

Address by Foreign Secretary at the Counter terrorism Conference (February 03,2016)

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1. I am very pleased to join you all this afternoon as this conference deliberates on the challenges of Counter Terrorism. Various sessions have addressed different aspects of this issue, including the role of technology and social media, financing and infrastructure, networking and cooperation, history and religion, as well as a range of national, regional and global responses. My focus today is on how Indian diplomacy perceives this complicated problem, how we propose conceptually to address it, and what could be the possible policy options and challenges that may arise in that process. It is possible that you may consider aspects of the approach overly ambitious. However, good diplomacy rarely sets itself a low bar, particularly on matters of vital national and international security.
2. Let me begin with the challenge itself. Terrorism is today widely seen as a truly global scourge. That in itself is a great improvement over an era where it was perceived in compartmentalized and geopolitical terms, as a law and order issue, an instrument of statecraft or an expression of beliefs. That era created the adage that one man's terrorist is another man's freedom fighter. No longer. The world does not accept today that any 'root cause' justifies terrorism. And it is becoming harder by the day to be openly selective on targeting terrorists. There are numerous reasons for these changes. Among them are experiences that have brought out an inability to 'manage' terrorism as a controlled exercise over any length of time. This bears some resemblance to how the world's approach to piracy evolved. Indeed, if we were to delve into a world of parallels, you may also recall how the challenge of chemical weapons or even that of treatment of prisoners unfolded in the global discourse. In these cases, nation states came to the conclusion that the benefits of exercising such options were outweighed by the costs of doing so. Equally, there was the realization that the perpetrator could also end up as a victim. It is only when there is a broad sense of danger that the possibility of a regime to address that emerges.
3. We are, I believe, in that phase of deliberation today where the aim could be a consensus among the states of the international community to outlaw terrorism and delegitimize it as a tool of politics. Of course, such a line of thinking should not detract from specific and practical ways of countering terrorism. On the contrary, we should appreciate that this is a vital but currently missing piece of the puzzle. The counter-terrorism watch that many governments now keep will work best if it can be put in a larger construct. So far, however, the practical day-to-day aspect has dominated global response. But a framework will certainly help local action fit global norms, generating coherence in national responses and fostering international cooperation.
4. It is worth reflecting in this context that the world now has international conventions prohibiting the possession and use of chemical weapons and restricting those of nuclear weapons. At some point of time, both were regarded as utopian objectives. But now they have come to be accepted as an underpinning part of the contemporary international system. There are a number of other regimes which have emerged in recent years, including on narcotics trade, illegal financing, counterfeiting or infringing copyrights. So, the question we need to ask ourselves is why the challenge of countering terror cannot be broadly addressed.

5. The embryo of building such response exists in frameworks like the Financial Action Task Force (FATF) that sets standards with respect to combating money laundering and terrorist financing. Or the Egmont Group, which is an informal network of Financial Intelligence Units (FIU). Others such as the Al Qaeda, Taliban & ISIS Sanctions Committee of the UNSC are also relevant instruments. But they do not yet provide an effective answer, most importantly, as they do not reflect a unified global response for reasons of national expediency.
6. The first serious attempt to approach terrorism from a regime perspective is our own initiative of tabling a Comprehensive Convention on International Terrorism at the United Nations. This was done two decades ago. Interestingly, the initiative has now gathered greater traction as the specter of global terrorism appears more threatening. For those of you who may be unfamiliar with the CCIT, let me highlight its key elements:
 - It proposes to list several acts of unlawful and intentional violence that constitute an offence which all Parties are required to establish as criminal offences under their domestic laws.
 - All Parties have to ensure these criminal acts are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature. They are also to prohibit the establishment and operation of installations and training camps for the commission of such offences.
 - The State Party, in the territory of which the alleged offender is present, has to submit the case without undue delay to its competent authorities for prosecution.
 - Offences set forth in this Convention shall be deemed to be extraditable offences in any extradition treaty existing between any of the State Parties.
7. Any regime, to be effective, must enforce two key concepts: assigning responsibility and ensuring accountability. Obviously that would require a set of norms that are universally applied and enforced. Now, the very basis of the contemporary international order is that nation states are its basic unit and each government takes responsibility for developments and actions within its territory. Indeed, when confronted with situations where that ability no longer exists, we term those polities as failed states and treat them as such. Furthermore, if actions emanating from a national territory impinge negatively on others, the government of that nation is, at the very least, pressed to probe and explain as the first step in a process of accountability. This holds true for nuclear and missile proliferation, for chemical weapons, for pandemics, and nowadays, even for suspect financial transactions. Why should that not be for countering terrorism?
8. This is now where the 'non-state' actor comes in; occasionally as a genuine outcome of governance incapability, but more often as an escape clause. It isn't difficult in this modern age to trace the roots of a terrorist attack to a particular geography. The standing of those involved in terrorism in any society is not difficult to establish either. Clearly, it means something if they operate openly out of a big city with a known address, than if they live in a remote cave or an isolated jungle hideout. A paradigm, however, is not just about its human element. Terrorists use weapons that have clear sources of origin. They need financing and money usually leaves a trail. They deal with commodities; traders and brokers cannot be secrets. We have seen, in other areas, the effectiveness of controlling both upstream and downstream activities. Why not in countering terrorism?
9. In most cases, it is difficult for non-state actors to operate without the support and connivance of states. If we can move in the direction of a state-centred regime based on strict responsibility and accountability, that would certainly have a major impact on the freedom of non-state actors to propagate, operate and perpetrate. If nothing else, it would narrow the problem considerably and allow genuine non-state actors to be tackled in a more targeted manner.

10. That broad sense of responsibility is unfortunately still not there yet, even among nations that are themselves victims of terrorism. We have seen in the 1267 Committee and sometimes even in the FATF how specious arguments are advanced to block action on ostensibly technical grounds. But as the footprint of terrorism expands and assumptions of immunity erode, this is going to be harder to sustain. Remember, the non-state actor used to be a convenient excuse once upon a time in nuclear proliferation as well. As the dangers of that fig leaf became increasingly apparent, it was quietly abandoned. Since 9/11, a series of initiatives have pushed governments to assume their national responsibility, to seek help, share information and to cooperate with other governments to deny non-state actors access to nuclear material and facilities. A patchwork architecture of legal instruments has underpinned this shift. My argument is that many endeavours are deemed unrealistic – until they actually happen.
11. Even as we work to advance the prospects of a CCIT, there are a number of interim steps that can be taken. The most important of them is to exercise the ability to cause reputational damage. Naming and shaming must be carried out relentlessly in the case of perpetrators, supporters and connivers of terrorism. Tolerance for double standards on this issue must be equally frankly exposed. After all, this works in other areas – whether we speak of financial defaulters, nuclear proliferators, illegal traders or just regular violators of law. The pressure of international public sentiments can make the costs of terrorism escalate well beyond the calculations of its practitioners. A second and related activity is to use diplomacy to isolate those indulging in terrorism. Eliciting statements of solidarity when attacks happen and expressions of policy independent of happenings have a value often underestimated. To do this effectively, it is important that we do not ascribe characteristics to terrorism – whether they be of religion, region or ethnicity.
12. What may work in the case of states will obviously not always do so with non-state forces. They have no reputation to lose. If anything, they thrive on a bad one. Clearly, a different menu of diplomatic options has to be considered in their case. The key point here is that terrorists, like all other creatures, need an ecosystem to grow in. Admittedly, there are broader debates of countering extremism and radicalisation that are vital to the preventive aspects of terrorism. But more often than not, it is the state that provides the oxygen for non-state activities. Moving beyond discouraging state sponsorship of terrorism, the next step is therefore to build effective inter-state cooperative mechanisms to combat it. That is already work in progress, admittedly in its early stages. But there are issues today before the international community that beg answers. Where do potential terrorists go for training? Or how does their financing work? In many cases, we know the answers and yet choose to look away. Of equal concern is that our reaction to terrorism in some geographies is different from others. Old habits may die hard but new realities cannot be wished away. We are currently witnessing the impact of the Middle East on Europe, a development waiting to happen and yet not anticipated! Another caution worth reflecting on is to resist the temptation of buying peace at home by striking deals elsewhere. Terrorism should not be confused for social media, with our responses limited to the "trending" activities. Because new threats have emerged does not mean that the tested ones have gone away. At the end of the day, much would depend on persuading states to refrain from using terrorism as a card in the games that nations play. For those who continue to be tempted, all I can say is that is enough history to demonstrate that the care-givers of terrorism are bitten by those they nurture.
13. Countering terrorism is a priority imperative for Indian diplomacy. The role of diplomacy in facilitating intelligence cooperation and building national capabilities cannot be overstated. We have made major strides in putting in place practical cooperation with a number of countries. This is a sensitive and cumulative exercise, of building trust and habits of working together. Our counter-terrorism and security dialogues which bring together experts from all the relevant fields in regular bilateral and multilateral interactions are an important diplomatic

tool. So too is the daily work of forums such as the FATF and UN Committees to deny terrorists financing and other forms of support. And my key point today: don't ignore the utility of lawfare - the power of legal arguments – in the menu of counter-terrorist solutions, or the impact of world opinions.

14. The 9/11 Commission brought out two major limitations in government's response to terrorism that I take to be universal observations: those of imagination and those of integration. The first is an infinite proposition. But on the second, we in India, are moving to a more 'whole of the government' approach towards countering terrorism. I can say from personal experience that this is reflected in the manner in which we have approached developments earlier in the year. That we have a special envoy dedicated to this range of issues also speaks for itself. The problem that the world faces is that while the bad guys think global, the good guys still think national, sometimes still departmental. Encouraging a 'whole of the world' approach in countering terrorism is one of the major goals of Indian diplomacy. We have, admittedly, a long journey ahead but every journey begins with the first steps.
