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DEFENCE *and* SECURITY
of INDIA

DSI

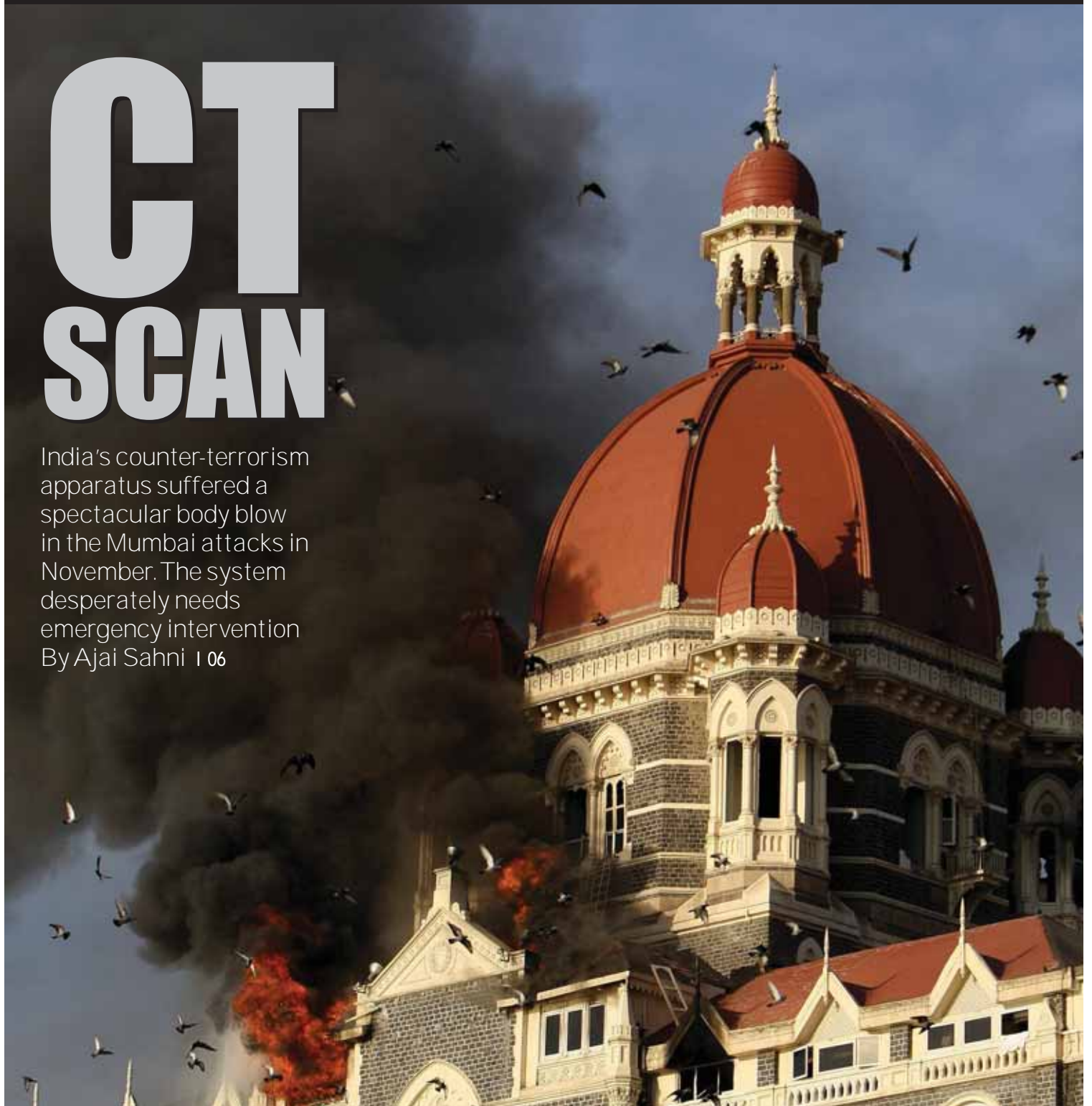
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CT SCAN

India's counter-terrorism apparatus suffered a spectacular body blow in the Mumbai attacks in November. The system desperately needs emergency intervention

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LETTER FROM THE editor



Sonia Shukla

EDITOR
Defence & Security of India

In the last issue of *DSI*, we analysed the recent Ahmedabad serial blasts, and concluded that the woeful state of our counter-terrorist (CT) machinery and decision-making-processes foretold a continuation of terror strikes at vulnerable targets across the country.

We would rather have been proved wrong. Instead, the Mumbai fidayeen attacks on November 26th once again highlighted the utter unpreparedness of our security apparatus to deal with a chronic terrorist threat. Glaringly apparent in the 24X7 media coverage of the attack was the government's inadequate response. Instead of considered measures to gear up our own CT responses, there was the usual circus of pinning blame on a malevolent external scapegoat (Pakistan) and an ineffective internal scapegoat (Shivraj Patil), and announcing fruitless measures like locating NSG units across the country.

And then attention moved on to the next round of elections. Nothing has changed. Surely it should not take worse to bring about change.

In this issue of *DSI*, we focus again on what exactly needs to be done to counter the growing threat of random terror. Our lead article argues that the march of terror cannot be halted by focusing on elite organisations. They play a role, but only as a back-stop to the first responders. And these will always be the basic police forces: the beat policeman with his ear to the ground; the lightly armed police patrols who must respond within minutes or seconds to corner terrorists and localise damage. And the well-armed, quick reaction police teams who must be capable of neutralising any terrorists cornered by the first responders.

It is time to stop aping irrelevant models of foreign security agencies. We must quickly refurbish and retrain our khakhi-clad policemen to confront the new threat.

The Mumbai attacks have damaged the fragile *détente* between India and Pakistan. This issue explores whether there is still reason to hope for a new direction in Indo-Pak relations.

Even as terror morphs into a new urban form, we cannot take our eye off India's long-playing threats. We look at India's forgotten front, the Northeast, and also examine the implications of elections in insurgency-affected Jammu & Kashmir.

And with a raft of high-value arms purchases in the offing, we focus on one of the most controversial aspects of Indian defence procurement. What wiggle room does the new Defence Procurement Policy allow for arms agents? Are they necessary? How, then, must the government regulate them?

Finally, to help us shape *DSI* into a periodical that meets your expectations, we continue to solicit your feedback. Write in at dsieditor@gmail.com. And to subscribe, all you need to do is send an email to dsisubscriptions@mtl.biz, and our marketing team will handle the rest.



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CT SCAN

Ajai Sahni examines India's counter-terrorism response to the Mumbai attacks this November.



THE Mumbai carnage of November 2008 was by far the most dramatic terrorist attack ever to be staged on Indian soil. While it is not the country's deadliest terror strike—257 people died in the 1993 serial blasts in Mumbai—this latest incident, which endured for over 60 hours of relentless fighting, and left at least 183 dead and some 300 injured, was remarkable for its sheer audacity, its unprecedented protraction, and the unwavering murderousness of its executors—all of this covered 24x7 in the most macabre reality

TV show since 9/11. Worse, the personal courage and commitment of Security Force personnel notwithstanding, the attack exposed the utter inadequacy, inappropriateness and incompetence of Indian security responses.

There has been a great deal of speculative commentary regarding the diverse motives that provoked this eventually spectacular attack. A rising consensus appears to be that elements within the Pakistani establishment were eager to provoke a withdrawal of forces from the NWFP and FATA regions; heightened



Smoke and flames billow from the upper floors and dome of the Taj Mahal hotel, one of the terrorist attack sites, where fighting raged for sixty hours





Clockwise: NSG commandos take position around Colaba market; a commando abseils onto the roof of Nariman House; and a policeman prepares to take position as gunshots are fired



tensions with India would force such action. Others suggest that the attacks intended to undermine warming relations between the new 'democratic' dispensation at Islamabad and New Delhi, and to sabotage the peace process between India and Pakistan. One American commentator notes that the terrorists "almost certainly sought to provoke an Indo-Pakistani crisis, much like the 2001-02 military standoff that nearly brought the two nuclear-armed nations to war".

Much of this analysis is of the 'blind men and the elephant' variety, and follows a pattern that is manifested after each major attack in India. The argument that Pakistan is looking for an excuse to vacate the NWFP/FATA region—knowing full well that this could lead to an irreversible radical consolidation, and a possible and permanent loss of these territories—merely in order to spite the US or undermine the war on terror in Afghanistan, seems deeply flawed. Further, in any ongoing war—and the carnage in Mumbai is part of a protracted war of terror against India—there is little reason to ask why the enemy is attacking you after each new assault.

Crucially, the planners of the Mumbai carnage simply could not have imagined the sheer scale and success it would

eventually achieve. The impact of the attack, executed by just ten terrorists dispersed across three principal locations, armed only with assault rifles and grenades (and RDX packs which they inexplicably failed to use, despite ample opportunities over nearly 60 hours), was magnified by the sheer incoherence of response—an incoherence that persisted until the very end of the operation.

Indeed, perhaps the most effective and economical response came from the shamefully ill-equipped, under-trained and unprepared personnel of the Mumbai Police in the early stages of the attack, when they successfully neutralised two terrorists in the first minutes of the operation (one killed, one taken alive and now the principal source of much of the evidence in this case). Perhaps the most remarkable index of the state of this police force, thought of as one of India's best, is that the weapon used by many of those who confronted the well-armed terrorists was the 'very old faithful' .303 Lee Enfield rifle which dates back to 1895, and which was first used in the Second Boer War (1899-1902)—a weapon more suited for display in a museum than for issue to an active police force in the 21st Century.

The counter-terrorism response went all





The most effective and economical response came from the shamefully ill-equipped, under-trained and unprepared personnel of the Mumbai Police in the early stages of the attack, when they successfully neutralised two terrorists in the first minutes of the operation



the way downhill after this. Once the surviving terrorists had made their way into their target structures—the Taj Mahal Hotel, Nariman House and the Oberoi-Trident Hotels—someone decided that this could not be handled by anyone but ‘crack commandos’. The result of this decision was that these locations were cordoned off by the police, reinforced hours later by local Army units. The terrorists were trapped, but given complete freedom to commit mayhem within each target. No determined effort was made to engage with the holed-up terrorists until the Navy’s Marine Commandos (MARCOS) arrived, more than five hours into the attack. And not a single terrorist was neutralised until the National Security Guard (NSG) replaced the MARCOS team.

Delays in decision-making, and inherent structural fractures—including the fact that the NSG is based at Manesar in

Haryana, 50 kilometres outside Delhi, and was not provided with immediate access to aircraft to transport it to Mumbai—ensured that it was eventually deployed only ten hours after the attack commenced. What followed, however, must certainly be a blemish on the NSG’s record as an effective counter-terrorism (CT) force: another fifty hours of often aimless shooting and explosions, before the last of the eight terrorists could be neutralised. It is impossible to understand what precise mission objective was provided to the NSG commandos. It could not have been simply to go in and ‘try to kill the terrorists in whatever time it takes’. Containment, the immediate isolation of the terrorists in as small a part of the structures as possible, and the protection and evacuation of civilians, should have been the first imperatives. And yet, these did not appear to be the priorities, as the commandos



seemed to be chasing the tail of the terrorists for those many long and agonising hours. Clearly, just two hundred NSG commandos could not be expected to effectively carry out the tasks of containment and evacuation, but there were thousands of other Force personnel who could have backed these actions, instead of standing paralysed in a cordon outside the target structures.

An objective operational assessment of the commando action cannot, of course, be carried out on the basis of open source information at this juncture, but there is little possibility of declaring this operation a success on the grounds that the terrorists were finally killed. Indeed, the planners behind this attack must certainly perceive the incident as an extraordinary success, considering the few resources put into it. To that extent, this must stand out as a signal failure of India's security agencies.

The antecedent failures, in terms of lack or loss of actionable intelligence, the failure to act on such intelligence, and the failure to maintain a posture of high alert within the security systems at previously identified target locations, have also been colossal, and their magnitude is still being discovered. Once again, a thorough assessment can only be carried out by agencies with full access to the facts. However, the minutiae, both of these prior failings and of operational errors, while

significant, are dwarfed by the systemic infirmities that have, once again, been exposed in the wake of the Mumbai attacks. It must be evident to any objective observer that, if another comparable attack were launched anywhere in the country—or even in Mumbai again—in the proximate future, the outcome may not be startlingly different.

Worse, most of the 'corrective' measures and policies currently being examined in official circles and in the media discourse appear to be uninformed, potentially counterproductive or wasteful, and, in many cases, plain stupid. If national resources are not to be poured into the bottomless pit of bad ideas, it is essential to examine the logic and viability of some of the most visible proposals currently being articulated.

The first category among these includes the imitative institutions that are being recommended, such as a Federal Investigative Agency modelled on the American Federal Bureau of Investigation, or the proposal to set up a derivative Department of Homeland Security.

These proposals arise out of an obsession, in India, with form to the exclusion of content. For one thing, solutions have to be prescribed within available resources parameters. Simply arguing that America has prevented attacks after 9/11, so we must do what America did,

A railway worker mops the floor at Chhatrapati Shivaji Terminus (CST), where over fifty were killed in the attacks. (R) A protest rally held in the wake of the attacks to honour the dead and demand better security



is quite ludicrous. America does not have Pakistan, the epicentre of global terrorism, as its immediate neighbour. America has launched two major wars, purportedly with the objective of containing the 'sources of terrorism' abroad. And, with a GDP of USD 14.14 trillion and a population of just over 300 million, its resources are virtually limitless in comparison to India, the GDP of which barely touches USD One trillion. More specifically, it is useful to note that the total Union Government's budgetary outlay in India is USD 150 billion, while the US spends as much as USD 650 billion on defence alone. The annual budget of the Department of Homeland Security is USD 44 billion; that of India's Home Ministry is just USD 160 million. The FBI's budget is USD 7.1 billion; the Government of India's total expenditure on policing amounts to



just USD 3 billion.

Crucially, the Union Government already presides over a multiplicity of dysfunctional agencies. These include several that have been set up in the recent past to mimic foreign (usually American) institutions: the National Security Council, backed by an elaborate secretariat and the National Security Advisory Board; the Defence Intelligence Agency; the Department of Net Assessment; and the National Disaster Management Authority (imitating the Federal Emergency Management Agency in the US). Most of these institutions remain under-manned and under-resourced across all parameters, and operate under ambiguous mandates, with little effective or statutory authority, and every one of them has failed to secure the objectives of its creation. The Centre is toying with the idea of setting up a Federal

Investigative Agency to handle all cases of terrorism, organised crime, narcotics offences and money laundering, where inter-state or international linkages are involved, ignoring the fact that this would amount to tens, if not hundreds, of thousands of cases every year. This would obviously require entire armies of highly qualified investigators and experts to handle. But the Centre has failed to provide the requisite manpower and resources even for a relatively tiny Central Bureau of Investigation to fulfil its relatively insignificant mandate. The CBI, for instance, has suffered chronic manpower shortages, which are particularly acute at the level of senior officers and investigators. How, then, does the Centre imagine that the FIA will arise, fully formed, functional and efficient, from the womb of the earth, when its own record of institution-building has

Most of the 'corrective' measures and policies currently being examined in official circles and in the media discourse appear to be uninformed, potentially counterproductive or wasteful, and, in many cases, plain stupid





ATIS chief Hemant Karkare's funeral; (R) new Home Minister P Chidambaram at CST

been utterly disastrous?

Another proposal, based on what can accurately be described as the Rambo model, is for the location of NSG units at several strategic and urban centres across the country. The idea is that small contingents of this 'elite' force would quickly be able to smash up any terrorist group that had the audacity to attack. The NSG's present record though does not support such an assessment. Furthermore, the terrorists are unlikely to do us the courtesy of attacking where we are prepared for them. Consequently, there will still be significant delays in actually deploying the NSG, though they may not be as interminable as in the case of Mumbai in November.

It is essential to recognise, here, that the potential of any terrorist operation can only be contained or neutralised in the first few minutes. This means that the "first responders"—invariably the local police—have to be equipped, trained and capable of at least containing terrorists if not neutralising them. If the first batches of police personnel had arrived in sufficient strength at each of the locations of terrorist attack in Mumbai, with appropriate transport, weaponry and communications, and had immediately engaged with the terrorists, they would probably have been able to isolate them in small corners of the target structures and minimise the loss of life, material damage, and operational time.

The reality is that while Special Forces such as the NSG—or, even better, Quick Response Teams within the police—may play a significant tactical role in counter-terrorism, the strategic success of India's counter-terrorism responses will depend overwhelmingly on the capacities, mandate and effectiveness of its general forces. It is, however, in these that the greatest and most intolerable deficits currently exist. A quick look at these distressing figures is illuminating.

The first and greatest infirmity exists at the level of general policing. India has a police-population ratio of just 125 per 100,000 in 2007, and it is useful to note that, despite so much hysteria and posturing over the 'terrorist threat', this ratio actually fell marginally from 126 per 100,000 in 2006. Most Western countries have ratios ranging between 225 per 100,000 to over 500 per 100,000. Western police forces, moreover are, infinitely better equipped, trained and resourced, even though they tend to confront far less acute challenges



We are constantly casting about for irrelevant 'models of response', but India has persistently and carelessly neglected its own experience of successful CT in Punjab and the dramatic reversal of insurgencies in Tripura and Andhra Pradesh



than those faced by their Indian counterparts.

A great deal of noise has recently been made regarding the 'failure' of the Coast Guard to interdict the Mumbai terrorists despite 'specific intelligence' regarding the threat and, possibly, their initial movement. Once again, it is necessary to realistically assess response capacity. The Indian coastline is as much as 7,516 kilometres long. Reports suggest that as many as 50,000 trawlers are registered in just Maharashtra and Gujarat. To patrol this vast coastline, the Coast Guard has a sanction of 106 patrol boats, of which just 92 are currently operational; and 52 aircraft, of which only 45 are presently in flying condition. Even if there were specific intelligence that terrorists had hijacked an unidentified fishing vessel, it is not clear how the fraction of the Coast Guard available on the Western Coast would have been able to locate and interdict the offending vessel, among the tens of thousands of fishing boats that are at sea in the area at any one time.

Finally, some of the greatest infirmities exist in intelligence, which is by far the most powerful CT instrument in the State's arsenal. Apart from the entire issue of intelligence coordination and dissemination, it is useful to look at the basic capacities for intelligence gathering. The Intelligence Bureau, for instance, has a total strength of some 13,500 officers and personnel

involved in intelligence operations, of which under 3,500 are actually involved in the task of field intelligence gathering. This is for all issues that come under the IB's mandate, not just CT. The dedicated resource for CT intelligence is in the region of about 300 (these figures are fairly reliable but not authoritative). As for the capacities of the State Police intelligence apparatus, these hardly bear mention in a current CT context.

Unless this crisis of capacities is addressed, it must be accepted that terrorists will continue to strike targets across India with virtual impunity. Terrorism is, in essence, a 'small commander's war'. It is first responders—the units immediately located in the field, usually the local police—who must be empowered to respond effectively. Creating top-heavy institutions at the Centre is not going to alter capacities on the ground. The necessary capacities have to be created at the most decentralised level, albeit within the context of a coherent and centralised CT response strategy; and this, in the Indian context, must be at the level of the thana, the chowki and the mobile police units. These may be backed by special force QRTs, but unless the quality of general policing is not enormously improved, our capacity to respond to and contain terrorism will remain ineffectual.

We are constantly casting about for irrelevant 'models of response' across the

world, but India has persistently and carelessly neglected its own experience of successful CT, particularly the comprehensive victory in the Punjab and the dramatic reversal of insurgencies in Tripura and Andhra Pradesh. The principal response in each of these three theatres was precisely the creation of decentralised capacities within a coherent CT strategy. This alone has real potential for success in India.

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RAY OF HOPE?



Pakistani Army tanks during a military operation against Islamic militants in September. The military launched a major offensive in August 2008 against Islamic extremist fighters in tribal areas, and have won the support of local tribal militias



Ayesha Siddiqi examines a delicate new moment in India-Pakistan relations that could yield rich dividends if it isn't derailed in the aftermath of the Mumbai attacks.

THE new Pakistan People's Party-led government which came to power in Islamabad a few months ago faces accusations that it continues to follow the policies of the Musharraf regime, and does not represent change. While most of the criticism at home focuses on President Zardari's inaction on the issue of restoring deposed judges, internationally attention has shifted to his willingness to solve the crisis vis-à-vis India.

The Mumbai attacks have once again foregrounded Pakistan's relations with India. Ordinary people, unconcerned about state-level solutions a couple of months ago, are suddenly talking about what will happen next; India-Pakistan relations are today as much a part of drawing room and dhaba discussion as they were a few years ago.

Zardari's ability to solve the issue depends not on his will but on his capacity to carry the larger establishment with him. Any move that the right wing, security establishment and media could interpret as the government caving in to external pressure, would be added to the list of blunders that the new government in Islamabad has already committed. The recent terrorist attacks will determine the future of bilateral relations. With both countries' security establishments gaining greater say, the attacks and their aftermath will determine whether the peace process can be revived.

Whether Zardari can resolve the Mumbai mystery and improve relations with In-



dia is a critical question. But the answer also depends on how he survives at home and builds his government's credibility to fight terrorism inside Pakistan and in the region. The Mumbai attacks have temporarily pushed Kashmir into the background; no one expects him to solve that issue until the current crisis is over. However, it remains a core issue crucial to bilateral relations.

Before talking of the direction of India-Pakistan relations in general and the Kashmir issue in particular, one must define the contours of the new policy. Does President Zardari have a plan for how far he is willing to reverse Pakistan's traditional stance on Kashmir? At this juncture, it would be far-fetched to claim that the new regime has any policy beyond a general desire to improve relations with India. Zardari's generous interview to the *Wall Street Journal*, in which he went out of his way to denounce militancy in Indian-held Kashmir as terrorism, and his earlier statement that the people of Pakistan will soon hear good news on Kashmir, is as much as we know.

This is not to suggest that Pakistan's president cannot deliver. However, lasting change in Indo-Pak relations will depend a

Zardari is part of a generation of politicians who have learnt that Pakistan's political system will never strengthen while the military enjoys untrammelled power. His instincts are to improve relations with India



great deal on four factors: a well-defined policy formulation; the Pakistani regime's strength and steadiness; Islamabad's ability to prove that peace will yield greater dividends; and Delhi's capacity to overcome the problems of coalition politics and present itself as a generous power.

From the perspective of Pakistan-India relations, the fact that the Pakistani leader has few traumatic memories of 1947 is positive. Zardari's Sindh, always a Muslim-majority area, did not suffer during Partition the way Punjab did. Sindh is the only province in post-Partition Pakistan whose Hindu minority did not choose to leave for India in 1947. Arguably, therefore, Zardari does not have anti-India bias of the earlier generation of Pakistani leaders like Generals Zia-ul-Haq and Pervez Musharraf.

Zardari is also part of a generation of politicians who have learnt that Pakistan's political system will never strengthen while the military enjoys untrammelled power. In this he differs from Zulfikar Ali Bhutto, his father-in-law and original Chairman of the Pakistan People's Party (PPP), who promised to launch a thousand years of war on India; and from his own wife Be-

Hot



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nazir Bhutto, who stuck to her father's tactics of keeping the military placated and engaged through sweeteners.

Zardari's instincts are to improve relations with India, and he realises he must not only curtail the military's power, but also challenge the military's very *raison d'être*, which is opposition to India. In this respect his motivations for improving ties with New Delhi are different even from Musharraf's, who tacked towards peace only after the 1999 Kargil misadventure.

Zardari is therefore keen to solve the Kashmir issue, which has traditionally been the cornerstone of the military's significance in the state system and in society at large. With this issue off the table, there would be little to justify the military's power. The new regime's willingness to talk to some of the warriors of terror is basically designed to prevent the army from building an internal security role and using the war on terror as a replacement for the Kashmir issue, should that eventually be resolved. From this perspective, juxtaposing Zardari's comment on the warriors in Kashmir against his willingness to negoti-

ate with domestic warriors represents not a contradiction, but sensitivity to the domestic political dynamics of Pakistan.

But intent is different from will and capacity. In fact, the capacity to make policy changes determines will. Zardari's interview to an Indian channel or *The New York Times* shows a genuine intent to improve relations with India and help solve the Mumbai attacks problem. However, his statements will ring hollow unless he can control the military establishment, and he cannot contain the military without effecting institutional changes. In the face of India's anxiety about the Mumbai attacks and the media hype, Pakistan's right-wing establishment—relatively strengthened in the last three or four months—will increase pressure on Zardari, who will be caught between his will to survive and his commitment to deliver peace.

At this juncture, however, Pakistan lacks a concrete plan. The PPP government's decision-making process is part of the problem. The party's policymaking revolves around one man—a

centralisation that will make it extremely difficult for the government to build consensus in Pakistan for a fundamental change in relations. At the moment, Zardari is leaning on external help, especially from the US. That comprises a catch-22 for the government: assistance is necessary to keep the GHQ at bay, but excessive dependence on the US, given the unpopularity of the war on terror, might undermine the PPP's credibility which is so essential for Zardari to forge better relations with India. His statement categorising Kashmiri freedom fighters as terrorists will make him unpopular in certain circles, but will not greatly hamper policy change, if the Presidency and Parliament can sell a new policy using their credibility as a popularly elected government.

The present time is also critical. With economic pressure building, the PPP government must create multiple channels for revenue generation, and here relations with neighbouring India are significant. Building the capacity to trade with India is couched within the larger parameter of improving

Camp at Siachen Glacier (18,000 ft) in 1913.
Previous page: President Zardari at the UN



Hotter



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relations with Delhi. As of now, Pakistani society is prepared for better relations; barring a general mistrust that is natural after 61 years of hostility, people are less obsessed with India as an enemy. In fact, the 2008 elections were notable for not making India a point of electoral discussion.

The critical question is, can Asif Zardari deliver at all? His ability to resolve the Kashmir issue on the pattern accepted by Pervez Musharraf—resolution without major territorial adjustment—depends not only on Islamabad's capacity to build domestic confidence, but also on New Delhi's ability to encourage the civilian regime. It is vital that the Indian government and political leadership realise that President Zardari has the capacity to alter views and policies within Pakistan regarding Delhi, as long as the strategic community and government across the border understand his intent and the sensitivity of his position.

It is relevant to add that India's strategic community seems to take Pakistani politicians less seriously than Pakistani generals, despite the fact that the politicians, especially after the 1990s, have been keener to improve relations with Delhi. The new generation of politicians is also less interested in holding politics hostage to the Kashmir issue or the larger animosity with India.

India must learn to appreciate the sensitivity of Pakistan's leadership, particularly the latest government, to help solve endemic Pakistan-India hostility. A practical way to help Zardari is for Delhi to proactively address the more resolvable issues. For example, a resolution to the Siachen Glacier and Sir Creek issues would strengthen the Pakistani president's credibility in his country, and thus strengthen his position vis-à-vis the military establishment. Even Pervez Musharraf, seen by many in Delhi as a harbinger of change in bilateral relations, was keen to solve these issues, especially the Siachen Glacier issue, to convince his army of India's willingness to mend relations with Islamabad.

Unfortunately, India's strategic community insists on linking Siachen to the larger Kashmir issue. Despite the fact that the two sides have often come close to resolving this issue, Delhi's reluctance—explained as security concerns—have checkmated any positive development. The latest effort to resolve this minor issue was thwarted by the Indian Army's refusal to take any responsibility if the Manmohan Singh government agreed to withdraw troops.

The water crisis is another issue that could make or mar the future of any sub-



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While Musharraf learned the worth of regional peace the hard way, for Zardari peace is critical to his political interests. It would suit Delhi's interests to remain engaged with the new government



Islamabad and Delhi should keep adding to tactical measures such as cross-LoC trade.

Like Pervez Musharraf, Asif Ali Zardari has the will to improve bilateral relations, including resolving the Kashmir issue. While Musharraf learned the worth of regional peace the hard way, for Zardari peace is critical to his political interests. It would suit Delhi's interests to remain engaged with the new government, especially through a show of credible gestures mentioned above, to help the PPP government sell a long-term peace with India inside the country. It is up to both India and Pakistan to capture the moment.

stantive improvement in bilateral relations. Delhi's attitude towards Pakistan and other neighbours is marked by a confidence that other governments view as arrogance. Contrary to the view within India that the country must not change for others, it is necessary for Delhi to show some largesse towards its neighbours. This is not just a matter of indulging perceived insecurity, but about encouraging regional countries' confidence in a larger neighbour. For instance, Delhi's deliberate silence during Pakistan's political crisis helped to make India relatively less relevant in Pakistan's domestic politics. Similarly, steps to manage water or create shared energy resources would bolster confidence. And refraining from exploiting the situation in Baluchistan will encourage the liberal viewpoint in Pakistan, a lobby upon which Zardari will ultimately depend

Manmohan Singh
Previous page:
Musharraf retires

to solve the Kashmir issue or improve relations in general.

The window of opportunity on both sides remains narrow.

India's relatively strengthened right wing is enhancing communal tension; the worsening condition of her religious minorities, including Christians and Muslims, feeds the insecurity of the Pakistani establishment, and strengthens the hands of those who argue that Pakistan's relations with India can never improve due to ideological reasons. This viewpoint sees Kashmir as a catalyst of bilateral tension rather than as a main source of conflict.

It would help if the Indian leadership showed the same sensitivity to Pakistan's politicians as it does to India's coalition politics. The peace process in Kashmir, and the larger bilateral peace process must not fall victim to political inertia on both sides. Both

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BETTING ON I



PRAVEEN SWAMI

FROM his massive wooden throne in Srinagar’s historic Jamia Masjid, the cleric Mirwaiz Umar Farooq last month flagged off the secessionist campaign against elections to Jammu and Kashmir’s legislative assembly.

“I want to ask the Prime Minister of India,” the cleric and secessionist politician said in his October 10 sermon, “whether it serves any purpose to hold discussions with leaders who do not dare move among the masses unless they are protected by a cordon of guards.” Farooq then lashed out at the coming elections, demanding that New Delhi instead hold direct dialogue with the All Parties Hurriyat Conference (APHC), the secessionist coalition he heads in alliance with Kashmir’s Islamist patriarch, Syed Ali Shah Geelani.

Mirwaiz Farooq’s fighting words would have had greater moral force had it not been for one uncomfortable fact: he is among the ranks of politicians he railed against. Like his secessionist colleagues Sajjad Gani Lone, Bilal Gani Lone, Abdul

As the summer’s Islamist-led mobilisation in Kashmir fizzles out, New Delhi holds elections to the state’s legislature.

Gani Butt and Aga Syed Hassan, he is protected by Jammu and Kashmir Police personnel. In addition the Mirwaiz, whose father was assassinated by jihadists for initiating a covert dialogue with the Government of India, has invested in a bullet-proof car—a sign of just how fraught peacemaking can be in Jammu and Kashmir.

On October 20, the Election Commission of India announced a seven-phase election schedule in Jammu and Kashmir—a startling development for those observers who believed that democracy would be placed in cold storage until next summer.

As in 1996 or 2002, when jihadist groups murdered more than a hundred political workers, the coming elections will be held in difficult circumstances. New Delhi will be shipping in 452 companies of central government police to help protect voters, in addition to the military and police forces already in Jammu and Kashmir—but their principal mandate will be suppressing Islamist-led street violence, not fighting terrorism.

For much of this year, Jammu and

DEMOCRACY



Kashmir was set ablaze by competing religion-fuelled mobilisations that pitted Jammu against Kashmir. In Kashmir, Islamists spearheaded a violent campaign against land use rights granted to a state-run trust that manages the annual pilgrimage to a Hindu cave-temple. When the state government revoked the land use grant, entropy followed: the alliance between the Congress and the People's Democratic Party fell apart because of internal strains; a massive Hindu-chauvinist counter-protest took hold of the Jammu region; and dozens died in violent clashes with police.

Few believed that Governor NN Vohra's centrally appointed interim administration would be able to contain the damage—but the Election Commission of India's decision to go ahead with elections reflects the considerable progress that was made. Vohra's administration used force to beat back the massive mobilisation seen this summer, but also leveraged measures like the opening of the Line of Control for cross-border trade to break the secessionist constituency.

The results are evident: **Troubled valley: A view of Srinagar** where tens of thousands—

sometimes hundreds of thousands—of protestors were on Kashmir's streets this summer, Farooq's All Parties Hurriyat Conference and Geelani's Tehreek-i-Hurriyat have failed to organise a single rally of consequence for their anti-election programme. Few expect spectacular voter turnout—not least because of the short notice for campaigning and the disruption of normal political life during the summer—but the restoration of mainstream political activity is no small achievement in itself.

How has this come about? And what outcomes could New Delhi's decision to bet on democracy have?

Why the 'revolution' fizzled

"REVOLUTION 2008" one commentator said of the mass mobilisation seen this summer. If Kashmir did in fact see a revolution this summer, it has ended in a whimper.

Not three months ago, Srinagar-based newspapers were suffused with commentary proclaiming that Kashmir was poised on the edge of revolution, the kind of mass people-power that has swept away unpopular regimes in Yugoslavia, Georgia, Ukraine and Kyrgyzstan. But reality turned out to be somewhat less colourful than Kashmiri secessionists had hoped.

The secessionists made four serious errors of judgment in their management of events in the build-up to the election campaign.

First, the secessionist leadership came to believe that the mass mobilisation seen this summer meant that the anti-India movement had acquired both political legitimacy and momentum. Outside of parts of Srinagar and other urban centres, however, this mobilisation centred not on the secessionist political platform, but on religious-chauvinist anxieties—in particular, worries that outsiders were preparing to seize Kashmiri land, or annihilate the population through an economic blockade.

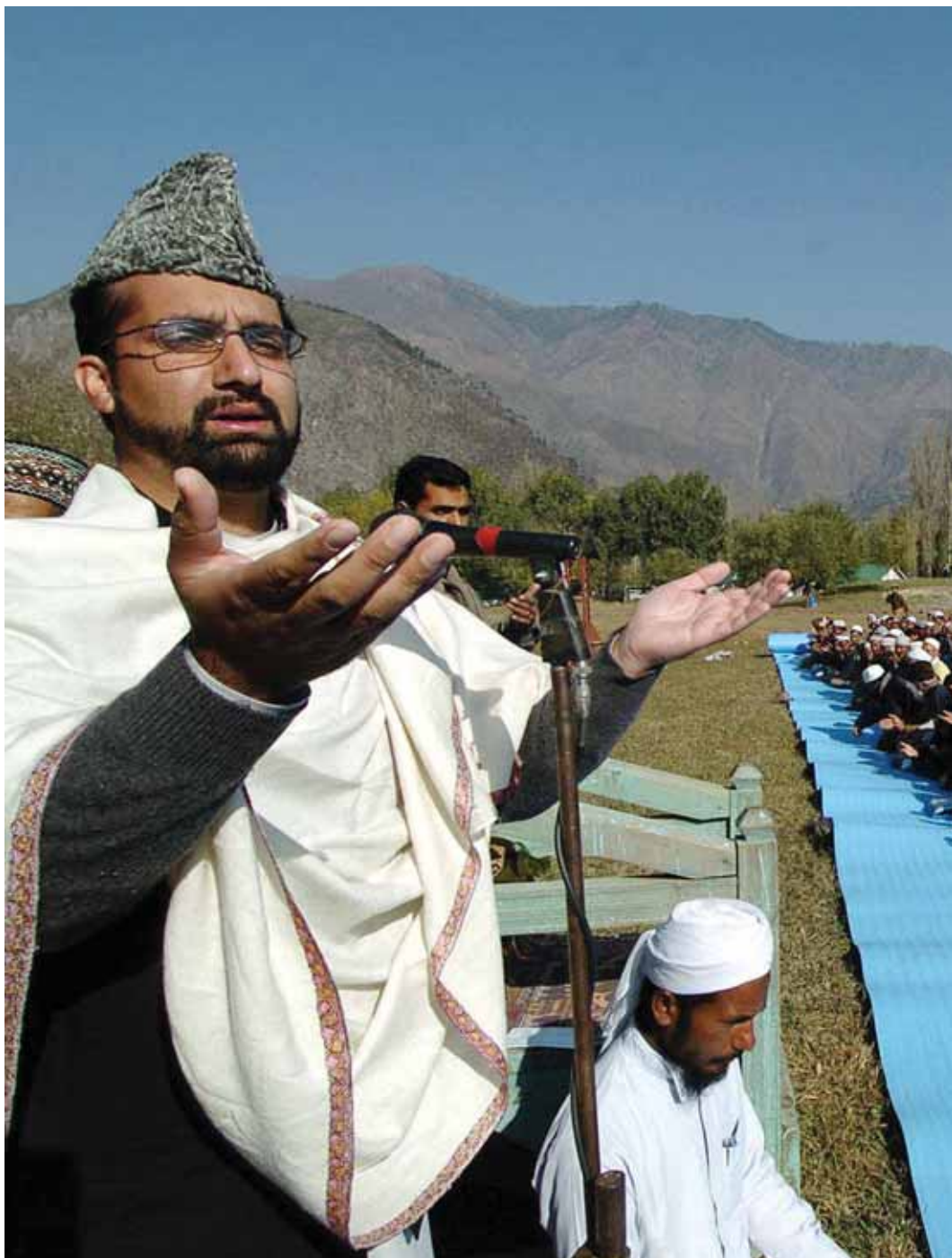
Just as importantly, the protests often involved ground-level leaders of pro-India parties like the National Conference and the People's Democratic Party, who were cashing in on the charged political climate. As the violence stilled, and elections became a possibility, these leaders ceased to support the agitation. As a consequence, the secessionists' anti-election movement has found itself confined to the anti-India movement's urban heartland, just as it has been this past decade and more. When New Delhi began cracking down on the secessionists' cutting-edge political leadership, arresting figures like Shabbir Shah, Massrat Alam, Naim Khan and Ghulam Nabi Hubbi, the APHC found itself unable to build mass protests.

Second, the APHC alienated important sections of Kashmiri society by pushing an economically crippling programme of strikes and shutdowns that hit the urban and rural middle class hard. In October, district level offices set up by the APHC were shut down after the arrest of their leading financier, Shah—a sign that the organisation simply did not have the support of the local elite who might have continued to fund the operation. Parents became increasingly concerned about frequent school closures; others tired of witnessing the deaths and injuries of young people in apparently endless—and evidently pointless—clashes with police.

Third, Kashmiri secessionists paid for their failure to reach out to the state's Hindu and Buddhist religious minorities and their political leadership. By casting their movement in opposition to Jammu Hindus in particular, the secessionists made it nearly impossible for New Delhi to make concessions or engage them in dialogue.

As the pro-Islamist cultural historian Iqbal Ahmad pointed out in a recent commentary, the summer violence demonstrated the growing influence of the global Islamist movement within Kashmir. Noting that clerics and their mosque-based networks had played a key leadership role in the movement, he argued that that summer had in fact seen something that needed to "be classified as an Islamic revolution".

Yet, this Islamist resurgence inevitably fuelled concerns across the state—and elsewhere in India. In a recent essay, the scholar Yoginder Sikand noted that the situation in Jammu and Kashmir bore interesting similarities to that in India before Partition. Just as many Muslims in pre-Independence India refused to accept the Congress' promises of secularism, he noted, "the non-



Muslim minorities in Jammu and Kashmir refuse to buy the arguments of the Kashmiri nationalists, which they rightly see as a thinly-veiled guise to justify Kashmiri hegemony."

Islamists in Kashmir, Sikand noted, assert that "if Jammu and Kashmir gets freedom and becomes a truly Islamic state, the non-Muslim minorities

Mirwaiz Farooq, Chairman of the APHC, speaks to survivors of the 2005 earthquake at Uri during prayers marking the first day of Eid

will have full freedom and equality. The late Sadullah Tantrey, once head of the Jammu branch of the Jamaat-e Islami, even went on to insist, in all seriousness, that 'Indeed so happy will the non-Muslims of Jammu and Kashmir be in this independent Islamic state that even Hindus from India would line up to

On October 20, the EC announced a seven-phase election schedule in Jammu and Kashmir—a startling development for those observers who believed that democracy would be placed in cold storage until next summer



In February, Geelani had hailed the independence of Kosovo, declaring that “the day is not far away when the people of Kashmir will announce their Independence from imperial India.” Malik, for his part, announced that Kosovo’s independence “immortalises the fact that sacrifices of martyrs for freedom of their motherland never go in vain.” Last month, when Russia recognised the independence of South Ossetia and Abkhazia, Malik once again proclaimed the decision “a psychological inspiration for the suppressed people of Kashmir.”

However, the fact is that no major power—not the United States, nor China or Russia, all of which have their own concerns about Islamists—have any desire to see an independent or quasi-independent state emerging at the heart of one Asia’s most troubled regions. Pakistan President Asif Ali Zardari, for his part, was also blunt in attacking jihadist groups operating in Jammu and Kashmir. In a landmark interview to the *Wall Street Journal*, Zardari made clear he did not see India as an enemy but as a partner—bad news for Kashmiri secessionists whose political platform Islamabad has financed for decades.

New opportunities

FOR New Delhi, each of these four factors marks a historic opportunity—if the government that takes power after the coming general elections has the vision and will to break with the unhappy script which has shaped the course of politics in



settle in the state.” Sikand concluded: “I squirmed in my seat as he went on, stunned at his evident ignorance or hypocrisy or, as seemed more likely, both.”

Fourth, the secessionists misread the global strategic situation at their cost. Early this year, a wide spectrum of secessionist leaders had persuaded themselves that the United States would push India to make concessions on Jammu and Kashmir, in an

effort to contain the rising influence of Islamists in Pakistan and Afghanistan.

It is unclear just what led South Asian Islamists to read events in this manner. Part of this reason may lie in a string of commentary from think tanks in Washington, D.C.; more importantly, Islamists may have drawn their own conclusion from the United States’ support of independence for Kosovo.

Jammu and Kashmir.

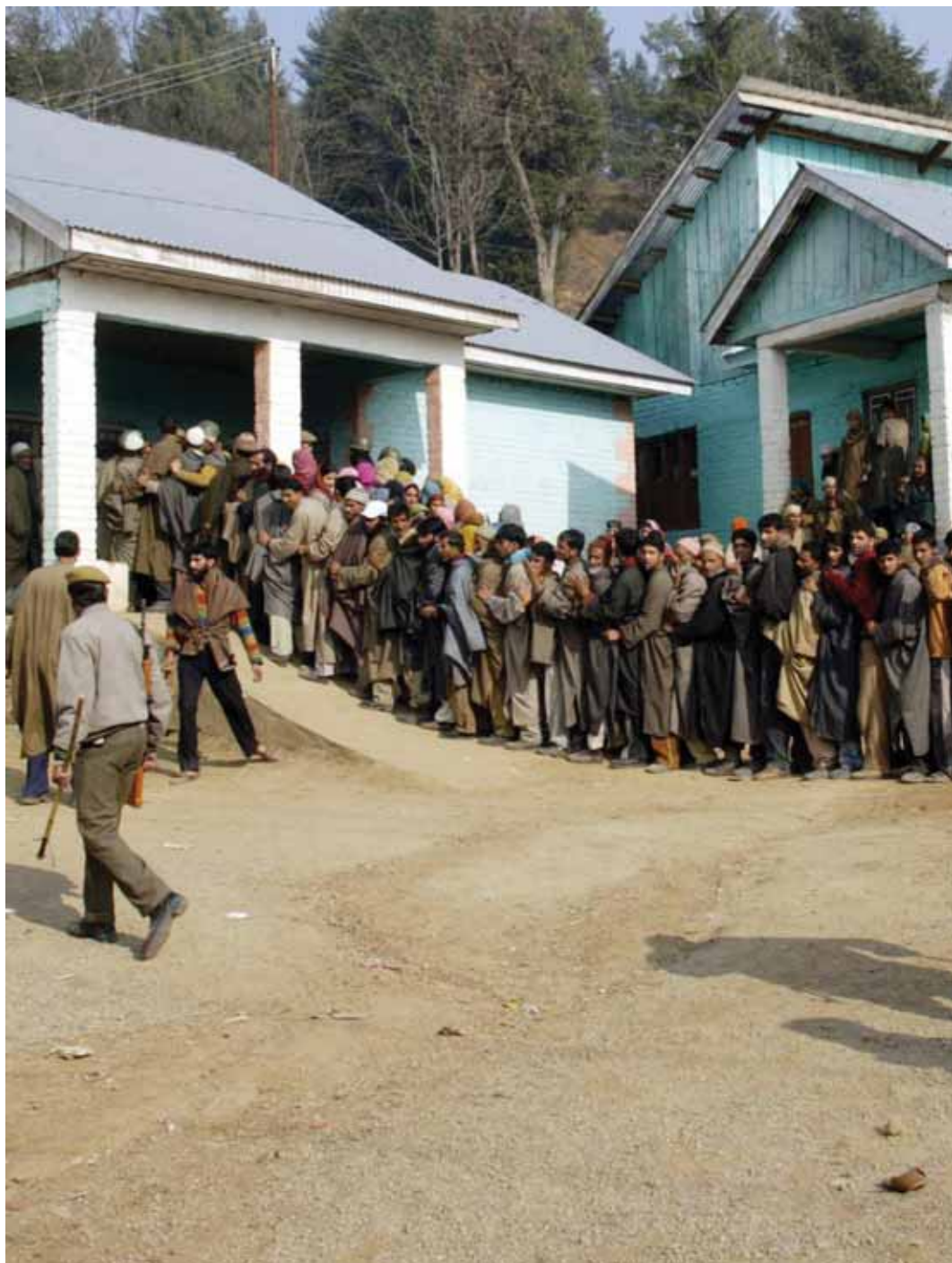
Ever since Independence, New Delhi has sought to secure Jammu and Kashmir's relationship with India through a series of backroom deals. Politicians were cajoled—and sometimes coerced—into signing agreements in 1952, 1966, 1971, and 1975. Not one of these was debated and ratified by an elected body.

It takes little to see what drove this unhappy story. Prime Ministers from Jawaharlal Nehru to PV Narasimha Rao were driven by the need to defend India against Pakistan's covert war in Jammu and Kashmir. In their view, the proper role of elected governments in Jammu and Kashmir was to dispense patronage, and thus undermine dissent—not deal with the issues that drove the conflict.

This paradigm continued to shape New Delhi's policies when democratic governance was restored in Jammu and Kashmir in 1996. Soon after he took office, Prime Minister Atal Behari Vajpayee set about seeking a deal with the secessionists, who were cast as the sole representatives of Kashmir's authentic, secessionist sentiment.

Prime Minister Vajpayee's peace efforts, although they were helped along by generous covert funding of the APHC leadership, achieved little. Hemmed in by hawks in his cabinet, Mr Vajpayee was in no position to make significant political concessions. APHC leaders, for their part, faced massive coercive pressures from jihadist groups like the Hizb ul-Mujahideen and Lashkar-e-Taiba. In essence, the APHC and the Government of India played for time. Both hoped that negotiations with Pakistan would lead to an agreement that would end the conflict by gifting the secessionists power within an autonomy-based framework. Apprehensive of just that outcome, the National Conference began adopting increasingly intransigent postures, hoping to cut the ground out from under a New Delhi-Islamabad-APHC deal. Even as New Delhi talked to the APHC, though, it rejected the National Conference's calls for a dialogue on autonomy—souring relations with the most important player in state politics.

During his first years in office, Prime Minister Singh's policies closely mirrored those of his predecessor. He once again initiated negotiations with the APHC, and authorised a covert programme to reach out to hardline secessionists outside its fold. As before, though, the APHC refused to bring a roadmap for dialogue to the table. And mirroring the actions of the National



Conference earlier, the People's Democratic Party turned to Islamist ideas and practices in an effort to stave off the political consequences of a New Delhi-APHC deal.

In 2006, the Prime Minister finally departed from the tried and tested path, realising it led only to certain failure. Instead of seeking a deal with the APHC

Soldiers watch over polling booths as Kashmiris exercise their franchise

alone, he now reached out to the full spectrum of political opinion in Jammu and Kashmir. Following all-party conferences in New Delhi and Srinagar, the Prime Minister set up five Working Groups on the conflict. Four of those Working Groups—on social confidence-building measures, the cross-Line of Control relationship, economic development, and governance—



Jammu and Kashmir Police Governor NN Vohra salutes during official celebrations for Independence Day at Bakshi Stadium in Srinagar

New Delhi has sought to secure J&K's relationship with India through a series of backroom deals. Politicians were cajoled — and sometimes coerced— into signing agreements. Not one of these was debated and ratified by an elected body



submitted their reports last year.

But the critical fifth Working Group, which discussed Jammu and Kashmir's constitutional relationship with New Delhi, has not met in over a year, let alone submitted a report.

Part of the reason for this is that major political parties in Jammu and Kashmir have failed to arrive at a shared vision of the future. National Conference leaders

reiterated their controversial 1999 proposals for wide-ranging autonomy within the Union of India, but offered no blueprint for addressing the anxieties of those Jammu and Kashmir residents who oppose this agenda. The People's Democratic Party called for "self-rule" within the existing structure of Indian sovereignty—a formulation it has now fleshed out in a pre-election manifesto. Bharatiya Janata

Party representatives called for the abrogation of Article 370, while the Congress said nothing at all.

New Delhi's failure to push the fifth Working Group also stemmed from its hope that the APHC could still be made to sign on to an emerging India-Pakistan deal. In secret meetings that began in 2005, Prime Minister Singh's envoy, SK Lambah, and his Pakistani counterpart Tariq Aziz,



Instead of empowering secessionists by starting a renewed engagement with the APHC after the elections, New Delhi would do well to turn, instead, to the politicians whom the people of Jammu and Kashmir choose to represent them



arrived at five points of convergence. First, the two men agreed, there would be no re-drawing of the Line of Control. Second, they accepted that there would have to be greater political autonomy in both sides of Jammu and Kashmir. Lambah and Aziz also agreed that India would begin troops cuts in response to de-escalation of jihadist violence, cooperatively share resources like watersheds, forests and glaciers; and, finally, open the LoC for travel and trade.

From the outset, the APHC rejected participation in the Prime Minister's round-table dialogue, refusing to accept that it was just one of several political voices in Jammu and Kashmir. Speaking after a February 20, 2006 meeting where the APHC rejected an invitation to participate in the Delhi round-table conference, Mirwaiz Farooq said that while "the Hurriyat is not averse to New Delhi's consultation process with others", it "believes that for permanent resolution of the Kashmir crisis, the governments of India and Pakistan shall have to essentially deal with those people who have been treating Jammu and Kashmir as a disputed territory from day one." Before the subsequent Srinagar conference, Prime Minister Singh's advisors have long claimed, Mirwaiz Farooq tempered that stand, and agreed to join in the discussions. However, the APHC backed out at the last moment.

As things stand, it appears that the APHC and other secessionists want a deal which hands them power, not a real



dialogue. Instead of empowering secessionists by starting a renewed engagement with the APHC after the elections, New Delhi would do well to turn, instead, to the politicians whom the people of Jammu and Kashmir choose to represent them.

Praveen Swami is Associate Editor for The Hindu and also writes for its sister



publication, *Frontline*. He reports on issues of security and low-intensity warfare, particularly the conflict in Jammu and Kashmir and the operations of Islamist terror groups in India. Mr. Swami has won several awards for his work, including the Indian Express-Ramnath Goenka Print Journalist of the Year prize, 2006, for his reportage on a series of

Farooq and Omar Abdullah at a meeting in Delhi. (L) The Amarnath pilgrimage

terrorist attacks across India; the Prem Bhatia Award for Political Journalism, 2003, for an expose on how an Indian Army formation in Jammu and Kashmir had falsified data to exaggerate its successes; and the Sanskriti Samman, 1999, for investigative work on the Kargil war. His most recent book *India, Pakistan and the Secret Jihad: the Covert War in*

Jammu and Kashmir, 1947-2002 (Routledge, 2007) was written while he was a Jennings Randolph senior fellow at the United States Institute of Peace in Washington, D.C.. His scholarly work includes *The Kargil War*; chapters in several edited volumes; and papers in journals including *The India Review* and *Faultlines*. Born in 1969, Mr. Swami read history at King's College, Cambridge University.

SECURING THE NORTHEAST

A view of Guwahati. The capital of Assam, once known as Pragjyotishapura (city of eastern light) has a 2000-year history

The multiple troubles of a much-neglected region must be addressed with dialogue, development and a more comprehensive security strategy.



SANJOY
HAZARIKA

REGARDING the Northeast of India as a mere appendage to the mainland is misleading and inappropriate. Such an attitude, at the policy level in New Delhi and in the mainstream public and media views in other parts of the country, has led to flawed policies and flawed perceptions.

The Northeast is part of a greater region; 96 percent of its international borders are with other countries, and a mere four percent with the rest of India. As the crow flies, Hanoi is closer than New Delhi. In this context, former Prime Minister of India Inder Gujral's words to an ASEAN conference resonate: "The food we eat, the clothes we wear, the languages we speak" demonstrate that connectivity, past and present.

Today Assam, the largest state, maintains its historic economic and political domination of the Northeast, even though it is a third of the size it was in 1972 before the reorganisa-

tion of the region. But the Northeast is also home to over 220 ethnic groups, eight states, about 40 million people and a burgeoning list of armed groups seeking a range of demands—from outright independence (although that flavour has abated substantially and few take it seriously any longer), to greater autonomy or new internal political boundaries. Many ethnic groups have kin on the other side of the international border in Bangladesh and Myanmar, Tibet (China) and Bhutan and even Nepal, a short distance from the thin Chicken’s Neck that remains the region’s only physical connection to mainland India.

The idea of India was first tested here over fifty years ago, and continues to be challenged. Small communities and groups have, through the decades, mobilised public support for movements against it. They have battled the might of the Indian State (army, air force and paramilitary as well as local police) in impossible terrain for decades—sometimes with Chinese, Pakistani and Bangladeshi support—and fretfully and fitfully engaged in peace negotiations, some successful, others not.

In addition, India and its Northeast cannot but be concerned about China’s loud new claims to Arunachal Pradesh. The Chinese have built an amazing network of roads and railways in Tibet almost to India’s doorstep; Lt. Gen. JN Mukherjee, former GOC Eastern Command and soldier-writer, remarks that these are not merely economic highways, but have strategic relevance. There is virtually nothing on the Indian side, although the Centre has now announced plans to build a trans-Arunachal highway. As usual, India is playing catch up.

Udayon Misra says that the Northeast repeatedly questions the centralised power of the Indian State and its management of the problems of dissent and political identity, especially the question of “one nation”, with a stress on homogeneity.

The first political challenge to the idea of India was represented by the revolt in the Naga Hills in the 1950s, which followed years of demands for independence by the Nagas trying to hold the British to a promise they never quite made. Military operations, mixed with occasional political parleys, failed to crush the armed uprising. In recent years, however, Delhi has adopted an approach that recognises that political identity lies at the core of the demands of the Nagas, Mizos, Manipuris, Assamese, Bodos and others, and is trying to



negotiate processes for change within the Indian Union.

These processes remain ad hoc and non-substantive for the most part, given the nature of the State, its inherent reluctance to engage with such groups for a long-term solution, and the suspicion and short-term political party interests that dominate such discussions. There are also acute divisions within the insurgencies along ethnic lines.

But the issues go beyond assuring conventional security—they are about meeting basic needs, ensuring participatory development, and giving people a stake in their future. This article looks at these issues through the prism of non-conventional threats to security, which are not as well understood as the conventional. It is divided into four sections and focuses on

The Northeast is intertwined and interdependent, and so too are its security concerns. Some non-conventional challenges are those that do not respect borders, and among the most critical is illegal migration from Bangladesh



PM Manmohan Singh at the inauguration of Indira Gandhi Park in Itanagar, during an official visit to Arunachal Pradesh in January 2008

Assam and Nagaland in the main (to discuss the problems of other states that have faced the impact of violent conflict, like Manipur and Mizoram, would require greater space).

The migration conundrum

THE Northeast is intertwined and interdependent, and so too are its security concerns. Some non-conventional challenges are those that do not respect borders—like cross-border cyber-, small arms- and narco-terrorism—and among the most critical is illegal migration from Bangladesh.

In April of 2005, an extraordinary SMS found its way into my mobile while I was travelling in Assam, showing how swiftly media and technology can span barriers and spread disinformation. Issued by a local

youth group hitherto (and since) unheard of in the tea and oil-rich belt of Upper Assam, the message proclaimed: “Save Assam, Save Identity” and added that the state’s people should take an oath to deny work, food and shelter to Bangladeshis as part of their patriotic duty.

The Assamese and English language media at the time were hysterical with reports of “Bangladeshis”—popularly believed to be Muslim—being rounded up in Dibrugarh city, raids by vigilante groups, and “foreigners” leaving for fear of being caught.

“Thousands” were said to have left the area, including from other towns in Upper Assam—one estimate placed the figure at over 10,000. These were mostly seasonal labourers, including brick-kiln workers.

The migrants went off in buses to Guwahati, the principal city of the state, denying that they were Bangladeshis and asserting that they were from the border districts of Assam close to the Bangladesh border, and had voting rights and residences there. They were tracked to the railway station at Guwahati and soon after that seemingly disappeared, from the media and public memory as well as from official records.

A senior official in Dibrugarh said that at the peak of the agitation, no more than about 4,000 had left, of which less than half were Bangladeshi, a figure he said was based on reasonably reliable police reports. The others, he asserted, were Indian Muslims as well as Hindu migrant labourers from other states, especially Bihar, which has long sent workers to the Northeast to

flee the poverty and unemployment in their home areas.

Despite local hostility and sharpening ethnic confrontations, and despite the existence of a border fence, migrants still come for economic purposes, to work and earn a living.

Some of the movement is temporary—people going back and forth for work, especially as unskilled labour—and some of it is permanent, with people leaving their homes with the intention of setting up a new residence. Some move to Assam and then travel to other parts of the Northeast

and of India. An elaborate industry of travel touts and organisers facilitates this travel, which was, at one point, largely voluntary. This sort of movement comprises a real and present threat, which cannot be underestimated, of radicals and other elements infiltrating and potentially destabilising the



region. But to label all migrants as security risks, and all settlers as Bangladeshis, is both illogical and inappropriate.

There are various demographic pressures, security threats and perceptions. But the infiltrators who pose one of the greatest security threats are the anti-India

insurgent groups who slip in and out of Bangladesh. They receive support from groups in Bangladesh, including political parties, members of parliament, human rights groups as well as some media and, of course, the ubiquitous Directorate General of Field Intelligence.

**Buddhist monks celebrate
Buddha Mahotsav in
Tawang, Arunachal Pradesh**



Field research in “migrant-dominated” regions of Assam shows that large populations live without access to basic infrastructure. This fact, if it remains unaddressed, could lead to the development of a truly radicalised group



There are an estimated 1.5-2 million (15-20 lakh) illegal migrants in Assam, and no law or government is strong enough or determined enough to “throw them out”, as agitators demand. The concentration of migrants, the range of ethnic communities, and the danger of clashes leading to major law and order situations has prevented any government in Delhi or Assam from doing anything substantial about the issue for the past thirty years, despite the rhetoric. After all, the first task of a government is to maintain law and order so as not to create fresh problems for itself.

There is also a threat from within. Like the migration issue, it is not militaristic in origin, but springs from neglect and lack of development. Field research in the “migrant-dominated regions” in Assam—essentially western and central Assam—shows that large populations live without access to basic infrastructure. This fact, if it remains unaddressed, could lead to the development of a truly radicalised group born out of the frustration of being shut out of the system despite being part of it. Assam has the second highest Maternal Mortality Rate in India after Bihar, and 61 percent literacy places it at number 20 among the states in India. Poor HDI and bad infrastructure are sure incentives to further alienation.

How are these issues to be resolved? Certainly not by vigilantism or aggressive public posturing. There needs to be a rational approach with a focus on border management, because people are leaving Bangladesh for economic and environmental reasons.

My suggestion on migration has been in the public domain for some years: ID cards for all residents in the region, based on the National Register of Citizens of 1951 and the 1971 state electoral rolls; and work permits (WPs) for all who came after 1971 and those who wish to come for brief one or two-year periods. A work permit would not be an acceptance of permanent settlement, nor would it confer the right to vote; it would confirm the temporary status of a migrant and ensure that he or she is not eligible to the rights of a citizens (to acquire immovable property, move elsewhere in the country, marry locally, or vote). It is possible, in a country with the best software engineers in the world, to develop bio-metric ID cards or, in the interim, issue WPs with photographs, finger printing and pupil detection.

This may not solve the problem, but it is crucial to look at fresh ways of managing India’s borders in a region where 96

percent of these borders are international. At the moment, many illegal migrants are de facto Indian citizens without even going through the minimal process that those born in India are required to; yet, many are still without ID cards or the vote.

The Naga imbroglio

ALTHOUGH the Nagas’ resistance to a larger nation goes back to their resistance to the British in the latter part of the 19th century (when the area was lightly controlled), the first political organisation to evolve in the then Naga Hills of Assam, the Naga Club, was formed in 1918. On January 10, 1929 it submitted a memorandum to the Simon Commission, demanding that the Nagas be under British control and excluded from proposed constitutional changes. The desire to be located outside India and not within seemed clear even at that nascent stage of nationalism. It was prompted also by the determination to protect what was perceived as a traditional way of life based on customary laws that were not codified.

If the Nagas’ first brush with the world was with the British in the 19th century, it was followed by the Second World War, when the Japanese military tide was stopped and turned back at Kohima.

Naga political organisation grew with the formation of the Lotha and Ao Councils as well as with the emergence of the Naga Hills District Tribal Council, which gave way to the Naga National Council in 1946. The birth of the NNC flagged the foundation of Naga consciousness.

A series of events followed, including the ill-fated agreement between the Naga Council and the then Governor of Assam, Sir Akbar Hydari, whose ninth clause continues to be interpreted in different ways since it said that the Nagas could, at the end of ten years, decide on their future.

“The Governor of Assam, as representative of the Government of the Indian Union, shall have a special responsibility for a period of ten years to observe the due observance of the Agreement. At the end of the period, the Naga National Council shall be asked if they require the above Agreement to be extended for a further period or a new agreement regarding the future of the Naga people to be arrived at.”

The Nagas felt this meant they could opt out of India, but that was not to be. The agreement fell by the wayside as violence erupted in the 1950s, and the Indian State hurled land and air power



against the rebels led by AZ Phizo.

Seeking support, the Nagas trekked to Yunnan Province in China under the leadership of Th. Muivah in 1966, and established political links that enabled arms training and weapons supply. Connections with the Pakistani establishment, especially the army, were also established, as was Muivah’s legendary status as fighter, diplomat and astute politician.

Half a century down the line, with thousands of lives lost on both sides, three ceasefires and one accord, the Nagas are still negotiating for political space. Despite

the fragility of the ceasefire, clashes between the security forces and the NSCN are at an all-time low. Yet, the fratricidal killings continue and represent the failure of peace and reconciliation efforts by the government, the factions and civil society groups, without which there cannot be a lasting peace. Reconciliation may not precede a settlement, but no agreement can be sustained without it. Personal egos and tribal bitterness going back twenty years run dark, deep and bloody between the Khaplang and Muivah groups.

The NSCN has given New Delhi a list



Many have followed with sadness the descent of Ulfa from an organisation that championed the well-being of Assam, however misplaced that vision, to one that preys on the people it claims to fight for



Security personnel inspect a bike destroyed by an Ulfa bomb blast in Guwahati, January 2007, which killed two

of 35 demands, including demands for a federal relationship based on a different constitution, control over international trade and foreign affairs as applicable to Nagaland, and even its own army. This will not get beyond the first cut; nor will the demand for greater territory sliced off from Assam, Arunachal and Manipur, none of whom want to give an inch. Both sides cite history. No agreement can last if it generates ill will. Despite Article 3 of the Constitution, which empowers the Centre to redraw a state's boundaries, New Delhi knows that this is too

sensitive an issue to press.

Today, discussions between the Nagas and the State have resulted in the problem becoming an internal problem of India, rather than a bilateral issue negotiated by two independent groups. What Muivah wants is *de jure*; what he has, as I remarked to him once, is *de facto*. "Exactly," he said. It's a question of how negotiators break that down into nuts and bolts.

There is hope in Nagaland these days after the two factions have begun meeting under the banner of the Naga Reconciliation Forum; a recent football match in

Kohima brought foes together on the field, developing a new space and opportunity for dialogue and better understanding.

Ulfa's rise and fall

MANY have followed with sadness the descent of the United Liberation Front of Asom (Ulfa) from an organisation that championed the well-being of Assam (however misplaced that vision) to one that preys on the people it claims to fight for. The genuine concerns Ulfa initially raised have gotten lost in the storm of killings, counter-killings, violence, anger and suspicion that has been unleashed by the group and the State in retaliation. Over thirty years, it has morphed into an armed group that remains capable of occasional strikes but especially of harming the vulnerable and poor who have no security.

In security parlance, it remains a 'low-grade' insurgency/conflict, when compared to that in Jammu and Kashmir, although more lives have been taken in the Assam arena these past years because more civilians have been targeted.

A significant number of cadres have been killed and a larger number have been captured or have surrendered. While this has reduced the active armed strength of the organisation in Upper Assam, recruitment continues because it is offered as a source of employment for the desperate.

In addition, the pendulum of public opinion, anchored by a noisy and breathless media, has swung from the side of militants on the run to the government, and then back again, depending on the conditions and the incidents which take place.

During a conversation with Ulfa's representatives in 2006, the Prime Minister shared a remarkably honest view: that he was "a servant of the Constitution, responsible to parliament and the collective wisdom of the Cabinet", and that he would do everything within those powers to resolve the issues. But talks have meandered to a stalemate and neither side shows interest in moving them forward, for there cannot be talks with preconditions.

Yet, there must be some ground rules: keep the doors open; use interlocutors who are acceptable to both sides; don't trumpet the talks from the rooftops; and have direct negotiations. Ulfa's reluctance towards dialogue reveals its political timidity in terms of a negotiated settlement; it prefers the status quo which will keep Assam and the Northeast dependent on India, the very colonial relationship they claim to oppose.

We need to review the role of sweeping legal powers in difficult security situations, especially if these create conditions of enduring enmity, suspicion and tragedy as well as extensive human rights abuse



NCSN leaders Isak Chisi Swu (R) and Thuingaleng Muivah (L) with then Home Minister Shivraj Patil in New Delhi, December 2004, leading up to peace talks in Bangkok

But keeping the doors open has led to two strike companies of Ulfa participating in the negotiations even though the top leaders stay away.

Rights, laws and justice

FINALLY, we need to review the role of sweeping legal powers in difficult security situations, especially if these create

conditions of enduring enmity, suspicion and tragedy as well as extensive human rights abuse.

The Armed Forces Special Powers Act was passed by Parliament in 1958 and is one of the baldest, barest laws aimed at crushing an armed threat to the state. The government said at the time that such powers were a temporary measure, but more than fifty years after its promulgation,

the AFSPA continues in the Northeast. It has also been used in Jammu and Kashmir and in Punjab where the State defends its use, citing the need to fight local struggles for self-determination and/or outright independence which could harm "national integrity".

One of the most controversial clauses of the Act, which authorises the state or Central government to use the army when



“civil disturbance” spins out of the control of the local administration, enables junior members of the security forces to shoot to kill without the risk of criminal prosecution. Such a law has no place in a democracy. Any discussion on a national security law cannot but provide safeguards for protecting basic rights that are guaranteed by the Constitution. The army has to be pulled out of the policing work that it often does in the

Northeast. The police have been doing less and less, hiding behind the army.

No state can fulfil its legal and constitutional mandate if it does not stop such dependency. The role of the security forces has been besmirched by overuse in what should be essential civilian operations. This was reflected in the killing of the suspected militant Ms Manorama Devi while she was in the custody of the Assam Rifles; the

subsequent upsurge against the AFSPA prompted the Centre to review it.

The Justice Jeevan Reddy Committee, which reviewed the Act, said that “for whatever reason, (the act) has become a symbol of oppression, an object of hate and an instrument of discrimination and high-handedness ... should be repealed without losing sight of the overwhelming desire of a majority of the region that the army should remain although the act should go.”

The Committee, of which I was a member, provided a legal mechanism for this. The tragedy is that over two years after our report, the Government of India has neither tabled it in Parliament, nor developed a debate on the report itself or the issues it raises, indicating its lack of interest in reducing arbitrary and overwhelming powers, and its reluctance to rein in the army and give local police a chance to perform. (However, the report can be read in full on *The Hindu* newspaper’s website).

The AFSPA review provided a rare moment when a national security law was critiqued by a committee that drew on people outside government as well. That is the test of a democracy; but the real test of a mature democracy is accepting the changes needed. In that, the government has been found wanting.

Sanjoy Hazarika is Managing Trustee, Centre for North East Studies and Policy Research (C-NES); Visiting Professor at the Centre for Policy Research; Editor; author and columnist. He is a specialist on migration and issues in the Northeast and his books include *Writing On The Wall: Reflections on the North East*; *Strangers of the Mist: Tales of War and Peace from India’s North East*; and *Rites of Passage*. He is an award winning former correspondent of *The New York Times*, and was a member of the National Security Advisory Board, the Armed Forces Special Powers Act (AFSPA) Review Committee, and an advisory panel for the NE in the National Commission to Review the Working of the Constitution. He is a former member of IC-SSR and is appointed to the National Disaster Management Advisory Board and the Task Force to look into the problems of Hill States and Hill Areas. He is also a member of various committees in the Planning Commission for the Eleventh Five Year Plan. He was one of the principal authors of the *North East Vision 2020* document, released by the Prime Minister in July 2008.

THE Indo-US nuclear deal has finally been successfully concluded, after a three-year-long struggle during which it was given up for dead several times. It is now time to take stock of its implications and impact in two important areas: national security and energy requirements.

NATIONAL SECURITY

THE deal could impact our strategic programme in two possible ways: the quality of weapons, and their quantity.

The right to test

THE deal could impinge on the quality of our weapons because of its impact on our freedom to conduct further nuclear tests. Improving or modifying India's weapons, either by making them smaller and more easily transportable in long range Agni missiles, or by making more powerful fusion weapons, may call for further testing. Opinions differ on how likely all this is. It is not clear whether any contingencies would arise requiring India to modify its weapon design. If they did, they might or might not require further underground testing; computer simulations might suffice.

Nevertheless, it would be a serious matter if, as part of the deal, we lost the option to conduct a test should such a remote contingency arise. But that is simply not the case. Concerns that the deal will rob India of its "sovereign right to test" are totally misplaced, and based on confusion if not obfuscation. The only agreements India has signed in this deal are the safeguards agreement with the IAEA, and the 123 agreement with the US. There is no mention in either document of India agreeing not to test. Other documents are not binding on us—neither the Hyde Act, nor any internal correspondence between the US government and its Congressmen.

What is endangered is not our right to test, which we can always exercise, but the deal itself, should we choose to exercise that right. All serious observers have known from the beginning that the deal may be jeopardised if we conduct another nuclear test (and especially if we are the first to do so). Even so, the response of different nations to any future test we may conduct could vary. The NSG's clearance frees us to

deal not just with the US, but with all nations, particularly Russia and France. Not all of them will necessarily discontinue what could be plum commercial contracts for them.

Even if we were to end up conducting a test (say, ten or twenty years from now), and even if the deal were to totally break

against being left holding a large bunch of unusable reactors starved of fuel or spare parts. In any event the option of whether to conduct a test or not will be entirely ours, taking into account all the consequences, of which losing nuclear commerce may not be the most serious.

Impact on fissile material production

THE effect of the deal on quantity, i.e. the size of India's nuclear arsenal, needs to be discussed in quantitative detail, since critics of the deal had prophesied dire consequences on this front. This concern is related to the deal's impact on the production of plutonium (Pu), on which India's weapons programme is based. Unlike uranium, Pu is not available underground to be mined; it has to be artificially produced in nuclear reactors, where some of the parent uranium fuel is converted to plutonium under the impact of neutrons in the reactor environment. Thus the spent fuel rods of our reactors contain some Pu, which can later be chemically separated in reprocessing plants.

We must distinguish between two categories of plutonium. Weapons-grade plutonium (WgPu), which has over 90 percent of the isotope Pu (239), is best suited for weapons. Almost all Pu-based bombs in the world use this grade. To produce it one has to run reactors in a special way ("at low burn-up") as India's Cirus and Dhruva reactors have done to produce Pu for weapons. But the bulk of our CANDU reactors, run at normal burn-up, produce an impure form called Reactor-grade Plutonium (RgPu). It must be borne in mind, however, that RgPu, although not ideally suited for that purpose can, in a pinch, still be used to make nuclear weapons.

Existing plutonium stocks

Weapons-grade plutonium: One of the features of the nuclear deal is that all existing stocks of Pu can be used for military purposes. The Indian government does not put out official data on its stocks of fissile materials, but, given the characteristics of a reactor, it is possible to estimate how much Pu it will deposit in its fuel rods. My colleagues and I at the International Panel

NUCLEAR FALLOUT

The impact of the Indo-US nuclear deal on India's strategic and energy programmes



R. RAJARAMAN

down as a result, we would be no worse off than we would have been had there been no deal at all. For decades we have been under siege because of technological sanctions. The deal will at least permit us, for as long as it lasts, to enjoy the benefits of international nuclear commerce and technical interaction. Needless to say, we should take precautions, when contracting to buy individual reactors from other countries,

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US President George Bush
greeted PM Manmohan Singh
at the G20 Summit in
Washington in November

on Fissile Materials have made these and other such calculations, which form the basis of the discussion in this section. The details are available in research reports at www.fissilematerials.org, but, in summary, the Cirus and Dhruva reactors should have produced about 750 kg of WgPu so far. Of this, about 120 kg will have been used up in past nuclear tests and research work etc, leaving over 600 kg of WgPu. At roughly

5 kg per warhead, we have a WgPu stock equivalent to about 120 weapons. We expect most of this to have been separated by reprocessing, although we don't know exactly how much has been weaponised.

Reactor-grade plutonium: Four out of 17 power reactors, built with foreign collaboration, are already under safeguards. Their output cannot be used for weapon

purposes. Based on the actual electric power generated by each of the remaining 13 reactors, we estimate that by mid-2007 over 12 tonnes of RgPu will have been deposited in their fuel rods.

If India chooses to use this RgPu to make weapons, which in principle is possible even though the weapons may not be reliable in their yield, these 12 tonnes are enough to make anywhere between 1200

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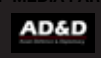
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and 1700 weapons. That is larger than the current arsenals of the UK, France and China put together.

Perhaps less than half of this has been actually separated till now, since India's three reprocessing units at BARC, Kalpakkam and Tarapur have been working at far less than full capacity. However, all of the 1200-1700 weapons worth of RgPu, whether separated out or sitting in our spent fuel, lies outside safeguards and is available for weaponisation. This is in addition to the previously mentioned 120 weapons' worth of WgPu.

Future plutonium production

TO ESTIMATE how the deal will affect future production of Pu for weapon purposes, recall that under the deal's Separation Plan, eight out of our 22 thermal reactors, and the Fast Breeder reactor (PFBR), are deemed military. (Although this Breeder will use up some RgPu as fuel, it will "breed" WgPu as its output. This was why India insisted that it be considered military.)

In the immediate future, while some military reactors are being completed and others are being placed under safeguards in a phased manner, the amount of weaponisable Pu produced will vary. But by, say, 2014, all safeguarding arrangements will be complete, the Cirus will have closed down and the Breeder will have come into operation. Thereafter, the Dhruva will continue to produce about 23kg, and the Breeder about 130 kg of WgPu—altogether over 30 warheads' worth, every year. This is a five-fold increase from the current rate of WgPu production.

In addition, the eight military CANDU reactors will churn out about one tonne of RgPu annually.

In short, not only do we already have a substantial reserve of reactor- and weapons-grade Pu, but the nuclear deal will permit continued production, especially thanks to considering the Breeder military. Finally, the deal does not prohibit India from building more reactors inside the military sector.

Critics of the deal in the West and in Pakistan allege that it will strengthen India's weapons programme by allowing it to divert all its domestic supply of uranium towards WgPu production, since uranium for its civilian programme can now be purchased from abroad. In theory this may be true, but in practice I believe it is unlikely. What India could do, in principle, if it had surplus domestic uranium, is to run



The immediate major benefit will be the freedom to import badly needed uranium for our civilian energy sector. India's uranium ore resources are limited and not of the highest quality



one of those eight CANDUs at low burn (of 1000MWd/tonne) and thus produce more WgPu. But this would require about 190 tonnes more uranium annually.

The current uranium mining rate of less than 300 tonnes per year can barely fuel the eight CANDUs at a normal burn of 7000MWd/tonne. So there is no uranium surplus right now, even with the nuclear deal. True, new mines may yield another 200 tonnes, and if India were desperate to speed up its weapons production, it could resort to running one CANDU at low burn. That is a difficult process that requires refuelling seven times faster, for which the loading accessories are not currently set up. Besides, as we have noted, India will in any case enhance its WgPu production rate by a factor of five once the Breeder is in full flow, without resorting to these complicated manoeuvres.

Enriched uranium

ALTHOUGH our weapons have been Pu-based, we do have one centrifuge facility at Rattehalli in Karnataka, which produces highly enriched uranium (HEU). But it is



existing and under-construction reactors is about 675 tonnes. The current uranium production is only about 300 tonnes/yr (600,000 tonnes of ore of 0.05 percent U content). Some of our reactors are reported to be currently running at 50 percent of capacity or less because of this shortage.

Efforts are on to open new mines that may yield 150-200 tonnes more. But to grow to, say, a 50,000 MW capacity in a couple of decades, as the government would like to, you would need about 7000 tonnes of uranium a year. Even if India could mine uranium that fast, it would run out of all underground ore soon. According

India's atomic chief Anil Kakodkar (R) at the IAEA's headquarters in Vienna in 2007

to the authoritative "Redbook" on uranium resources, the known conventional in situ resources include 54,800 tU under the Reasonably Assured Resources (RAR) category and 29,800 tU under Inferred Resources (IR) categories. There may in addition be about 29,000 tonnes in the "undiscovered resources" category. This gives a range of available uranium from an assured 54,800 tonnes to an optimistic maximum of about 114,000 tonnes. That can fuel 50,000 MW worth of reactors only for 8-16 years.

Therefore, India simply does not have enough uranium ore for such large generating capacities for any significant length of time. This shortage was a major motive behind signing the deal, which enables us to import uranium and permits us to build up a fuel reserve. This is stated in Article 5, sec.6 (b) (iii) of the 123 Agreement, and was reiterated by President Bush in his signing statement.

Apart from allowing fuel imports, the deal also enables other countries, especially the US, France and Russia to construct reactors here, which will significantly speed up the growth of our nuclear power capacity. Major companies in a position to do this are General Electric and Westinghouse in the US, Rosatom in Russia and Areva in France. Detailed discussions with all of them have been proceeding informally for some time, in anticipation of the deal. The NSG waiver has legally allowed us to sign nuclear cooperation agreements with all these countries. They have already been signed with France and the US, and an agreement with Russia is expected to follow soon. Sharing technology and expertise with these nations will also help our breeder-based thorium program.

The deal will also enable technology

transfer in other potentially dual-use areas, like supercomputers, robotics, advanced materials, sophisticated electronic sensors and so on, and benefit sectors like meteorology, space and defence hardware. We can also consider selling our indigenously improved CANDU reactors to other countries, perhaps in partnership with Canada.

We end with a word of caution. It would be wise not to take seriously some of the hype generated in the heat of the debate. The nuclear deal will not solve all our energy problems. It is unlikely to yield even 10 percent of our total electricity requirements by 2030, expected to be well over 500,000 MW at an 8 percent growth rate of the GDP. Our current nuclear capacity, developed over fifty years, is a meagre 4100 MW with some 3000 MW more under construction. To reach 10 percent of 500,000 GW by 2030, another 43,000 MW would have to be added within 22 years, at a cost of about Rs10 crore per MW.

This will be difficult because of numerous practical constraints. It will require massive funding and acquisition of land for the new reactors. Contracts for new reactors by foreign builders must be negotiated hard not only for the cost, but also to ensure the availability of sufficient fuel for their lifetime.

Therefore, after initially signing contracts for, say, another 10 reactors of appropriate size and type distributed between US, French and Russian builders, the government must keep reviewing its energy mix. It must monitor the cost and state of development of alternative technologies like wind, solar and tidal power, as well as of environmentally improved versions of coal. The cost of reactor dismantlement and spent fuel disposal must also be realistically included.

That we have won a hard-earned nuclear deal and NSG waiver does not mean that we should feel compelled to invest more in nuclear energy that what we can afford. The deal has opened large nuclear options for us, but those options should not be construed as compulsions.

Professor R. Rajaraman is Emeritus Professor of Physics at Jawaharlal Nehru University, New Delhi. He got his PhD in theoretical physics from Cornell University in 1963. He has taught and done research in physics for four decades at, among other places, Cornell, Princeton, Harvard, Stanford, MIT, IISc, and CERN, Geneva. After the Indian nuclear tests in 1998, he has concentrated on technical research on nuclear policy issues, including the Indo-US nuclear deal. He is also Co-Chair of the International Panel on Fissile Materials.

believed that the enrichment in U-235 is much less than the 90 percent needed for a uranium weapon, and is meant to fuel our forthcoming nuclear submarine. That is still a military use, and that plant too lies outside safeguards as per the deal. So its work will continue as before.

CIVILIAN NUCLEAR ENERGY

ON THE energy front, the deal can quite obviously only be beneficial to us unless we shoot ourselves in the foot. The only argument is over the extent of these benefits. The immediate major benefit will be the freedom to import badly needed uranium for our civilian energy sector. India's uranium ore resources are limited and not of the highest quality. The resulting uranium shortage depends, of course, on how much nuclear power you plan to generate.

As mentioned there are currently 17 reactors functioning in India, with a generation capacity of 4,070 MW of power, and five more reactors under construction, expected to generate an additional 2,660 MW. India's uranium requirement for these

MEN IN THE MIDDLE



MRINAL SUMAN

The existing Defence Procurement Procedure's policy on arms agents leaves the government between a rock and a hard place, says Major General Mrinal Suman

MOST defence deals worldwide are closed to public scrutiny because of security considerations. This lack of transparency regularly provokes charges of lack of probity and rampant corruption, not without reason; according to Transparency International's Global Bribe Payers Index, the defence trade is one of the top three most bribery-ridden and corrupt sectors (oil and major infrastructure projects being the other two). The US Government estimates that the defence sector accounts for almost 50 per cent of all global kickbacks, although the arms trade accounts for less than one per cent of international trade.

No wonder, then, that most people think of the middlemen who broker defence deals as unscrupulous souls whose underhandedness vitiates the defence trade. They are convinced that eliminating agents would make defence

transactions more transparent and less corrupt. Knowledgeable observers, however, know that agents perform very useful deal-making functions.

The intense public debate on this matter presents a dilemma for the Indian government. Should it sanction the role of agents and be accused of



Indian soldiers load a Bofors artillery gun during 'Operation Desert Strike' at Pokhran in 2005. The acquisition of the gun was marred by charges of corruption

endorsing corruption, or proscribe agents and drive them underground? Prime Minister Manmohan Singh was candid enough to acknowledge that middlemen cannot be wished away, and suggested that their functioning be regulated instead. Rao Inderjit Singh, Minister of State for Defence, blamed the policy of not involving agents for the

sluggish modernisation in the armed forces. "Military hardware that should have been inducted into the armed forces ten years ago has not been inducted," he said in January 2008.

Many thought that these statements indicated a likely policy change, permitting agents to broker defence deals. However, the Defence Minister, replying

to a question in Parliament, unambiguously stated that agents would not be allowed in defence procurements. The new procurement procedure promulgated with effect from 1st September 2008, also rules out any role for agents.

Irrespective of government policy, however, agents are present and thriving in the Indian defence acquisi-

tion sector. The government had to ban South African arms major Denel after it learned that the company had paid a hefty commission of 12.75 percent to secure a contract supplying anti-material rifles to India after the Kargil war. The deal was allegedly clinched by obtaining classified information regarding commercial negotiations through agents. Early last year, the nation was shocked when Rite Approach Group Ltd (represented by the Austrian Trade

Most people think of the the middlemen who broker defence deals as unscrupulous. Should the government sanction the role of agents and be accused of endorsing corruption, or proscribe agents and drive them underground?



Commission in Delhi) claimed that it had acted as an agent, helping Kazan Helicopters of Russia to clinch a Rs 180 crore deal to supply sixteen MI-17 helicopters to the Ministry of Defence (MoD), for a promised commission of Rs 29 crore. These cases go to show that despite the government's no-agents policy, business continues as usual for them; in fact, agents have hiked their commissions from the alleged 5 percent in the Bofors case to 16 percent in the recent MI-17 helicopters case.

The fact is that the government simply does not know how to handle this sensitive issue and remains indecisive. Though it is convinced that agent involvement is inevitable, it considers it politically unwise to allow them to operate officially, especially when the next general elections are at hand.

A historical perspective

BEFORE 1990, almost all defence deals were carried out with the erstwhile Soviet Union on a 'government to government' basis. Agents had no role to play. Some reports did appear in the press alleging kickbacks and underhand dealings, but were never substantiated as both India and the Soviet Union kept the deals under wraps. Two major deals with Western countries—HDW submarines and Bofors guns—came under severe attack for the alleged part played by agents. Both companies had to be banned from doing business with India.

After the breakup of the Soviet Union, India had to diversify procurement sources. A large number of new companies from different nations appeared on the scene. Expectedly, agents of different hues also mushroomed, promising lucrative contracts through their contacts. Intense turf battles erupted among agents trying to grab the biggest slice of business pie. At the same time increased media coverage intensified public interest in defence deals; all major deals became subject to close scrutiny, and many elicited critical comments. The government drew flak for its inability to curb or regulate the functioning of agents. It has now been vacillating for three decades over the decision to allow or disallow agents.

In accordance with the recommendations made in the 160th Report of the Public Accounts Committee (1974-75), an Inter-Ministerial Working Group was set up in June 1975 to examine the role of agents in all government purchases. The



Director, General Revenue Intelligence, was its convener. The Working Group's recommendations, as accepted by the government, were notified by the Department of Supply on 19 July 1976. The Ministry of Finance (Department of Expenditure) subsequently disseminated exhaustive policy guidelines titled "Indian Agents of Foreign Suppli-

Denel's Skua High-Speed Target Drone at the Africa Aerospace and Defence show in Pretoria in 2004

ers—Policy on" in January 1989. The basic thrust of the policy was to ensure that all middlemen were registered, were paid commissions in Indian currency, and were

duly taxed on all such income. As these instructions were primarily applicable to civil imports, the MoD issued supplementary instructions on 17 April



1989 in respect of defence purchases, aiming to closely monitor and regulate the functioning of defence agents. However, as agents continued to provoke strident criticism for alleged corrupt practices in a number of deals, the government decided to ban them in early 2001 and take a fresh look at the policy.

A thorough policy review was therefore undertaken with inputs from

the Central Vigilance Commission (CVC) and the Comptroller and Auditor General of India. The CVC strongly recommended that defence agents be officially permitted and registered to regulate their functioning, initiate transparency and promote probity. Appreciating the fact that agents do perform useful functions, the MoD decided to allow them, albeit with stricter regulation. Detailed guidelines were

issued in November 2001.

According to the policy guidelines, a foreign vendor can appoint an agent who is paid a retainer, or reimbursed his expenses, or paid a commission, or a combination of these, on the completion of a specified obligation. It must be an open and declared appointment. A foreign firm wishing to appoint an Indian agent has to formally inform the MoD and furnish all the details of the business entity to be engaged, its previous professional background, the nature of its business since establishment, the details of all bankers and copies of all agreements with the principal. The MoD reserves the right to grant accreditation to an agent considered acceptable.

Furthermore, a foreign vendor can make only openly declared payments to his agent as per the contract terms governing the nature of services rendered and the payable commission. The scale of payable commissions must follow the guidelines approved from time to time by the MoD. All particulars relating to the agency commission must be reported to the Enforcement Directorate and other agencies, to prevent foreign exchange leakage and tax evasion.

Though this new policy was issued in 2001, it has been a total failure. No agent has come forward to register, because most feel that the required information is too invasive, and could be used by official agencies to harass them. Once in the open, they would lose the shield of anonymity forever, and they fear that exposure will make them vulnerable to extortion from political parties and the underworld.

Many attribute the policy's failure to its harsh tone, which conveys the impression that the government sees agents as a necessary evil that must be kept on a tight leash. The policy is generally felt to be too intrusive, and many of its provisions unwarranted.

Defence Procurement Procedure disallows agents

ALTHOUGH the policy allowing agents has not been formally rescinded, the new defence procurement procedure effectively rules out any role for agents. In addition to the 'Pre-Contract Integrity Pact' for schemes exceeding Rs 100 crore, all vendors have to promise not to offer bribes, and to disclose all contract-related payments made to anybody, including agents and other middlemen. Every vendor must give an undertaking that he has not given, offered or promised to give, directly or indirectly any gift, consideration, reward,

commission, fees brokerage or inducement to any person in service of the buyer or otherwise in procuring the contract.

Every vendor also has to authenticate and declare to the government that the seller is the original manufacturer of the stores referred to in the contract, and has not engaged any individual or firm, Indian or foreign, to intercede on its behalf to secure the contract. The vendor has to confirm that no amount has been paid or promised to any such individual or firm in respect of any such intercession, facilitation or recommendation.

The Defence Procurement Procedure also lays down a methodology for penalising defaulting vendors. If the government is satisfied that a vendor has engaged an agent or paid a commission or influenced any person to obtain the contract, the vendor has to provide the necessary information and/or inspection of the relevant financial documents and information. The government reserves the right to demand a refund or cancel the contract, and may even debar the vendor for a minimum period of five years.

Functions performed by agents

ALTHOUGH they are much maligned, agents are not just ubiquitous but indispensable in international trade, because they carry out many useful functions. Their basic role is to bring buyers and sellers together, assist in negotiations and provide post-contract services. Agents carry out multifarious tasks for Indian defence procurements, as discussed below.

Inputs to service headquarters

Competent agents can be of immense assistance to the Service Headquarters (SHQ) at the initial stages of a procurement proposal. Their inputs on the latest technological advancements in the world facilitate the formulation of pragmatic Qualitative Requirements. They provide the details of well-known manufacturers in India and abroad, thus enabling proposals from a maximum number of vendors and increasing competition. And their inputs regarding the indicative costs of proposed acquisitions help the SHQ to create realistic budgetary provisions at the outset, eliminating the need to revise allocations.

Assistance during the technical evaluation process

Agents can expeditiously answer queries



Agents are not just ubiquitous but indispensable in international trade. The government is convinced that their involvement is inevitable, but considers it politically unwise to allow them to operate officially



raised by the Technical Evaluation Committee during a paper evaluation of technical proposals, since they are in immediate communication with the vendor. Also, field trials in India are carried out over varying terrain and climatic conditions, and agents are invaluable to foreign suppliers relying on local help to import, maintain, transport and position their equipment for trials as per the given schedule.

Facilitating commercial negotiations

Determining the reasonable and fair cost of equipment is a highly complex and arduous task, and has to be done well before commercial proposals are opened. Different agents' inputs assist this process, and help resolve irksome issues that crop up during protracted contrac-



Minister of State for Defence Production, Rao Inderjit Singh, speaks to the press

partners to discharge their offset obligations. Agents provide the necessary details to foreign vendors, and facilitate tie ups.

Facilitating FDI

The government threw the defence industry open to the private sector in May 2001, permitting 100 per cent equity with a maximum 26 per cent Foreign Direct Investment (FDI) component. Guidelines to licence arms and ammunition production were subsequently issued in January 2002. It is well-nigh impossible for a prospective foreign investor to spot lucrative business opportunities without agents to do ground-level scouting work.

Providing administrative services

Agents assist foreign vendors in making lodging and travel arrangements in India, and guide them through the Indian procurement regime, policies, structures and procedures.

Recommended policy

STRANGELY, India faces problems with agents only in defence procurement; all other government departments regularly deal with agents without any apparent difficulties. The functioning of agents has been duly regulated, and they have been receiving legitimate commissions. When the Finance Ministry issued policy guidelines in April 1989, its principal thrust was to conserve precious foreign exchange and prevent tax evasion; the conduct of agents was never an issue. On the other hand, the MoD's instructions are wholly directed towards disciplining and regulating agents.

By repeatedly blaming agents for all the ills that plague defence procurements, the government conveys the impression that procurement functionaries are predisposed to corruption and cannot be checked, and that, therefore, the only way to ensure probity is to keep functionaries from temptation by disallowing agents. In other words, the government is forced to ban agents because it distrusts its own functionaries.

Agents will continue to thrive whether or not the government approves of them. If they are banned they will remain clandestine and unmonitored, earning commissions in black money which will be stashed in foreign banks and will evade all taxes. Covert functioning always corrupts the environment. It is, therefore, prudent to legitimise

agents, albeit with reasonable safeguards in place. Ex-Chief Vigilance Commissioner N Vittal is of the view that instead of banning agents, it is better to recognise them under clear-cut principles and rules.

To start with, the government must change its basic approach and treat agents as normal businessmen who perform useful functions, instead of as suspicious characters. Agents are in business to make money, a fact that cannot be disputed or held against them. Promoting the products of their principals does not make them unethical and ignoble. Their knowledge should be exploited for the country's good rather than shunned. Agents also provide an effective interface between suppliers and the MoD.

The MoD should simplify the registration procedure, ideally following the same procedure as in other government departments. There is no reason to single out defence procurements. The policy should encourage open registration by being less intrusive, and by respecting professional privacy and economic confidentiality. There is no need to require the details of an agent's past business activities, other professional dealings and financial profile, or even the details of his Indian and foreign bankers.

Finally, the government must adopt a long-term policy to instil confidence in the environment. Most agents want to work with the MoD in an open and transparent manner but are wary of losing their protective shield of obscurity; they fear that the current trend of investigating all defence deals negotiated by previous regimes will unnecessarily drag them into rancorous inquisitions and protracted court cases. Political witch-hunts are the biggest deterrent for the overt and legitimate functioning of agents.

Major General (Retd) Mrinal Suman,

AVSM, VSM, PhD is a highly qualified and experienced officer. After acquiring a B Tech degree, he earned an MA in Public Administration and an MSc in Defence Studies. His academic pursuits culminated in a Doctorate in Public Administration. General Suman was closely associated with the evolution and promulgation of the new defence procurement mechanism. Today, he is considered the foremost expert on various aspects of India's defence procurement regime and offsets. He is often consulted by policy makers and the Parliamentary Committee on Defence and is regularly invited to address various industrial chambers. He heads the Defence Technical Assessment and Advisory Service of CII. The General is a prolific writer, publishing articles regularly in a large number of journals.

tual discussions, paving the way for a mutually acceptable contract.

Lifetime support for equipment

Agents enhance the quality of after-sales support. It is much easier to contact an Indian agency for engineering support and back-up service. Agents can also greatly help to resolve performance and warranty issues. Significantly, local agents have a permanent interest in performing well, to create future business opportunities.

Fulfilling offset obligations

As per the procurement policy, all contracts with an indicative value greater than Rs 300 crore must have associated offset obligations as per the quantum decided by the Defence Acquisition Council. Foreign vendors need to identify suitable fields and reliable Indian

RANSOM



NOTE

After *INS Tabar* defended two merchant vessels against pirate attack, the Indian Navy is seeking a UN-mandated international anti-piracy operation in the Gulf of Aden. No single nation can indefinitely deploy its assets in the region.



Nov. 9, 2008, the crew of the merchant vessel *MV Faina* stand on the deck after a U.S. Navy request to check on their health and welfare. The Belize-flagged cargo ship owned and operated by Kaalbye Shipping, Ukraine, was seized by pirates Sept. 25 and forced to proceed to anchorage off the Somali Coast. The ship is carrying a cargo of Ukrainian T-72 tanks and related military equipment

U.S. Navy photo/Jason R. Zalasky



Members of a U.S. Navy rescue and assistance team provide humanitarian and medical assistance to the crew of the Taiwanese-flagged fishing trawler *Ching Fong Hwa*. The vessel had been seized by pirates off the coast of Somalia in early May 2007 and was released Nov. 5, 2007 with U.S. Navy assistance

U.S. Navy photo



Confiscated weapons lie on the deck of guided missile cruiser *USS Cape St. George* (CG 71) following an early-morning engagement with suspected pirates

U.S. Navy photo



A suspected pirate "mothership" turned out to be the Kiribati-flagged Thai-owned **FV Ekawat Nava 5** with a crew of 15 Thais and a Cambodian, transporting fishing equipment from Oman to Yemen. The ship was apparently in the process of being hijacked when the pirates threatened and then fired on an Indian naval vessel. The **INS Tabar** fired back in self-defence, sinking the ship. The Gulf of Aden has become a hot spot for piracy by mainly Somalian pirates

Ships assigned to Combined Task Force One Five Zero. The multinational Combined Task Force was established to monitor, inspect, board, and stop suspect shipping to pursue the war on piracy



An update on military policy

defense talk

Dassault offers full technology transfer for Rafale

THE French government has cleared full technology transfer for Dassault's Rafale combat jet, one of the six contenders for the Indian Air Force's (IAF) 126 multi-role medium range combat aircraft (MMRCA) tender, which is estimated to be eventually worth at least \$11 billion over its lifetime.

Briefing Indian media representatives at Dassault Aviation's Paris headquarters, senior vice president for military sales JPHP Chabriol, said, "When we talk about technology transfer, we mean full technology transfer and not in bits and pieces.

"The way we work, we first have to obtain clearance of the government before putting in our proposal. If we win the order, we can begin work on transferring technology from day one—unlike our competition," he added.

Critically for India, the transfer-of-technology (ToT) would include that of state-of-the-art Active Electronically Scanned Array (AESA) radar that would provide the Rafale the ability to also function as a close battlefield support airborne warning and control system (AWACS), apart from its designed function as a fighter. The AESA radar ToT will also include transfer of software source code, according to Chabriol.

This is extremely important to India, or any country that seeks ToT of sensitive equipment, as lack of access to the source code would prevent re-programming radars or any sensitive equipment the way it wishes.

The AESA radar on offer from Dassault is still under development by French aerospace giant Thales, and should be integrated with

the aircraft by 2012, which is roughly when the selected aircraft from the MMRCA tender is expected to enter IAF service.

Two other competing fighters, Boeing's F/A-18 Super Hornet and the European conglomerate Eurofighter's Typhoon, are also being made available with AESA radars, though with the provision that ToT for this equipment will be dependent on the decision of their respective governments.

Earlier statements from manufacturers of AESA radars have said that transfer of source code is not on the cards. Since source code enables programming of the radar, it implies that the IAF would have to specify mission parameters to foreign manufacturers to configure their radar.

"This is not an issue with us. We will not only fully transfer the technology for the AESA radar, but also provide the software source code so that that the IAF can programme it in the way it wishes to," Chabriol informed journalists.

Apart from the Rafale, the F/A-18 and the Typhoon, other MMRCA contenders are the Lockheed Martin F-16, Saab Gripen and the MiG-35.

The technical bids for the MMRCA tender are currently being evaluated, after which all six aircraft will be put through a rigorous testing process at Bangalore, Jaisalmer and Leh.

The MMRCA tender is meant to raise the IAF's squadron strength to at least 39, from the current depleted level of 32.

The Gripen is powered by a US engine and has other US components, and the Eurofighter also has quite a few American parts, so these companies would first have to seek the US government's approval. In the case of the F-18, not only government approval but also Congressional approval is necessary.

Published in Domain-b.com



RAFALE is a twin-jet combat aircraft capable of carrying out a wide range of short- and long-range missions, including ground and sea attack, air defence and air superiority, reconnaissance, and high-accuracy strike or nuclear strike deterrence



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ASIAN MILITARY REVIEW

Government to allow industry participation in indigenous UAV project

BREAKING with tradition, the Indian government has allowed the Aeronautical Development Establishment (ADE) to co-opt a partner from Indian industry who will join in the development and production of the Rs 1,000 crore indigenous, medium-altitude, long endurance, unmanned aerial vehicle (UAV) programme, Rustom.

Traditionally, laboratories under the Defence Research and Development Organisation (DRDO) umbrella develop a product or system, build a prototype, prove it in field trials and then transfer the technology to a production agency. This sequential approach has seen time delays in

making the system operational, poor product management, and even obsolescence. The DRDO is therefore exploring ways to move to a regime of concurrent engineering practices, where initial design efforts also take into consideration production issues, with the production agency participating in the development of the system right from the design stage, and concurrently developing the necessary infrastructure and expertise for the product and product support. The Rustom programme is the first of this exploration and could become a trendsetter for future projects.

Confirming the government's decision to allow the development of the Rustom in association with a production agency-cum-development partner (PADP), P.S. Krishnan, Director ADE, said that requests for proposals (RFP) would shortly be issued to four vendors: Tata, Larsen and Toubro, Godrej and Hindustan Aeronautics Limited-Bharat Electronics (joint bid).

The chosen PADP will also have a financial stake in the Rustom project. While proposals from the vendors are expected by February, the entire selection process could take 18 months. The users (the armed forces) will also be asked to take a financial stake. In order to allay apprehensions that orders may not be placed, the government might also guarantee that a specific number of Rustoms will be bought.

Published in The Hindu



Five firms in fray for copter deal

FIVE global helicopter majors are in the fray to sell India 197 multi-role, light helicopters in a deal worth Rs 3,000 crore. Eurocopter, a subsidiary of the European Aeronautic Defence and Space company with its AS 550 Fennec; Bell Helicopters, offering the Bell 407; Russia's Kamov for its Ka-226; the Franco Italian consortium's Agusta which is prepared to offer either the Agusta A109 Power or the A 119 Koala; and McDonnell Douglas Helicopter Systems offering the MD 520N, have been given until December 19 to submit proposals.

Weighing less than three tonnes when armed, these multi-role, light turbine helicopters will replace the 1970s vintage Chetak and Cheetah helicopters operated by the Army Aviation Corps and the Air Force.

They will undertake tasks such as reconnaissance and observation, casualty evacuation, electronic warfare, escort duties, anti-insurgency operations and injecting and extricating personnel from the battlefield.

Of the 197 helicopters which are to be bought in a fly away condition and via knock down kits, 133 are for the Army, while 64 will be delivered to the Air Force.

The helicopter deal is part of a mega-modernisation programme which will see the Army eventually receiving 197 helicopters and the Air Force getting 188.

The deal also includes an offset clause, under which the vendor must source defence-related goods and services to the value of 50 per cent of the deal from Indian companies.

The process—including discussions on offset proposals, technical evaluation, short-listing by the Defence Ministry, hot weather and winter trails—is expected to be complete by the middle of 2010.

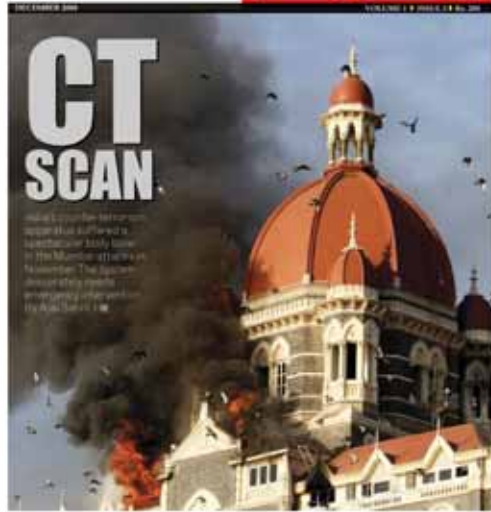
Published in The Hindu

Several military versions of the Hirundo A109 have been developed for army, naval, and patrol use

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India reopens another airbase along Pak, China border

ON November 4 2008, India reopened the Fuk Che airbase in the Ladakh region of Jammu and Kashmir, close to both the Chinese and Pakistani borders, to operate larger military aircraft.

The reopening of Fuk Che, close to Aksai Chin and Siachen Glacier, was formalised with the landing of the IAF's An-32 transport aircraft for the first time after several years, marking a shift in the airbase's operational profile.

Jupiter effects radar integration for IAF

JUPITER Strategic Technologies, a software product firm owned by Member of Parliament Rajeev Chandrasekhar, has implemented a Pilot Integrated Air Command and Control System for the Indian Air Force at its base in Thiruvananthapuram.

According to an official statement from Jupiter, this system integrates the radar pictures of the IAF, Navy and the civil radars in the Southern Peninsula through multi-radar data fusion software, and presents the air situation picture of the peninsula in real time at headquarters. "Indian military, IAF, Navy and civil radars have been integrated in real time. This is a leap in indigenous capability," the statement added.

According to Jupiter officials, the Sound Multi Sensor Algorithm provides unambiguous tracking of aircraft. The system

Sources said the airbase currently has no equipment or facility to accommodate large transport aircraft or fighter jets. Fuk Che was made operational in line with the IAF's recent policy of making all available Advanced Landing Grounds (ALG) in high-altitude areas operational along the China and Pakistan borders.

With its reopening, the country has made available a second airbase that was not in active use for military aircraft. This May, the IAF had reopened the Daulat Beg Oldi ALG with the landing of another An-32 aircraft carrying the Western Air Command chief Air Marshal P K Barbora.

In fact, it was Barbora who had announced on the eve of this year's Air Force Day on October 8 that the IAF planned to reopen more ALGs in Jammu and Kashmir close to Pakistan and China.

Published in Zeenews.com

also provides facilities to support air defence functions like automatic surveillance, identification, threat evaluation, interception and recovery. The system will increase the operational preparedness of the Southern Air Command and help optimise the use of air defence resources, an official from Jupiter said.

Detailing the advantages of this solution, the official said that the system would give the IAF a bird's eye view of the air space in the entire southern theatre. "The coverage extends from the Bay of Bengal to the Arabian Sea, the Indian Ocean and the major part of Sri Lanka. With this system the IAF will be able to monitor all civil and military air movements, and avoid civil aircraft straying into unauthorised air space like the Purulia incident which happened a few years ago," he noted.

The statement further noted that this system is ideally suited to help implement Southern Air Command's 'Flexi Air Space' concept in which civil and military aviation coexist. The system also provides for the integration of more radars in the future.

Published in Business Standard

THE AN-32 is basically a re-engined An-26. It is designed to withstand adverse weather conditions better than the standard An-26. The high placement of the engine nacelles above the wing allow for larger diameter airscrews, which are driven by 5100 hp rated AI-20 turboprop engines, almost twice the power of the An-26's AI-24 powerplants

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IISc has idea for better missiles

THE Indian Institute of Science's (IISc) new piece of research on reducing the drag experienced by flying objects and helping them fly longer, is finding its way into India's missile establishment. Scientists at DRDO are excited, and the organisation is planning to "apply the findings" in a major way to its missile research and production programmes.

The IISc research, published in the journal *Physics of Fluids*, has made an impact on India's defence think tanks, with many discussing the implications. Scientists told *TOI* that DRDO heads are "excited" and that the new research "will be used in future vehicles".

The research suggests that coating the nose

portion of a missile or launch vehicle with a thin layer of material such as chromium, will reduce drag or atmospheric resistance, enabling faster and longer flight.

How does this happen? The metal coating evaporates due to the heating of the missile's nose during its hypersonic flight. Then the evaporated metal particles in atomic form react exothermically with oxygen atoms surrounding the body, to release additional heat. Lastly, the air in the front of the missile gets heated up and, in turn, reduces drag by up to 47 percent.

DRDO scientists say that this new method controls the overall aerodynamic drag of the vehicle and enhances the efficiency of hypersonic flight, without spending additional energy or having to fit anything extra on the nose of the missile or rocket. The new technology also costs nothing. Officials say once the chromium mix coating is prepared, it can be applied even by

"the man on the street".

Three factors have persuaded the DRDO to take the research seriously: a radical cut in the costs of enhancing missile range; not needing additional devices to enhance that range; and no need to import material or know-how. Adding devices would have meant changes in existing missile structure, which can now be avoided. "We are very much into the research findings," an official said.

DRDO scientists are also of the view that the chromium coat can be applied to existing stockpile of missiles (Agni), which makes the method more relevant and attractive.

Coming from an Indian research institute at no cost, and to a critical sector like defence which is in urgent need of indigenous intellectual property, it is a shot in the arm for both the IISc and the DRDO.

Published in Times of India

Defending India: An ageing naval fleet, obsolete equipment

IF YOU thought Indian airspace was impregnable, or that the country had enough submarines to take a fight to enemy shores, think again. The Comptroller and Auditor General (CAG) has now punched big holes in these two critical defence areas.

Over the last three years, journalists have highlighted the gaping holes in the country's air defence coverage—which is particularly alarming over central and peninsular India—as well as the fast dwindling strength of its underwater combat fleet, with projections showing that the Navy will be left with only eight to nine of its present 16 diesel-electric submarines by 2012.

In its reports tabled in Parliament, CAG blasted the government for lapses on these very aspects after reviewing the functioning of ADGES (air defence ground environment system) in the IAF and the operational availability of submarines in the Navy.

For instance, India at present has only 10 Russian Kilo-class, four German HDW and two virtually obsolete Foxtrot submarines, none of them nuclear powered, compared to China's 57 attack submarines, a dozen of them nuclear.

It gets worse. CAG holds that the operational availability of Indian submarines is as low as 48 percent due to an aging fleet and prolonged refit schedules. This means that if India goes to war at present, it will have to make do with only seven to eight submarines, even fewer than Pakistan's dozen or so which include three spanking new French Agosta-90B vessels.

"With serious slippages in the induction plan, the Navy is left with an aging fleet with more than 50 percent of its submarines having

completed 75 percent of their operational life. Some have already outlived their maximum service life," said the CAG. The ongoing Rs 18,798 crore project to construct six French Scorpene killer submarines at Mazagon Docks, which will deliver one submarine per year from 2012 onwards, was approved by the government rather late in the day.

The story of multi-layered ADGES, an integrated network of surveillance radars, air defence control centres, air and missile bases tasked with protection, is equally shocking. The CAG holds that the very "eyes" of the network, in the shape of air defence radars, are in bad shape, with obsolete equipment and outdated plans.

In terms of both available numbers and operational efficiency, all three types of radar—high-power, medium-power and low-level transportable—are inadequate to providing gap-free air defence cover.

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ADMIRAL WU SHENGLI, commander People's Republic Army (Navy) with Chief of Naval Staff Admiral Sureesh Mehta at South Block. India and China have exchanged visits in a milestone defence cooperation effort.





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