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EU-India Counter-Terrorism Cooperation: Limitations and Prospects

Patryk Kugiel

The potential of counter-terrorist (CT) cooperation between the EU and India remains untapped. On one hand, this is because of limited EU-level capabilities in this area and, on the other, to mutual distrust, despite a strategic partnership between the bloc and India. The increased terrorist threat in Europe, changes in the security policy of European countries, and rapprochement between the EU and India create, however, favourable conditions for intensifying such cooperation. A resulting improvement in security in Europe also is in the interests of Poland.

Cooperation Progress. Calls for closer cooperation in the fight against international terrorism have been repeated in all EU-India summit joint statements since the first one in Lisbon in June 2000. The 2005 Joint Action Plan (updated in 2008), listed cooperation in this area as one of six priorities in the political dialogue. In 2010, the first Joint Declaration on International Terrorism was adopted at the Brussels summit. The second India-EU Joint Declaration on the Fight against Terrorism was signed in Brussels on 30 March 2016, after a series of attacks in European cities exposed the seriousness of the threat. Finally, the last EU-India summit in New Delhi on 6 October 2017, demonstrated the increased strategic convergence of the partners in an assessment of security challenges, and brought the third Joint Declaration on Counterterrorism.¹

The problem of terrorism is the subject of annual ministerial consultations and the work of one of four working groups on security. At the 10th EU-India Counterterrorism Dialogue in August 2017 in New Delhi, it was decided to strengthen the institutional links between Indian and EU security agencies and to prepare training programmes for personnel involved in combating violent extremism. The EU's Counter-terrorism Coordinator, Gilles de Kerchove, has visited India several times in recent years. Europol and Eurojust representatives also have maintained contacts with their Indian counterparts, including those in the Central Bureau of Investigation (CBI) and National Investigation Agency (NIA). The EU and India also cooperate internationally, including in the UN, the Global Counter-Terrorism Forum, and the Financial Action Task Force. Both parties signed the Global Strategy for Combating Terrorism adopted at the UN in 2006, and the EU supports the adoption of the Comprehensive Convention on International Terrorism (CCIT), proposed by India in the 1990s.

Despite these contacts and declarations, their cooperation so far has had little tangible benefit. Both sides are reluctant to share intelligence information, and cooperation between their respective special agencies is limited. They have not signed agreements on mutual legal assistance (MLA), extradition, or monitoring money transfers (SWIFT) related to anti-terrorist investigations, which would significantly facilitate cooperation in combating terrorist threats. There is also no agreement on the sharing of data on airline passengers (PNR), although the Union has signed similar agreements with the U.S., Australia, and Canada,

¹ See: P. Kugiel, "14th EU-India Summit in New Delhi Strengthens Partnership," *PISM Bulletin*, no. 111 (1051), 16 November 2017.

and is negotiating another one with Mexico. EU-India cooperation in multilateral forums is often limited only to declarations.

India Matters. Terrorism is a serious threat in both India and the EU. In 1994–2016, terrorist acts killed almost 25,000 civilians in India and 10,000 members of the security forces. There are 39 terrorist groups on a government list of banned organisations. Although most of them operate in a limited area and have separatist tendencies (e.g., groups in the northeastern states) or extreme leftist ideology (e.g., Maoist Naxalite guerrillas), groups of Islamist extremists pose a serious threat. In addition to indigenous groups, those operating from neighbouring Pakistan (e.g., Lashkar-e-Taiba, or LeT, and Jaish-e-Mohammed, or JeM) remain a challenge. In recent years, global groups such as Al Qaeda the so-called Islamic state (ISIS) have been trying to establish influence through local groups. There is also a growing concern about ISIS foreign fighters returning from battlefields, although the number of Indian citizens in its ranks is small—about 100 people.

The EU and India also have the common goal to defeat the Taliban in Afghanistan and other extremist organisations in South Asia and the Middle East. With the second-largest Muslim population in the world (around 180 million), India can be a valuable partner in the exchange of experience in combating Islamic radicalisation. The U.S., Israel, and Russia appreciate India's contribution and have developed intensive anti-terrorist cooperation with it.

Challenges. Several major obstacles stand in the way of closer EU-India CT cooperation. The most important are the EU's limited reach in this area. The fight against terrorism remains a role for the 28 Member States rather than at the bloc-level, with the Union's mission to create common regulations and coordinate and facilitate the exchange of information between the states. The cooperation between EU members has many shortcomings, shown by the terrorist attacks in Brussels and Paris. The Union does not have its own army, intelligence, police or prosecutors, and its transnational nature makes India, like many other external partners, prefer to develop CT cooperation with selected Member States.

A second challenge is the lack of trust between the EU and India, reflected in particular in the limited cooperation in the sensitive dimension of sharing of intelligence data. Over the years in Europe, controversy has arisen from India's methods of combating extremism, related to accusations of violations of human rights. One source of such criticism is the legalisation and practice of the death penalty in India. Distrust on India's side stems from the lack of decisive EU action against Pakistan. The attacks in Europe and the increased terrorist threat, however, also mean that European countries are intensifying the fight against terrorism, which brings both parties closer together. At the technical level, the deficit in training of Indian security forces and differences in various legal regulations and data protection standards remain problems hindering more effective cooperation between respective institutions.

Conclusions and Perspectives. The persistent high risk of terrorist attacks in Europe and the links between jihadist groups require closer cooperation between the EU and third countries, including India. However, because CT lies chiefly with the Member States, the Union's attractiveness as a partner in this area is limited. Nonetheless, EU-India CT cooperation can be valuable to facilitate and complement contacts between the Member States and India, for example, by creating the legal framework for cooperation, intensifying CT service contacts, and exchanging information. It would also give a new impulse and truly strategic meaning to their partnership.

The growing convergence of views on major international challenges facing the EU and India, observed in recent years, and the tightening of anti-terrorist policies by Member States (e.g., strengthening the powers of their special services, including the ability to detain terrorism suspects) create a conducive moment to move from declarations to concrete actions. This requires, among others, an intensification of negotiations that result in signed cooperation agreements between institutions responsible for security in the EU and India (e.g., Europol and NIA) and other relevant agreements facilitating the exchange of information on terrorist threats (e.g., MLA, PNR). The intensification of contacts between the security services and the exchange of experience counteracting radicalisation or combating extremism on the internet will be helpful in the approximation of standards and procedures. To improve trust, the EU could add additional terrorist leaders (e.g., LeT's Hafiz Saeed or the JeM's Masood Azhar) and organisations operating against India to the list of people and institutions subject to EU sanctions.

India and the EU also can work together in third countries, especially in Afghanistan and Myanmar, in police training and CT services. Finally, joint initiatives at the multilateral level would be of great importance, such as the intensification of work at the UN on the adoption of CCIT or pressure on countries supporting extremist organisations.

Poland, which does not conduct intensive bilateral anti-terrorist cooperation with India, would be a beneficiary of progress in EU-India CT cooperation, leading to an improvement of security in Europe. By highlighting its clear support for more effective cooperation between the EU and India in the fight against terrorism, Poland can strengthen its position with respect to both India and its EU partners most vulnerable to extremist attacks.