution has been taken before the date of issue of such notification; and

(b) all other cases involving scheduled offences committed in such area and pending before any court immediately before the date of issue of such notification shall stand transferred to the Special Court having jurisdiction under this section and the Special Court to which such proceedings stand transferred shall proceed with such cases from the stage at which they were pending at that time.

(2) Notwithstanding anything contained in sub-section (1), if in respect of a case involving a scheduled offence committed in any judicial zone in a State, the Central Government, having regard to the provisions of sub-section (2) of section 4 and the facts and circumstances of the case and all other relevant factors, is of the opinion that it is expedient that such offence should be tried by the Additional Special Court established in relation to such judicial zone outside the State, the Central Government may make a declaration to that effect:

Provided that no such declaration shall be made unless the State Government has forwarded to the Central Government a report in writing containing a request for making of such declaration.

Explanation.—Where an Additional Special Court is established in relation to two or more judicial zones, such Additional Special Court shall be deemed, for the purposes of this sub-section, to have been established in relation to each of such judicial zones.

(3) A declaration made under sub-section (2) shall not be called in question in any court.

(4) Where any declaration is made in respect of any offence committed in a judicial zone in a State, any prosecution in respect of such offence shall be instituted only in the Additional Special Court established in relation to such judicial zone outside the State, and if any prosecution in respect of such offence is pending immediately before such declaration in any other court, the same shall stand transferred to such Additional Special Court and such Additional Special Court shall proceed with such case from the stage at which it was pending at that time.

8. Powers of Special Courts with respect to other offences.—(1) When trying any scheduled offence, a Special Court may also try any offence other than the scheduled offence with which the accused may, under the Code, be charged at the same trial if the offence is connected with the scheduled offence.

(2) If, in the course of any trial under this Act, it is found that the accused person has committed any offence, the Special Court may, whether such offence is or is not a scheduled offence, convict such person of such offence and pass any sentence authorised by law for the punishment thereof.

9. Public Prosecutors.—(1) For every Special Court, the Central Government shall appoint a person to be the Public Prosecutor and may appoint one or more persons to be the Additional Public Prosecutor or Additional Public Prosecutors:

Provided that the Central Government may also appoint for any case or class of cases a Special Public Prosecutor.

(2) A person shall be eligible to be appointed as a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor under this section only if he has been in practice as an Advocate for not less than seven years or has held any post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

(3) Every person appointed as a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code, and the provisions of the Code shall have effect accordingly.

10. Procedure and powers of Special Courts.—(1) A Special Court may take cognizance of any scheduled offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence or upon a police report of such facts.

(2) Where a scheduled offence is punishable with imprisonment for a term not exceeding three years or with fine or with both, a Special Court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code, try the offence in a summary way in accordance with the procedure prescribed in the Code and the provisions of sections 263 to 265 of the Code, shall, so far as may be, apply to such trial:

Provided that when, in the course of a summary trial under this sub-section, it appears to the Special Court that the nature of the case is such that it is undesirable to try it in a summary way, the Special Court shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided by the provisions of the Code for the trial of such offence and the said provisions shall apply to and in relation to a Special Court as they apply to and in relation to a Magistrate:

Provided further that in the case of any conviction in a summary trial under this section, it shall be lawful for a Special Court to pass a sentence of imprisonment for a term not exceeding two years.

(3) A Special Court may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relative to the offence and to every other person concerned whether as principal or abettor in the commission thereof, and any pardon so tendered shall, for the purposes of section 308 of the Code, be deemed to have been tendered under section 307 thereof.

(4) Subject to the other provisions of this Act, a Special Court shall, for the purpose of trial of any offence, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session so far as may be in accordance with the procedure prescribed in the Code for the trial before a Court of Session.

(5) Subject to the other provisions of this Act, every case before an Additional Special Court shall be dealt with as if such case had been transferred under section 406 of the Code to such Additional Special Court.

11. Power of Supreme Court to transfer case.—Whenever it is made to appear to the Supreme Court that an order under this section is expedient for the ends of justice, it may direct that any particular case be transferred from one Special Court to another Special Court.

12. Protection of witnesses.—(1) Notwithstanding anything contained in the Code, all proceedings before a Special Court shall be conducted *in camera*:

Provided that where the Public Prosecutor so applies, any proceedings or part thereof may be held in open court.

(2) A Special Court may, on an application made by a witness in any proceedings before it or by the Public Prosecutor in relation to such witness or on its own motion, take such measures as it deems fit for keeping the identity and address of the witness secret.

(3) In particular and without prejudice to the generality of the provisions of sub-section (2), the measures which a Special Court may take under that sub-section may include—

(a) the holding of the proceeding at a protected place;

(b) the avoiding of the mention of the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to public;

(c) the issuing of any directions for securing that the identity and addresses of the witnesses are not disclosed.

(4) Any person who contravenes any direction issued under sub-section (2) shall be punishable with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees.

13. Power to transfer cases to regular courts.—Where after taking cognizance of any offence, a Special Court is of opinion that the offence is not a scheduled offence, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for trial of such offence to any court having jurisdiction under the Code and the court to which the case is transferred may proceed with the trial of the offence as if it has taken cognizance of the offence.

14. Appeal.—(1) Notwithstanding anything contained in the Code, an appeal shall lie as a matter of right from any judgment, sentence or order, not being interlocutory order, of a Special Court to the Supreme Court both on facts and on law.

(2) Except as aforesaid, no appeal or revision shall lie to any court from any judgment, sentence or order of a Special Court.

(3) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment, sentence or order appealed from:

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.

15. Modified application of certain provisions of the Code.—(1) Notwithstanding anything contained in the Code or any other law, every scheduled offence shall be deemed to be a cognizable offence within the meaning of clause (c) of section 2 of the Code and “cognizable case” as defined in that clause shall be construed accordingly.

(2) Section 167 of the Code shall apply in relation to a case involving a scheduled offence subject to the modifications that—

(a) the reference in sub-section (1) thereof to “Judicial Magistrate” shall be construed as a reference to “Judicial Magistrate or Executive Magistrate”;

(b) the references in sub-section (2) thereof to “fifteen days”, “ninety days” and “sixty days”, wherever they occur, shall be construed as references to “thirty days”, “one year” and “one year”, respectively; and

(c) sub-section (2A) thereof shall be deemed to have been omitted.

(3) Sections 366 to 371 and section 392 of the Code shall apply in relation to a case involving a scheduled offence subject to the modifications that the references to “Court of Session” and “High Court”, wherever occurring therein, shall be construed as references to “Special Court” and “Supreme Court”, respectively.

(4) Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed a scheduled offence in a terrorist affected area.

(5) Notwithstanding anything contained in the Code, no person accused of a scheduled offence shall, if in custody, be released on bail or on his own bond unless—

(a) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(b) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(6) The limitations on granting of bail specified in sub-section (5) are in addition to the limitations under the Code or any other law for the time being in force on granting of bail.

¹[**15A. Abolition of certain Special Courts.**—Where the area comprising a judicial zone has ceased to be a terrorist affected area and no cases are pending before a Special Court or an Additional Special Court established in relation to such judicial zone, the Central Government may, by notification in the Official Gazette, abolish such Special Court or Additional Special Court.]

16. Overriding effect of Act.—(1) The provisions of this Act shall have effect notwithstanding anything contained in the Code or any other law, but save as expressly provided in this Act, the provisions of the Code shall, in so far as they are not inconsistent with the provisions of this Act, apply to the proceedings before a Special Court; and for the purpose of the said provisions of the Code, the Special Court shall be deemed to be a Court of Session.

(2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), the provisions of sections 326 and 475 of the Code shall, as far as may be, apply to the proceedings before a Special Court, and for this purpose any reference in those provisions to a Magistrate shall be construed as a reference to the Special Court.

17. Delegation.—The Central Government may, by notification, delegate, subject to such conditions as may be specified, all or any of the powers exercisable by it under this Act [except the power under sub-section (2) of section 4 and the power under sub-section (2) of section 7] to the State Government.

18. Power to make rules.—The Supreme Court may, by notification, make such rules, if any, as it may deem necessary for carrying out the purposes of this Act.

19. Saving.—(1) Nothing in this Act shall affect the jurisdiction exercisable by, or the procedure applicable to, any court or other authority under any law relating to the naval, military or air forces or any other armed forces of the Union.

(2) For the removal of doubts, it is hereby declared that for the purposes of any such law as is referred to in sub-section (1), a Special Court shall be deemed to be a Court of ordinary criminal justice.

20. Amendment of Act 1 of 1872.—In the Indian Evidence Act, 1872, after section 111, the following section shall be inserted, namely:—

“111A. Presumption as to certain offences.—(1) Where a person is accused of having committed any offence specified in sub-section (2), in—

(a) any area declared to be a disturbed area under any enactment, for the time being in force, making provision for the suppression of disorder and restoration and maintenance of public order; or

(b) any area in which there has been, over a period of more than one month, extensive disturbance of the public peace,

1. Ins. by Act 45 of 1985, s. 2 (w.e.f. 26-8-1985).

and it is shown that such person had been at a place in such area at a time when firearms or explosives were used at or from that place to attack or resist the members of any armed forces or the forces charged with the maintenance of public order acting in the discharge of their duties, it shall be presumed, unless the contrary is shown, that such person had committed such offence.

(2) The offences referred to in sub-section (1) are the following, namely:—

(a) an offence under section 121, section 121A, section 122 or section 123 of the Indian Code (45 of 1860);

(b) criminal conspiracy or attempt to commit, or abetment of, an offence under section 122 or section 123 of the Indian Penal Code (45 of 1860).”

21. Repeal and saving.—(1) The Terrorist Affected Areas (Special Courts) Ordinance, 1984 (9 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

¹[THE SCHEDULE

[See section 2 (f)]

1. Offences under the following provisions of the Indian Penal Code (45 of 1860):—

sections 121, 121A, 122 and 123.

2. Offences under the following provisions of the Anti-Hijacking Act, 1982 (65 of 1982):—

sections 4 and 5.

NOTE 1.—The offence of criminal conspiracy or attempt to commit, or abetment of, an offence specified in this Schedule shall be deemed to be a scheduled offence.

NOTE 2.—The commission of an offence specified in this Schedule by any member of an unlawful assembly shall be deemed to be the commission of that scheduled offence by every other member of the unlawful assembly.]

1. Subs. by Act 45 of 1985, s. 3, for the Schedule (w.e.f. 26-8-1985).

APPENDIX

EXTRACT FROM THE TERRORIST AFFECTED AREAS (SPECIAL COURTS) AMENDMENT ACT, 1985

(45 of 1985)

* * * * *

4. Special Courts to cease to exercise jurisdiction with respect to certain cases and transfer of pending cases.—(1) Notwithstanding anything contained in section 7 of the principal Act but subject to the provisions of sub-section (2), after the commencement of this Act, a Special Court shall not take cognizance of, or have or exercise any jurisdiction with respect to, any offence other than an offence mentioned in or connected with an offence mentioned in the Schedule to the principal Act as substituted by section 3 of this Act.

(2) Every case which is pending immediately before the commencement of this Act before any Special Court and which is in respect of an offence other than an offence mentioned in, or connected with an offence mentioned in, the Schedule to the principal Act as substituted by section 3 of this Act shall, as soon as may be after such commencement, be transferred to the principal Act to take cognizance thereof and the court to which the case is so transferred may proceed with the case from the stage at which it was at the time of such transfer as if it had originally taken cognizance of the case and the case was pending with it at that time.

(3) This section shall be read as one with the principal Act and words and expressions used in this section shall be construed accordingly.

Panglong Agreement

Panglong, 12 February 1947

A conference having been held at Panglong, attended by certain Members of the Executive Council of the Governor of Burma, all Saohpas and representative of the Shan States, the Kachin Hills and the Chin Hills:

The Members of the conference, believing that freedom will be more speedily achieved by the Shans, the Kachins and the Chins by their immediate co-operation with the Interim Burmese Government:

1. A Representative of the Hill Peoples, selected by the Governor on the recommendation of representatives of the Supreme Council of the United Hill Peoples (SCOUHP), shall be appointed a Counsellor for Frontier Areas shall be given executive authority by similar means.
2. The said Counsellor shall also be appointed a Member of the Governor's Executive Council, without portfolio, and the subject of Frontier Areas brought within the purview of the Executive Council by Constitutional Convention as in the case of Defence and External Affairs. The Counsellor for Frontier Areas shall be given executive authority by similar means.
3. The said Counsellor shall be assisted by two Deputy Counsellors representing races of which he is not a member. While the two Deputy Counsellors should deal in the first instance with the affairs of their respective areas and the Counsellor with all the remaining parts of the Frontier Areas, they should by Constitutional Convention act on the principle of joint responsibility.
4. While the Counsellor, in his capacity of Member of the Executive Council, will be the only representative of the Frontier Areas on the Council, the Deputy Counsellors shall be entitled to attend meetings of the Council when subjects pertaining to the Frontier Areas are discussed.
5. Though the Governor's Executive Council will be augmented as agreed above, it will not operate in respect of the Frontier Areas in any manner which would deprive any portion of those Areas of the autonomy which it now enjoys in internal administration. Full autonomy in internal administration for the Frontier Areas is accepted in principle.
6. Though the question of demarcating and establishing a separated Kachin State within a Unified Burma is one which must be relegated for decision by the Constituent Assembly, it is agreed that such a State is desirable. As a first step towards this end, the Counsellor for Frontier Areas and the Deputy Counsellors shall be consulted in the administration of

such areas in the Myitkyina and the Bhamo Districts as are Part II Scheduled Areas under the Government of Burma Act of 1935.

7. Citizens of the Frontier Areas shall enjoy rights and privileges which are regarded as fundamental in democratic countries.
8. The arrangements accepted in this Agreement are without prejudice to the financial autonomy now vested in the Federated Shan States.
9. The arrangements accepted in this Agreement are without prejudice to the financial assistance which the Kachin Hills and the Union Hills are entitled to receive from the revenues of Burma, and the Executive Council will examine with the Frontier Areas Counsellor and Deputy Counsellors the feasibility of adopting for the Kachin Hills and the Chin Hills financial arrangement similar to those between Burma and the Federated Shan States.

Burmese Government.

(Signed) Aung San

Kachin Committee.

(Signed) Sinwa Naw, Myitkyina

(Signed) Zaurip, Myitkyina

(Signed) Dinra Tang, Myitkyina

(Signed) Zau La, Bhamo

(Signed) Zau Lawn, Bhamo

(Signed) Labang Grong, Bhamo

Chin Committee

(Signed) Pu Hlur Hmung, Falam

(Signed) Pu Thawng Za Khup, Tiddim

(Signed) Pu Kio Mang, Haka

Shan Committee

(Signed) Saohpalong of Tawngpeng State.

(Signed) Saohpalong of Yawngwe State.

(Signed) Saohpalong of North Hsenwi State.

(Signed) Saohpalong of Laihka State.

(Signed) Saohpalong of Mong Pawn State.

(Signed) Saohpalong of Hsamonghkam State

(Signed) Representative of Hsahtung Saohpalong. Hkun Pung

(Signed) U Tin E

(Signed) U Htun Myint
(Signed) U Kya Bu
(Signed) Hkun Saw
(Signed) Sao Yape Hpa
(Signed) Hkun Htee

Source: Ethnic National Council of Burma (Website)