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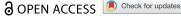
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ABSTRACT

How do militant organizations respond to counterterrorism? A vast literature seeks to understand the effects of counterterrorism, examining outcomes such as levels of violence. However, violence is only one way that militant groups can respond to pressure. We focus on terrorist designation or proscription, the sanctions many states and international organizations impose on militants as an attempt to weaken them. We introduce a new typology of armed group responses to counterterrorism: (L)egal tactics like lawsuits or petitions, (I) dentity shifts like name changes or fragmentation, (V)iolence increases or decreases, and (E)conomic or financial tactics such as changing funding sources. These four approaches can be summarized by the acronym LIVE. Empirically, we illustrate the model with examples from the case of militant organizations in Pakistan, an important and under-studied case. Overall, the LIVE typology can be helpful for anticipating the repertoire of responses to counterterrorism, and for explaining armed group behavior generally.

Introduction

On January 14, 2002, the Pakistani Ministry of the Interior officially proscribed the militant organization Jaish-e-Mohammad (JeM)—banning the group, confiscating its propaganda, seizing its assets, and imposing financial restrictions on the group and its members.[1] The counterterrorism method of proscription, also called terrorist designation[2] in some countries, is increasingly used globally, with hundreds of organizations now proscribed.[3] JeM, like other groups, responded to proscription in multiple ways. First, anticipating proscription, the group had opened bank accounts under other names and transferred money to the new accounts and front businesses.[4] After proscription, JeM changed its name to Khuddam-ul-Islam (KuL) and fragmented somewhat, with a smaller faction naming itself Jamaat-ul-Furqan (JuF). (Both entities were soon proscribed.) Individuals associated with the former JeM attempted twice to assassinate the then-president of Pakistan, General Pervez Musharraf, shortly after the JeM successors were proscribed in 2003.[5] JeM then kept a relatively low profile for almost a decade. It resurfaced publicly in 2011, beginning a multiyear campaign of hundreds of attacks.[6]

How do militant organizations respond to counterterrorism? There are many studies of counterterrorism effects, with scholars examining how groups respond to leadership decapitation, terrorist designation, and general repression, among other tactics.[7] Much of this research studies how policies affect violence by the targeted groups. However, changes to attacks are only one consequence of counterterrorism. Militant groups file lawsuits, change their names, merge with others, and diversify

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their funding sources. This range of possible tactics, which can seriously hinder counterterrorism, speaks to research on militant group adaptation.[8] Studying additional consequences is essential for understanding counterterrorism more holistically, and for a more accurate picture of organizational dynamics of terrorism. Yet the literature lacks a general typology for the range of ways militant groups might respond to counterterrorism pressure.

We introduce a new framework for understanding how militant organizations respond to government counterterrorism. The framework refers to four general categories of militant group behaviors—Legal, Identity change, Violence, and Economic (LIVE)—that could follow counterterrorism actions. We describe how government actions can lead to these behaviors. The typology offers contributions to scholars seeking to explain responses to counterterrorism, scholars trying to understand militant group behavior generally, and governments trying to anticipate consequences of their counterterrorism tactics.

In the next section, we briefly review some relevant literature, situating our study among several valuable lines of research including terrorist innovation and adaptation. Then, we outline the LIVE typology, explaining the types of groups most likely to use each type of response, and the implications for counterterrorism. We then illustrate the typology using examples from proscribed militant groups in Pakistan—an important and under-studied case. The organizations respond in diverse and interesting ways, suggesting challenges for law enforcement and emphasizing heterogeneity in counterterrorism effects. The manuscript concludes with ways that the typology can be used for research, including highlighting some of the limitations that could be addressed.

Research on counterterrorism, militant organization responses, and tactical adaptation

One of the most prominent streams of terrorism research is the scholarship studying counterterrorism effectiveness.[9] Lafree and Freilich group counterterrorism tactics into five categories: military responses, criminal justice responses, deradicalization and disengagement programs, community-level and primary prevention programs, and political settlements and conciliatory actions.[10] Scholars have extensively studied the effectiveness of these types of counterterrorism approaches. For example, researchers have examined leadership decapitation, with some studies finding that it tends to reduce the violence of targeted groups or reduce their longevity.[11] Other studies find mixed effects of leadership targeting.[12] While it is important to understand violence, as counterterrorism generally seeks to reduce violence, it is unclear how leadership targeting affects groups in other ways. For example, does it lead to group fragmentation, internal group changes, or the adoption of new types of violence? Beyond leadership decapitation, other work studies topics such as repression and concessions, but it also mostly looks at violence as the outcome.[13]

A more recent line of counterterrorism research looks at sanctions against militant organizations, such as the U.S. Foreign Terrorist Organization list. The goal of terrorist designation seems to be to reduce terrorism, with related goals such as weakening groups that use terrorism and reducing anti-state violence generally.[14] To bring about these goals, the formal listing of entities as terrorists places emphasis on certain organizations so that security agencies and countries can coordinate, and it provides a legal framework to punish individuals who might support named terrorists.[15]

Some work suggests that terrorist designation or proscription sometimes reduces violence.[16] A few scholars have analyzed other consequences of terrorist designation, like how it affects civil war peace negotiations.[17] When groups are designated as terrorists, their responses seem to depend on how adaptable they are.[18] Scholars have also argued that the process of proscription is a "ritualistic performance" manifested by debates in parliaments that ultimately extends power at the expense of curtailing rights, freedoms and political participation.[19] However, most research on the effects of terrorist proscription examines levels of violence as the primary outcome. It is less clear how groups might otherwise respond to proscription.

Beyond research directly examining counterterrorism, inquires have focused on how militant organizations adopt new tactics or adapt generally. Vasseur et al. define adaptation as "organizational

changes a violent non-state actor consciously makes in response to changes occurring in its operational environment (or the pressures resulting from these changes)." They specify that adaptation and learning are related but distinct processes.[20] Furthermore, they identify 46 types of adaptation, including changes in motivation, changes in structure, change in geographic location, or changes in tactics. This list is a valuable starting point, but a more parsimonious grouping of tactics could be helpful as well.

Much of the research on adaptation concentrates on violence as the key output, such as suicide bombing. For example, Bloom argues that inter-group competition leads to groups adapting suicide terrorism.[21] O'Rourke argues that groups increasingly use female suicide terrorists for functional reasons—these types of attackers are simply more effective.[22] Radtke and Jo study how groups that are more adaptable can better weather United Nations sanctions.[23] Tschantret examines how Chinese repression encouraged local militants to evolve.[24] Kenney's important work shows how governments and terrorists co-evolve in response to each other, looking at the examples of both drug-trafficking organizations and al Qaeda.[25] More broadly, scholars have looked at the transformation of rebel groups into political parties.[26]

Overall, militant organizations frequently change, in a variety of ways. This is often a direct result of counterterrorism. Much of the research on counterterrorism consequences and organizational evolution studies violence as the key output. This is perhaps because violence is indeed important. Additionally, with the existence of large databases on terrorist attacks, it is straightforward to study how violence levels change after government interventions. Studying other outcomes is more difficult, at least when done quantitatively. However, other outcomes like group identity change or economic effects are still critical to understand. They can be mediating factors that lead to changes in violence, or they can indicate other changes, such as group weakening. Knowing more about the varied effects of counterterrorism can help governments anticipate the consequences of their actions, and to best prepare for the next steps in counterterrorism campaigns. Instead of listing all of the ways groups might adapt, or focusing in-depth on one, we try to group together the various ways into several parsimonious categories, a typology.

The LIVE typology

We suggest that terrorist organization responses to government sanctions can be grouped into four categories: legal, identity of the organization, violence, and economic. Violence is an outcome often studied, but the other responses are also important because they can permit groups to survive and continue to use violence and otherwise confront the state. All four types of responses create costs for counterterrorism. Legal challenges can congest the judicial system, and if the groups win their lawsuits, this could impose costs on counterterrorism agencies and force them to change practices. Identity-based responses to counterterrorism are additional complications for counterterrorism actors monitoring and seeking to deter terrorists, and such changes can allow the groups to thrive in ways not previously possible. Economic responses present similar problems. They mean that governments need to monitor and try to interrupt additional funding sources. If a group shifts to a fundraising source like kidnapping or drug production, this adds to crime in the region—a costly spillover effect.

We generated these categories, and the set of tactics or examples within each category, from analyzing the literature described above, along with the broader counterterrorism and counterinsurgency literature.[27] We then inductively finalized the typology as we gathered data from the Pakistan case. Table 1 outlines the four categories, and includes examples, groups likely to use each response, and counterterrorism implications. In the following section, we discuss each of these categories, although counterterrorism implications are discussed more in the conclusion.

Legal

As for legal responses, this category of actions includes activities like suing the government, filing a formal legal petition, or appealing government decisions like proscription. These kinds of responses

Table 1. Outlining the LIVE typology of responses to counterterrorism

Categories of terrorist responses to CT	Examples of tactics	Groups likely to use this approach	CT implications
Legal	-Suing government -Petitioning to not be proscribed	Groups in democratic countries, groups with political wings.	Have a legal plan to counter this approach.
Identity	-Changing name -Splinter -Merger -Ideology shift - Ethnic maker over - Reorganization	Groups getting weaker: needing to change to survive. Name changes are likely for groups trying to operate above the ground, as opposed to clandestinely.	Monitor for identity changes. Proscribe new group names. Study potential implications of ideology shift.
Violence	-Increasing violence -Decreasing violence -New types of attacks	Religious groups more likely to increase violence. Ethnopolitical and leftist groups often decrease violence after concessions. Groups in cooperation or competition with others are more likely to adopt new attack types.	Prepare for potential increase in violence. Study context to understand what change in violence indicates.
Economic	-Using new funding methods -Seeking new sponsors or allies -Budget cuts	Groups dependent on one funding source. Groups with access to nearby resources like drug production.	Target new funding sources.

CT = counterterrorism.

seem to be more common in democratic countries, because in authoritarian countries, such processes might not be legal or taken seriously. Not all terrorist organizations are likely to use this approach. Organizations with political wings, above-ground entities that attempt to participate in non-violent politics, are probably the most likely to respond legally to counterterrorism. Groups that legally petition a government are probably also domestically oriented, with a substantial presence in one country, as opposed to transnational, stateless, or completely underground groups.

While it might seem surprising to think of terrorist organizations filing lawsuits instead of throwing bombs, these tactics are rather common. This is generally consistent with the idea of social service provision by militant organizations—these groups do not only fight, but often seek to replace the government (either for the whole country or in a secessionist region), and therefore often carry out actions mirroring government bureaucracy. Many militant groups, before they took up arms, were legal political parties. And many such groups shift (back) into legal political parties once a civil war ends. Furthermore, research by Jo and co-authors shows that insurgent organizations frequently comply with international law, for example in their treatment of prisoners or the use of child soldiers.[28] As a result, terrorist organizations filing lawsuits or using similar approaches is not so unusual.

Identity

Groups also respond to counterterrorism by changing the fundamental identity of their organization. One example of this is the group changing its name (as a number of groups do in the Pakistan case discussed below), but there are many other ways an identity can change. When an organization fragments, its identity is often changed, as perhaps a hardline group breaks off, making the rump organization more politically moderate. Alternately, when two organizations merge, this can lead to one distinct, new type of organization, and thus a new identity. There are other, more subtle ways that terrorist group identities can shift. Organizations can, for example, start emphasizing or de-emphasize a particular ethnic or ideological identity.

Unlike legal responses, which seem more likely in countries with stronger norms of rule of law, identity responses could happen in any type of state. What might be more pertinent are organizational factors. Groups that change the identity of their organization in response to counterterrorism might be

weaker than groups that can maintain the same identity over time. The strongest groups probably do not need to alter their identity in the face of counterterrorism pressure. At the same time, identity-based responses could indicate a degree of flexibility or innovation that the weakest groups might not be capable of. Another organizational factor that might affect the likelihood of a group's name change is whether the group is clandestine or trying to operate in the open. A truly clandestine group might never need to change its name or otherwise alter its identity. However, when groups operate more "above ground," for example by providing social services or having a political wing, they might feel the need to change their name to continue to operate legally.

Violence

Violence is the third aspect of the LIVE typology. Counterterrorism has the goal of reducing violence, so practitioners watch to see if subsequently violence decreases, stays the same, or increases. Militant groups use violence for a variety of reasons, for example to demonstrate their resilience, to punish an opponent, to terrify a public so that it puts pressure on the government, or to directly coerce a government into changing a policy.[29] After some counterterrorism action, militants might be too weak to use violence as they had before. Or they might use less violence to deter the government from attacking, or to keep receiving concessions conditioned on less violence.[30] Alternately, militants might respond to counterterrorism by using more violence to demonstrate their (true or purported) strength. Armed groups might also respond to counterterrorism by changing their violence qualitatively, such as adopting new tactics.

Under what conditions might we be more likely to observe changes in violence as a response to counterterrorism? On the one hand, democratic countries might see violent increases less often, since groups in these kinds of countries have non-violent alternatives to affect political change. On the other hand, some research suggests that democracies, or at least partial democracies, are more susceptible to terrorism because such governments need to respond to violence against civilians to try to win over voters.[31] Democracies are also targeted because democratic governments use concessions since they are restricted against using authoritarian approaches.[32] As for organizational attributes, religiously-motived groups seem especially inclined to increase their violence when they are able to.[33] Such groups generally have less concern about the costs of human life, since they are often less concerned about popular support. Religiously oriented terrorist groups are more focused on impressing a higher power that they think accepts or encourages the loss of life, especially when the victims are not of the same religion as the perpetrators.[34] By contrast, it seems likely that groups with other motivations, such as leftism or ethnonationalism, should be relatively likely to respond to counterterrorism—especially concessions—by reducing violence.

Regarding changing types of violence, armed groups seem to learn tactics from other such organizations. For example, groups learn complex tactics like suicide bombing from each other.[35] Some of this learning might be via simple observation, including through the news media. But there is also evidence to suggest that groups learn tactics from groups that they are already cooperating or aligned with.[36] Other work suggests that groups in competition with each other are especially likely to adopt new types of violence.[37] If these groups are already likely to adopt, then counterterrorism pressure could interact with interorganizational factors to make tactical adoption more likely.

Economic

The fourth aspect of the LIVE typology is economic. When militant groups face counterterrorism pressure, they sometimes need to dramatically change their financial methods. Economic responses include starting a fundraising drive, budget cuts (e.g., ceasing to publish a magazine or provide social services), diversifying funding sources, or engaging in a new tactic like kidnapping or drug trafficking to raise money. Terrorist organizations depend on funding to train, carry out attacks, and simply pay

their workers. Many such organizations also provide social services. These activities all require a substantial amount of funding. Counterterrorism could put pressure on funding sources, or otherwise require a group to acquire resources quickly, suggesting a change in economic activity.

Certain types of terrorist organizations seem likely to respond economically to counterterrorism. Groups that depend on diaspora support can be hit hard by sanctions such as international terrorist designation. At the same time, a group's broader economic environment can condition economic responses. Some groups operate in countries ripe for black market operations—coca in the Andes Mountains, opium in Central Asia or Southeast Asia, or precious gems in Sub-Saharan Africa, for example. These groups might be likely to start to engage in the drug trade or related industries when economically pressured. Other groups, due to geography, do not have the option to increase or decrease their involvement in such markets.

Finally, it is possible that some groups may respond to counterterrorism either by embracing a combination of LIVE strategies at the same time or by sequentially adopting them.

Examples from Pakistan

In this section, we present examples of each of the four types of responses to counterterrorism. We present evidence from Pakistan since 2001, an important front in the so-called war on terrorism (WOT), but also seriously under-studied compared to countries like Iraq or Afghanistan, or even historical cases like Northern Ireland.[38] Studying Pakistan on its own is valuable to better understand this crucial case. It is also methodologically helpful to study one case to study it with the appropriate depth required, and to hold background factors constant.[39] Furthermore, this case offers exemplification of all four facets of the LIVE typology in a single context.

The evidence we find is likely to be relevant elsewhere. The patterns in Pakistan are at least applicable to the many ethnically diverse democratizing or partial democracies around the world. We also focus on militant group responses to terrorist proscription in particular to focus on one type of counterterrorism. Responses should be generally similar for other types of counterterrorism, although the conclusion to the paper discusses other possibilities.

Brief case background

Academic research on terrorism in Pakistan abounds. However, no systematic study can be reckoned to have correctly located the temporal origin of the terroristic phenomenon in this country. A thorough examination of the country's conflict history since its inception in 1947 due to the partition of British India generally situates the origin of terrorism during the early 1970s, stemming from the Baloch insurgency. It was against this backdrop that the parliament passed the Suppression of Terrorist Activities (Special Courts) Ordinance in late 1974, which became an Act in February 1975[40] The Act also pioneered the inclusion of the word terrorism in any legislation in Pakistan since the country's establishment.[41]

Comparatively, the second phase of terrorism, which can be characterized in terms of strategy, a subversive war, was carried out by the local mercenaries in the 1980s at the behest of hostile intelligence agencies (Afghan, Soviet Union, India) to deter Pakistan from supporting the Afghan Jihad against the Soviet forces in Afghanistan.[42] The mid-1980s witnessed the growth of sectarianism precipitated by the Iranian revolution and the ongoing Islamization governance by the military regime of General Zia ul Haq.[43] The formation of first Shia sectarian organization, Tehreek-e-Nifaz-Fiqh-Jafaria (TNFJ) in 1979 in tribal areas in the wake of emboldening by Iran's eagerness to organize Shias in Pakistan and in its reaction, the emergence of first Sunni sectarian militant group Sipah-e-Sahaba Pakistan (SSP—Soldiers of the Companions of the Prophet) in Punjab during 1986 laid the foundation what would later become an internecine sectarian war in Pakistan.[44] SSP's Pashtun cognate was Tehreek Nifaz-e-Shariat-e-Muhammadi (TNSM) formed during the late 1980s.[45] These organizations are more broadly

known as politico-sectarian movements. Indeed, they have committed violence against Shia clergy and common Shias; some scholars are reluctant to categorize them as classic terrorist entities.[46]

The first archetypal Pakistani underground terrorist organization, Lashkar-e-Jhangvi (LeJ), a Deobandi supremacist, a rebel group within SSP, emerged in the mid-1990s.[47] Over time, it became one of the deadliest terrorist groups, especially after the 9/11 attacks, through collaboration with Al Qaeda, to wage a destructive anti-state and sectarian war inside and beyond Pakistan.[48]

The US invasion of Afghanistan brought a radical transformation in the militancy landscape of Pakistan, from previously predominantly sectarian to contemporaneously non-sectarian religious, anti-state, and inter-field [inter faith] conflict.[49] Most notable was the influx of foreign terrorist elements in the tribal territory of Pakistan, adjoining Afghanistan, and now merged into Khyber Pakhtunkhwa province. The US-led drone warfare, which started in 2004, starkly exacerbated the spate and character of violence.[50] Pakistan's deadliest terrorist organization, Tehreek-e-Taliban Pakistan (TTP), came into being in late 2007.[51] In the coming years, the former tribal territory was inundated by an infinite number and types of militant groups. These included several outfits that were loosely affiliated with TTP or the splinter groups operating from diverse locations, mostly Punjabi. They were mainly the renegades of mainstream Kashmiri fighters Lashkar-e-Taiba (LeT), JeM, Harkat-ul-Mujahideen al-Alami, Harkat-ul-Ansar (HuA) and some sectarians such as LeJ.[52] The factionalization and defections initially occurred when Pakistan decided to join WOT, and later when a military assault was launched in a mosque, the Red Mosque, in Islamabad in July 2007 to flush out terrorists belonging to Al Qaeda, TTP, and other militant organizations.[53]

Bloody confrontations between the Pakistan military, supported by the US drone operations, created mayhem in Pakistan. From 2006–07 onward, the country went through an unabated series of brutal terrorist campaigns—the non-sectarian religious and sectarian (now with an altered anti-state agenda), least of all the Baloch insurgency, triggered around 2006—claiming tens of thousands of civilians' lives besides causing tremendous loss to the national economy.[54] Apart from the locally proscribed Balochistan Liberation Front (BLF), the Baloch Liberation Army (BLA) is another major terrorist group, designated by the US as a Foreign terrorist organization, leading the Baloch armed struggle.

Other than the defectors, Kashmir-bound Pakistani groups, LeT and JeM, generally did not partake in the terrorist campaign inside Pakistan.[55] Similarly, Jamaat-ud-Dawa (JuD, organization for the propagation of faith) established in 1985, which is the parent preaching organization of LeT and the Falah-e-Insaniat Foundation (FIF), a sprawling public-service charity, both established in 1990, have mainly directed their efforts outward.[56]

The military-led counterterrorism operations by Pakistan in 2014 set a severe blow to the Pakistani Taliban and affiliated terrorist groupings' human, organizational, and infrastructural potential. It significantly reduced the terrorist threat to the country, ironically reemerging with more profound assertions with the ascent of the Afghan Taliban rule in Afghanistan.[57]

Apart from the military operations, successive Pakistani governments have been promulgating other measures to address terrorism, extremism, and the militancy problem, including the proscription of terrorist groups and organizations and charities supporting them.[58] The subsequent discussion empirically contextualizes and analyses LIVE typology by juxtaposing it with varied responses by different armed groups to the proscription by the Pakistani government.

Legal examples

The earlier discussion has indicated the type of organizations potentially amenable to legal routes during counterterrorism, and increasingly so in developed democracies. Present-day Pakistan neither exemplifies a liberal democracy nor an authoritarian country; it can be described as a political dispensation with militarized overtones, in other words, a struggling democracy. Its checkered

political history due to militarization of politics owing to frequent military interventions and infighting among the political actors has meant elusiveness of the rule of law almost throughout its existence.[59] The observation should preempt an expectation that the pursuit of a legal path by the militants, specifically the terrorist organizations, occurs like a norm in this country. Nonetheless, we can locate five examples, three organizational and two concerning individuals, relevant to the current analysis. The legal provision empowering the federal government to ban militant outfits and freeze their assets was made part of the Anti-Terrorism Act 1997 through an amendment issued by the Musharraf government on August 15, 2001.[60] It explains why proscription of the violent organizations commenced during this period, and not earlier.

Tehrik-e-Jafria Pakistan, (TJP, the Movement of Followers of Jafria Shia Sect), founded in 1979, was banned by Musharraf's regime in January 2002 for anti-Sunni attacks.[61] TJP is a political extension of its original formation, TJFJ, and has been part of Muttahida Majlis-e-Amal (MMA, United assembly for action), a pro- [Afghan] Taliban Mullah led political coalition of several religious parties, which established the provincial government of Khyber Pakhtunkhwa and Balochistan provinces after the October 2002 Pakistan's national election. TJP leadership protested the ban as unjustified. Its leader, Sajid Naqvi, declared, "We will go [to] court against this decision . . . . and prove that his action is utter injustice . . . and an insult to tens of millions of Shiite people."[62] Legal battles continued for years, and the TJP (also known as the Shia Ulema Council) filed a petition in 2016 asking to be de-proscribed.[63] However, it was not successful.

SSP was banned twice, in 2002 by the military regime of General Musharraf and in February 2012 by a civil government, when it was functioning under a changed name, Ahle Sunnah Wal Jamaat (ASWJ).[64] Upon the second proscription, Maulana Mohammad Ahmed Ludhianvi, the head of ASWJ, publicly declared he would challenge the order in court.[65] At the time, he said, "It's taken us so long [to] rein in our activists—it will become very difficult to control their emotions if the ban is enforced."[66] He apparently never filed a legal petition; the public declaration arguably ameliorated the possible loss of support or membership that might follow proscription, or also reduced the likelihood of extreme acts that his comments alluded to. At the very least, the ASWJ leader's announcement signaled that the group was concerned about proscription (against arguments that proscription is meaningless), and that it was considering fighting it in court.

Another type of legal appeal, beyond going directly to the courts, is when a militant group attempts to address proscription through a bureaucratic process. In some instances, proscription review committees composed of government officers have been sought to plead revocation of listing. Tehreek-e-Labbaik Pakistan, a militant sectarian political party that the government banned in April 2021, exercised this option to no avail.[67] However, it was finally de-proscribed later that year after reaching a peace deal with the government.[68]

Beyond organizations responding to counterterrorism sanctions with legal appeals, some proscribed individuals take this approach as well. Hafiz Muhammad Saeed, the head of JuD, who the UN also implicates as chief of LeT, and whom the US and India blame for the 2008 Mumbai attacks, which killed nearly 170, including scores of foreigners. Saeed was listed as a terrorist by the UN Security Council (UNSC) in December 2008, a month after the Mumbai attacks, "pursuant to paragraphs 1 and 2 of resolution 1822 (2008) as being associated with Lashkar-e-Tayyiba (QDe.118) and Al Qaida (QDe.004) for "participating in the financing, planning, facilitating, preparing or perpetrating of acts of activities by, in conjunction with, under the name of, on behalf or in support of" both entities."[69] JuD and FIF are designated by the US as "terrorist fronts" of LeT. Saeed filed a petition in 2017 to the UN for delisting, which was later rejected.[70]

In early 2018, Pakistan announced plans to take over the entire infrastructure of JuD and its charities, e.g., FIF, present in over 100 cities of Pakistan.[71] JuD termed the government move illegal and resolved, "We will not keep silent. We will fight a legal battle."[72] The government subsequently proscribed it and all affiliated organizations in 2019.

One unique variation in legal responses involves another individual, JeM leader Mohammad Masood Azhar. His name was proposed several times by the Western powers and India for UNSC

sanction since 2009 but was persistently vetoed by China at the behest of Pakistan, citing a lack of "solid evidence."[73] He was finally listed on May 1, 2019 following appeal for his alleged role in the Pulwama attack on Indian security forces in Kashmir.[74] In this case, proscription efforts were challenged through vetoes by a UNSC member in collaboration with an ally, and the listing itself led Azhar going underground ever since. Indian authorities have termed People's anti-fascist Force (PAFF) as another manifestation of JeM, but the latter has not been publicly heard since the banning of its leader.

Does the recourse to legal action by the militant organizations empirically correlate with the period when Pakistan was more democratic (since 2008), as we had suggested? There is some evidence of this, as we find more examples of groups responding with legal charges in the more democratic years. There are exceptions, like the TJP in 2002 declaring it would fight its proscription in court. However, consistent with the typology, legal responses seem to have occurred more in democratic years.

Identity examples

A common variant within the identity adaptation is the name change, which is a more popular strategy employed by Jihadi and sectarian organizations. The proscription data by the Pakistani government reveal that the group's name change is not an occasional activity; instead, almost every Jihadi and sectarian group undertakes it as a regular feature to survive. Some groups repeatedly undertake this exercise.

In the jihadi category, for instance, soon after proscription by the Musharraf regime, JeM changed its name to KuL, HuA, a Kashmiri-based militant group labeled itself Jamiatul-Ansar (Jam-A), and LeT became Pasban-e-Ahl-e-Hadith. The UNSC listed JuD in May 2008 as a front of LeT in UN Resolution 1267. The following year, in January 2009, it changed its name to Tehreek-e-Tahafuz Qibla Awal.[75] Identically, SSP has availed this practice several times. It renamed itself as Millat-e-Islamia Party (MIP) in 2002 and ASWJ when MIP was banned again in 2003. The government de-proscribed the ASWJ chief, but the movement continues to remain on the government's proscription list.[76] The charities, the so-called front of jihadi organizations such as the Al-Rehmat Trust and Al-Rashid Trust, have also used renaming. After the US designated Al-Rehmat Trust in 2010 "for providing support to and for acting for or on behalf of JEM," it reassigned itself the title Maymar Trust.[77] The Aid Organization of the Ulema became the successor organization of Al Rashid Trust after its listing by the UN in October 2001.[78]

Intriguingly, sometimes, militant groups combine multiple actions to maintain freedom of movement. For example, in 1997, the US classified HuA as a terrorist organization. It then splintered into two groupings and changed the names to Harkat-ul-Mujahideen (HuM) and Harkat ul Jihad e Islami.[79] HuM was recognized as the reincarnated HuA, which later re-designated itself Jam-A during the Musharraf regime. Similarly, after the January 2002 curb, TJP not only decided to challenge its ban in the court in 2001, it announced that it was renaming itself Millat e Jafria Pakistan.[80] The movement survives to the present day by having changed its name several times. Nevertheless, it remains proscribed.

The case that militant groups shift ideology solely to address implications stemming from proscription is challenging to trace within the militancy landscape of Pakistan. However, the alleged surrogates of LeT and JeM operating in Indian Kashmir reportedly reactivated themselves in August 2019 as The Resistance Front (TRF) and PAFF to secularize their original religious identity after India revoked the special status of Jammu and Kashmir in 2019.[81] Unlike in the cases mentioned above, where the groups' identity remodeling occurred in reaction to proscription, in Kashmir, it ensued to localize the resistance to evade attention and prospective proscription after a blanket lockdown and a "crippling curfew" was imposed by the Indian government across Kashmir.[82]

Perhaps, within the identity examples, a more interesting sample is of an ethnic makeover. After LeT was banned in January 2002, some of its cadres, along with some dozen from other

Kashmir-directed groups, not only relocated themselves into Pakistani Kashmir in anticipation of proscription and crackdown, the group designated many commanders after the names of various towns from Indian Kashmir to feign as Kashmiris. The underlying purpose of masquerading activity was to lead the public, the state, and the international community to believe in their non-Pakistani and more Kashmiri identity.[83]

Violence examples

Pakistani groups and organizations have exhibited a variety of responses to their proscription, including indifference to such restrictions by showing complete disregard for enforcement. TTP, BLF, BLA, and LeJ are prime examples of dissident behavior. Within the increasing attacks examples, three Sindhi separatist groups emerge as more suitable illustrations—the Jeay Sindh Qaumi Mahaz-Aresar Group (JSQM-A), Sindhudesh Revolutionary Army (SDRA), and Sindhudesh Liberation (SDLA). JSQM-A is a politically nationalist party that allegedly supports separatists. The Interior Ministry proscribed them in May 2020. In June 2020, two groups, SDRA and SDLA, committed 10 terrorist attacks in the Sindh province at three locations: seven in Karachi, three in Southern Sindh, two in Larkana, and one in Ghotki city. The key targets, among others, were the law enforcement agencies (Rangers) and a government charitable program office.[84] Importantly, in sharp contrast to historically known for their moderate violent behavior, the June orchestrations by the Sindhi insurgents created an impact due to the sheer number and the intensity, and more notably, synchronization.[85]

Other groups also carried out new or spectacular attacks shortly after being proscribed such as KuL and JuF. The Musharraf government banned both again on November 15, 2003. The next month, President Musharraf suffered two assassination attempts involving militants from the two groups.[86]

There are far fewer examples of groups decreasing attacks or giving up violence, which partially explains why terrorism has not diminished in Pakistan since late 2001. This trend is more associated with the jihadi groups for a reason. LeT curtailed its operations after being banned by the government in January 2002.[87] In another case, JuD decided to suspend activities, i.e. temporarily, "remain dormant" in response to proscription while allegedly preparing to stage come back later.[88] It must be mentioned that the decision to decrease their operations may not have been autonomous, as underscored by some scholars, because they worked under the watchful eye of Inter-Services Intelligence (ISI, Pakistan's leading spy agency).[89] A more phenomenal response, possibly following a similar direction, was by JeM, which—after reported assassination attempts on the president—went underground for a decade after its prohibition and resurfaced in 2011.[90]

Some militant groups have disappeared from the scene during the last decade, obviously reducing their violence. Curiously, proscription did not induce similar reactions among the more deadly terrorist groups, e.g., TTP, LeJ and Baloch groups. They are proscribed by the host and several other countries, including the US, but proscription has yet to be able to tame them conceivably due to countervailing incentives. Their past successes in blunting counterterrorism are presumably a critical reason for this behavior.

In the typology section, we speculated that religiously-motivated groups might be the most likely to increase their violence after proscription. We did not find this to be the situation in Pakistan. However, this seems to be due to the relative uniqueness of the Pakistan case, where jihadi groups often have connections to the ISI, as mentioned. In other cases, and consistent with the literature, increases in violence are probably more likely among religious groups.

Economic examples

The legal and institutional deficiencies in strategic counterterrorism-related financing by Pakistan have been a significant impediment until recently to realize dividends accruing from proscription of militant groups.[91] Not only have terrorist, jihadi, and sectarian organizations and charities escaped

desired effects for a long time but in the past, mainstream political parties have been directly involved in fundraising to "liberate" Kashmir.[92] This mindset still pervades some public sections, deriving from the history of partition.

JeM is an apt example of cleverly repositioning its funding channels before its banning in 2002 and after its resurfacing in 2011. In anticipation of forfeiture of assets during the former case, apart from opening accounts under pseudonyms, JeM withdrew savings from the banks and invested in legal business, i.e., real estate, production of goods, and commodity trading.[93] When the group resurfaced in 2011, within no time, it revived its charity, Al-Rehmat Trust, founded in 2001 for humanitarian assistance and education.[94] A few reports suggest that the trust had commenced financial operations in 2007, much before JeM became public, to collect donations for militants' families and support the Afghan Taliban.[95] JeM's fundraising campaign disguised under Al-Rehmat Trust, supposedly also to recruit and train the youth and build mosques, remained intact from within Pakistan and Gulf states until the charity was brought under "Watch" by the Interior Ministry. Al-Rashid Trust, mentioned above, is another charity that had links with militant organizations. It was often touted as one of Osama Bin Laden's many sources of income.[96] When the banks froze accounts of the charity under the Musharraf regime, it comfortably decentralized its finances by opening new accounts in individual names, leaving an extensive reservoir of untapped sources and assets in the Middle East, Great Britain and South Africa.[97]

Some smaller groups have reportedly switched to clandestine fundraising to avoid proscription's financial effects. This is consistent with the expectations outlined in the typology. The tactics entail using an underground network of experienced supporters rather than publically collecting funds.[98] Another common means is anonymous donations from the community, traders, and businessmen, mainly to sectarian militants that the groups continue to rely upon in Pakistan, which are difficult to track.[99]

Finally, insofar as the financial sustenance of the mainstream terrorist groups is concerned, particularly following their proscription, they survive by turning to organized crime and acting as alleged proxies of hostile states to further the latter's geopolitical interests. TTP and BLA have been connected to India by some Western observers and Indian sources for receiving "coveted funding."[100]

Conclusion

Militant organizations respond to counterterrorism in a variety of ways. To provide a theoretical framework for the set of responses, this manuscript introduced the LIVE typology, emphasizing legal, identity-based, violence, and economic responses. This grouping is diverse enough to acknowledge differences between these types of responses, yet also parsimonious to allow researchers and practitioners to use the typology as a heuristic or shortcut when describing potential militant reactions.

Looking at the case of how militant organizations respond to counterterrorism sanctions in Pakistan, we find interesting examples. Groups took advantage of legal options, filing petitions with courts or government agencies to be de-proscribed. Some were successful, while others were not. Many groups underwent identity adaptations as a result of counterterrorism pressure, such as name changes and shifting ideologies. Regarding violence, multiple groups increased their violence as a direct reaction to proscription. This is consistent with literature on the backlash of counterterrorism.[101] Fewer groups seemed to reduce their violence. Finally, regarding economic adaptations, the organizations in Pakistan have been quite adept at shifting financial sources under counterterrorism pressure. This seems problematic for policymakers trying to clamp down on terrorist financing.

Has proscription been successful as a counterterrorism response in Pakistan? It appears that the measure has produced mixed results. It has been able to reduce or regulate militants' public presence in some cases, with some effects on political, moral and financial support. However, it has been far less successful in ultimately dismantling or suppressing the most violent organizations. The ability of groups to adapt through the four mechanisms we

identified has meant that most groups continue to survive. The study also finds that certain conditions and the character of militant organizations (e.g., a state-sponsored proxy or not) affect how they adapt to counterterrorism. However, this aspect warrants further exploration by studying other contexts.

Beyond contributing to studies about Pakistan, our findings advance research on terrorist proscription. This policy is increasingly used around the world, but we find that it leads to unintended consequences, and does not seem to often achieve the desired consequence of reducing violence. However, policymakers and practitioners could use the LIVE model when thinking about policies to enact, and when building expectations about likely responses to policies.

The LIVE typology has limitations. The categories and implications are likely to be conditional on context-specific factors, such as international relations, for instance, entailing the banning of terrorist groups that are other governments' proxies. In such cases, the proscription might function domestically without however resolving the international roots of the violence. More broadly, different countries often have very different ideas of which groups are "terrorists."[102] Perhaps an explicitly international dimension will have to be integrated into the typology, or there can be more specific domestic and international versions.

Future research can build on our work in several other ways. First, we looked at the case of Pakistan, but do militants respond to counterterrorism sanctions similarly in different contexts? In other countries, do some parts of the LIVE typology matter more than others? We found that many groups changed their names, and several filed lawsuits against the government, but this seems to not occur in some other countries. What explains differences in responses to counterterrorism across different countries or regions? Future analyses could be conducted using quantitative data, such as relatively new databases on armed groups,[103] or more specifically the Tominaga, Lee, and Lyu database on designated terrorist organizations.[104]

The model suggests a number of implications regarding which types of groups might react certain ways, along with suggestions for related counterterrorism. These can be seen as hypotheses that can be tested. Do our propositions hold in other contexts? In what way can the typology be improved, or what better typology might exist? Second, beyond how do groups respond do counterterrorism, how do other actors respond to counterterrorism? The present research could be built upon to better understand how civil society, allied governments, rival governments, international organizations, and other actors respond. For example, sometimes there is a public backlash against proscription,[105] but this has not been studied enough from a social science perspective. Finally, we mostly discussed terrorist designation or proscription, but to what extent can the LIVE framework help understand reactions to militarized crackdowns, or other approaches like concessions? How can governments tailor their responses accordingly to achieve desired results? There is some research on these important topics, but much more can be done.

Disclosure statement

Notes on contributors

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Notes

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for the same idea. Proscription is often a broader phenomenon—the banning of any political group—while
terrorist designation is usually seen as a specific type of proscription. Since 9/11, however, the terms have become
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