**Sponsoring terrorism**

BY SIKANDER AHMED SHAH AND UZAIR J. KAYANI 2020-11-18

A DOSSIER released by Pakistan underscores how the Balochistan Liberation Army has been paid by the Indian government for each suicide attack, IED attack and targeted killing it has perpetrated in Pakistan.

Banned in Pakistan in 2006, when it was listed as a proscribed organisation under Section 11(b)(1) of the Anti-Terrorism Act (ATA), 1997, the BLA has also been designated as a terrorist group by the EU and US.

According to international law expert Syed Abid Rizvi, there`s a long history of India financing militancy in Pakistan. It is against this backdrop that India`s support of BLA and similar militants must be examined. Domestically, the term `terrorism` has been defined in Section 6 (ATA) as the use or threat of action `designed to coerce and intimidate or overawe the government or the public or a section of the public or community ... or create a sense of fear or insecurity in society`. Internationally, the term eludes definition, in part due to the difficulty of differentiating between extremist violence and legitimate freedom struggles.

So the bulk of international law on the subject deals more specifically with `terrorist activities` including hijackings, terrorist financing and bomb blasts.

For example, UN Security Council (UNSC) Resolution 1373 criminalised terrorist financing; prohibited states from providing support (financial or otherwise) to those involved in terrorist activities; called upon states to hold such entities accountable under their domestic laws and to assist other states to do the same; and set up a CounterTerrorism Committee (CTC) to coordinate international efforts in stamping out this global menace.

Similarly, UN General Assembly (UNGA) Resolution 60/288 lays out the UN Global Counter-Terrorism Strategy; calling upon states to condemn terrorism; to implement all existing UN resolutions on terrorism; to cooperate with other states; and to `refrain from organising, instigating, facilitating, participating in, financing, encouraging or tolerating terrorist activities`. Also, UNSC Resolution 1566 established a working group dealing with terrorism issues. An earlier working group under UNSC Resolution 1267 was tasked with dealing with terrorist activities carried out specifically by Al Qaeda or Taliban. The 1566 group, however, is responsible for `practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities, other than those designated by the Al Qaeda/ Taliban Sanctions Committee` which includes terrorist activities carried out by groups such as BLA.

Terrorist activities are also prohibited under International Humanitarian Law(IHL). Additional Protocol (AP) I to the Geneva Conventions, 1949, calls for the protection of civilian objects and prohibits civilian objects from being made the object of an attack or reprisal, and bans `perfidy` where an armed combatant feigns civilian or noncombatant status in order to conceal their combatant status. Moreover, AP II to the Geneva Conventions explicitly prohibits acts of terrorism against civilians and those no longer participating in armed hostilities and limits the use of armed force to `military objectives`, explicitly prohibiting the targeting of `civilian objects`.

The BLA attack on PSX was an act of terror under both international and domestic law. Under the IHL framework of a NonInternational Armed Conflict it also constitutes war crimes: the PSX holds no military/ strategic value; it is an entirely civilian institution, and by impersonating civilian lawenforcement personnel for their attack, BLA is guilty of perfidy.

First, Pakistan must approach the CTC, formed under UNSC Resolution 1373, andhighlight India`s involvement in the activities of extremist and secessionist groups, eg BLA.

Second, it must consider approaching the UN secretary general under Article 99 of the UN Charter, whichempowers the secretary general to bring to the attention of the UNSC `any matter which ... may threaten the maintenance of international peace and security`. India`s support of extremist outfits compromises regional peace and security.

Third, the 1566 group is another forum Pakistan should approach, given its focus on extremist activities carried out by entities other than Al Qaeda or the Taliban. Fourth, while Pakistan continues to make concerted efforts to extricate itself from the FATF grey list, it is equally important to highlight incidents of India`s terrorist financing such as support for BLA at the same forum.

The BLA is financed by India to destabilise Pakistan. Its attacks speak to the f act of India`s growing unease at Pakistan`s projected economic uplift through the deepening of economic ties with China. Pakistan must counter India`s self-avowed interest in nurturing secessionist and extremist elements. It must employ all tools available to it under domestic and international law.  The writers are faculty at the Shaikh Ahmad Hassan Law School, Lums.