
Security Assistance Cooperative Approaches to Counterterrorism

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[The Defense Institute of International Legal Studies (DIILS) sent their Mobile Education Team (MET) to New Delhi, India in 2004 to present a seminar.]

The Department of Defense Regional Counterterrorism Fellowship Program recently funded an especially productive and memorable DIILS MET Seminar to New Delhi, India on the *Legal Aspects of Combating Terrorism*. The seminar took a look at a range of responses to terrorism, including international law, domestic law enforcement, and the use of military force. The week's instruction included detailed, substantive legal instruction on, and lively, practical discussions of:

- Definitions of modern terrorism;
- Law and legal responses to terrorism; and
- Interagency and multinational approaches to counterterrorism.

This dedicated effort to enhance India's stability, its multifaceted approach to security concerns, and to advance U.S. and Indian relations, is significant because of India's role in world culture, economics, and international security. Home to a 5,000 year old civilization, India is the world's largest democracy. Its 1.049 billion inhabitants, 15 percent of the world's population in the second most populous nation, reside on a landmass roughly 1/3 the size of the U.S. Its armed forces, with over a million troops, are supported with 2.3 percent of India's Gross Domestic Product (GDP). India's armed forces have encountered various national security threats since gaining independence from the British Empire in 1947. After the Sino-Indian border disputes of 1962, both China and India have concluded thirteen rounds of joint working sessions to resolve their disputes. Armed standoffs and conflict with Pakistan have arisen in 1965, 1971, and have continued as a stalemate since 1997 with respect to disputed Kashmir, Indus River water sharing, and the Rann of Kutch terminus. Various tensions and disputes also exist between India, Nepal and Bangladesh over borders. India's counterinsurgency and counterterrorism efforts have been directed against groups threatening Indian and global security.

India and the U.S. share a common interest in maintaining peace and stability in Asia, an intent to counter international terrorism and counter insurgency, to maintain freedom and security of the sea lanes in the region, the prevention of proliferation of weapons of mass destruction, and maintaining a bi-lateral strategic relationship. Between 2001 and 2002, India and the U.S. have:

- Concluded a Mutual Assistance Treaty on law enforcement and counterterrorism;
- Held two meetings of the Joint Working Group on Counterterrorism;
- Formed the Defense Policy Group;
- Launched initiatives to combat cyber terrorism;
- Supported information security; and
- Promoted military-to-military cooperation.

India has also participated with the U.S. in four combined military exercises in as many years, as well as contributing to Asia-Pacific Center for Security Studies (APCSS) and National Defense University (NDU) Near East and South Asia (NESA) Center for Security Studies Executive

Courses and Counter Terrorism Fellowship Programs. In fiscal year (FY) 2004, the U.S. Department of State funded some \$2,367,604 of foreign military training, a sizeable portion (\$1,890,000) of which funded international military education and training (IMET) to bring Indian students to U.S. military command and staff colleges and war colleges, as well as various other officer training courses. High level visits between Indian and U.S. leaders from 2002 through 2004 have also helped advance in former Indian Prime Minister Vajpayee's words "the next steps in the U.S. and India strategic partnership."

Contributing towards those partnership capabilities, interests, and goals, DIILS is a joint organization that reports directly to the Defense Security Cooperation Agency (DSCA). It is the foremost Expanded International Military Education and Training (E-IMET) provider of METs. Since being established in late 1992, DIILS has presented programs worldwide to over 22,500 military and civilian personnel in ninety-two countries. These programs are accomplished through a multi-phased approach to establishing and maintaining a rapport between DIILS and the host country. Initially, an assessment visit to the host country helps DIILS gain insight into the issues confronting the host country. Subsequent planning includes an opportunity for a host nation to send civilian and military delegations to the U.S. for a planning and orientation visit designed to help develop the host country's desired MET curriculum. During such planning visits, the host country's delegates also learn more about U.S. history, culture, and civilian and military legal systems.

The DIILS Seminar in the host country helps advance the developing relationship between the U.S. and the host country and initiates appropriate institutional development via mutually planned, developed, and presented course materials in the desired language (through DIILS-provided translation). Aside from the DIILS MET to New Delhi, India, past week-long seminars have addressed:

- Operational law;
- Developing a professional military;
- Importance of the noncommissioned officer in the military;
- Legal and ethical concerns in public agencies;
- Environmental law;
- Domestic military operations;
- Interoperability and status of forces agreements (SOFAs);
- Legal aspects of combating terrorism;
- Law of the sea;
- Peace operations;
- Role of the inspector general; and
- Legal aspects of military media relations, trial methods and oral advocacy.

DIILS MET teams, in conjunction with host country participants, present structured substantive presentations in conjunction with combined facilitation of discussion groups, so that each participant has an opportunity to delve into and exchange ideas on contemporary legal and operational concerns. In so doing, the host country's military commanders, staff and lawyers, as well as civilian officials in attendance also gain unique interagency opportunities for dialogue. Follow-on DIILS seminars, constituting more than 60 percent of those conducted by DIILS, can follow precedent of previous courses or can be tailored to a host country's particular interests and desires.

In addition to METs, DIILS has a busy resident course program. Resident seminars in Newport, Rhode Island range from two to eleven-week courses on:

- International Law of Military Operations;
- Military Law Development Program;
- Peacekeeping for Decision Makers; and
- Conducting Military and Peacekeeping Operations.

DIILS also partners with other DoD institutions to provide rule of law and legal education to international students. In all resident and non-resident programs, DIILS strives to provide timely, relevant and practical legal education to its international participants.

Unlike DIILS' traditional programs that fall under E-IMET, this seminar to New Delhi was part of the U.S. effort to strengthen the ability of friends and allies to combat terrorism through the Regional Defense Counterterrorism Fellowship Program (CTFP), funded and administered through the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD SO/LIC). The DIILS MET seminar's week-long focus on the legal aspects of terrorism and counterterrorism commenced with a combined opening ceremony led by the American Deputy Chargé d'Affairs Robert Blake, Jr., Major General Nilendra Kumar, the Indian Army Judge Advocate General, and the MET's senior member, Rear Admiral (LH) John Crowley, the U.S. Coast Guard's Judge Advocate General. Accompanying Rear Admiral Crowley was a three-member joint team including USAF Lieutenant Colonel David Dales, the Chief of International Law at Pacific Air Forces, Hickam Air Force Base, Hawaii, Army Lieutenant Colonel Kevin Govern, Assistant Professor of Law, U.S. Military Academy, and USAF Major Al Rees, Country Program Manager, DIILS.

Over forty attendees traveled from across the capitol city as well as across the nation. They included uniformed Indian Army, Navy, Air Force, and Coast Guard senior staff, commanders and judge advocates, ranging in rank from Lt General Girish, The Director-General of Discipline, Ceremonial and Welfare for the Indian Army, to the grade of Captain. Also in attendance were senior civilian representatives from the Ministries of the Defense, Exterior, and Interior; to include Mssrs. Kapoor and Ekka, Under-Secretaries from the Ministry of Defense.

Indian participants provided for the seminar's stimulating exchanges of ideas, frank and open discussions, and sharing unique insights into common concerns. Current events, discussed in the context of law and the military, includes the following:

- U.S. approach to military commissions;
- Abu Ghraib prisoner abuse courts-martial;
- India's desire for a permanent seat on the United Nations Security Council; and
- Varying notions of the United Nations as law-giver and law-enforcer.

Particular note was the revelation that India would repeal its cornerstone counterterrorist legislation - the *Prevention of Terrorism Act 2002* - with the intention of reinforcing the *Unlawful Activities Prevention Act 1967* and various other laws to prevent and fight against terrorist acts. Much learning and exchange of ideas also took place outside of organized seminar times, such as during "tea-breaks," curry lunches, and warm, collegial Indian hospitality functions sponsored by the Indian Army Judge Advocate General's Staff and the U.S. Embassy's Office of Defense Cooperation. All involved held the same hopes that new-found colleagues and friends might visit each in the very near future, and that the exchange boded very well for U.S. and Indian relations continuing on the path of cooperative exchange, development, and accomplishment.