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TERRORISM AND THE LEGAL CHALLENGE : THE SAARC RESPONSE

Introduction

The use of terror as a means to achieve political ends is not a new phenomenon, but it has, in this century, reached a totally new pitch. In a world of instant communications a deliberate act of terror in one country may reverberate around the world and produce side-effects in many countries. Not only that, the terrorists may deliberately hit targets in uninvolved states as a means of pressurising the government of a state against which it is in conflict or its real or potenial allies. Such activities by one set of organisations tend sooner or later to be emulated by others, the tremendous world-wide publicity generated by the acts of terror—often out of all proportion to the importance of the group involved—is seen as a significant achievement.[1] The seizure of the Kuwait Airways Jumbo jet is but one of the latest and the longest in a series of terroristic acts.[2]

Terror is not the prerogative of any one ideological outlook but is a weapon resorted to by the militarily weak to cause maximum damage, both material and psychological, with the minimum loss, since usually only small groups or individuals partake actively in such activities. On the other hand, many people point to the

1. Malcom Shaw, *International Law*, London, 1977, p.449
2. For a brief description of the 15 day long nerve spilling hijacking incident, see : *Newsweek, April* 18, 1988, p. 27

incidence of state terror or the use of illegal techniques by state representatives as an aspect of the problem that must not be overlooked.

The gravity of the problem can be very easily understood from the fact that 1975 through 1985, more than 6200 terrorist incidents were recorded worldwide, leaving roughly 4700 people dead and more than 9000 wounded. During 1985, the US Government counted about 812 international terrorist incidents, up more than 30 percent from the 1984 level and 55 percent higher than the average for the previous five years.[3] Compared to it, the total of 486 terrorist acts recorded from January, 1960 till April, 1974 might today seem to be quite insignificant.[4] The extent of terrorism is now so massive that it can be said without any exeggeration that "terrorism has become a new element international relation".[5]

Thus, terrorism poses serious political and diplomatic, and above all, legal challenges. For some states, combatting terrorism has been designated as a foreign policy priority. The international community is also caught in the dilemma of how to effectively prevent and suppress terrorism. Some authors have gone so far as to state that "the law applicable to terrorism is not merely flawed, it is perverse...in its present form the law can not reasonably be expected to repress international terrorism. The challenge is to bring about a fundamental redirection of the law itself".[6]

It is in these circumstance that the South Asian Association for Regional Cooperation (SAARC) signed the Convention on Suppression of Terrorism on November, 1987. In this paper an attempt is made to analyse in brief the legal issues concerning

3. United States Department of State, *Gist*, June, 1986.
4. Brian M. Jenkins. *International Terrorism.* House of Representatives, Washington, June 24, 1974, p. 8
5. David Carlton and Carlo Scharf (ed). *International Terrorism and World Security.* London, 1975, p. 13
6. Abraham D. Sofaer, "Terrorism and International Law." *Dialogue*, No. 2, 1987, p. 2

terrorism and examine the SAARC Convention as a response to the growing menace of terrorism in South Asia.

Defining Terrorism

As far as international law is concened, there are a number of problems that can be identified. The first major concern is that of definition. In present day western studies, terrorism is defined as "the product of fanatical violence perpetrated generally in order to realise some political end to which all humanitarian or ethical beliefs are sacrificed",[7] as "a faulty weapon that often misfires",[8] and as "an instrument for accomplishing different objectives".[9] These definitions, however, do not show up the substance of terrorism and its objective.

Belgian author, Pierre Mertens writes, analysing a number of international legal documents, that although they refer to terrorism, this notion is, nevertheless, left undefined. Moreover, acts of terrorism have a different meaning in time of peace and of war. In the latter case "they come within the framework of *jus in bello* and denote the practices which appear to be uselessly cruel or odious, and are eventually interpreted as war crimes against humanity or infringements of humanitarian law". In peacetime, however, there have been acts of terrorism directed against the terror of states (as in Spain under Franco or under the military dictatorship in in Greece) and therefore "if one condemns terrorism, one should condemn all types of terrorism".[10]

7. Paul Wilkinson. "Three Questions on Terrorism", *Government and Opposition*, Vol. 8, No. 3, Summer 1973, London, p. 292
8. Robert Moss. *Urban Guerillas*, Temple Smith, London. 1972, p. 64
9. James F, Rirkham, *et al. Assassination and Political Violence*. A Report to the National Commission on the Causes and Prevention of Violence. US Govt. Printing Press, Washington, 1969, p. 421
10. Pierre Mertens, "L' Introuvable Acte de Terrorisme," *Reflexiones sour la Definition et al Repression du Terrorisme*. Editions de I, Universite de Bruxelles, 1974, pp. 36-49

In recent times a series of articles and books dealing with the problem of terrorism have appeared in the west. In one of them terrorism has been defined as "the threatened or actual use of force or violence to attain a political goal through fear, coercion, or intimidation".[11] Another author follows a different approach. To him terrorism is a policy or process consisting of three basic elements: "1) the decision to use terrorism as a systematic weapon; 2) the threats or acts of extra-normal violence themselves; 3) the effects of this violence upon the immediate victims...and the wider national and international opinion...".[12]

It is true that terrorism is war of a kind, and it may be used as a subordinate strategy within wars that otherwise follow traditional military patterns. In fact, few can agree upon a comprehensive definition of terrorism, and therefore, some authors have paid more stress on its main characteristics. In the view of Robert Kupperman terrorism "is political extortion that employs violence or the threat of violence; such extortions are usually targeted against large nations. The usual goal is to destabilize, to make a democratic government appear impotent and to amplify these effects through the electronic marvels of television. In sum, terrorism is theatre."[13]

As a pejorative, the word terrorism can be a political weapon, and it is so used in international debate. If one party can successfully attach the label "terrorist" to its opponents, then it has indirectly persuaded others to adopt its moral viewpoint. This has led to the cliche that one person's terrorist is another person's freedom fighter. This led Brian Jenkins, the American author on terrorism, to construe, that "there can be no objective definition

11. Jonah Alexander, *et al.*, *Terrorism : Theory and Practice*, Westview Press, Boulder, Colorado, 1979, p. 4
12. *ibid*, p. 99
13. Robert H. Kupperman. "Some Thoughts on Terrorism." *Dialogue*, No. 2, 1987, p.9

of terrorism".[14] Still, in his opinion, "if terrorism is defined by the nature of the act, then not by the identity of the perpetrators or the nature of their cause, an objective definition of terrorism becomes possible. All terrorist acts are crimes."[15]

For obvious reasons, in its attempts to identify perpetrators of terrorist acts to subsequently retribute against terrorists, the US Administration advocated some functional definitions of terrorism. The State Department, for example, in 1985 considered terrorism to be "premeditated, politically motivated violence perpetrated against some noncombatant targets by subnational groups or clandestine state agents."[16] At the same time, the US Justice Department held that terrorism was "violent criminal conduct" to intimidate a civilian population and/or coerce the conduct of a government by intimidation, assasination or kidnapping.[17] It has been rightly pointed out by Henderson that "the differences between these two perspectives included whether 'terrorism' was a politically motivated act; whether there was active involvement of agents of a state, and even differing conceptions of what constitutes a criminal act."[18]

In an apparent effort to solve such definitional difficulties the US Administration presented in 1986 a somewhat moderated definition of terrorism as the "unlawful use or threat of violence against persons or property to further political or social objectives. It is usually intended to intimidate or coerce a government, individuals or groups or to modify their behavior or policies...[19] This definition was however severely scrutinized by experts on terrorism

14. Brian Jenkins. "Some Thoughts on Terrorism." *Dialogue*, No. 2, 1987,p.9
15. *ibid.*
16. cited in : Robert D, A. Henderson. "Washington's Debate on Terrorism. *International Perspectives.* (Canadian Journal on World Affairs.) No.5, 1987, p. 17
17. *ibid.*
18. *ibid.*
19. This definition was put forward by US Vice President George Bush's Task Force on Combatting Terrorism. See : Robert D. A. Henderson. *op. cit.* p.17

since such a definition appears to have a built-in contradiction in that it acknowledges that people will attempt to act to further the socio-political goals, yet they must not employ "unlawful" violence. Such a contradiction only suggests further questions. Is recourse to violence by individual/groups "unlawful" due to the national laws of one or more sovereign states even when it becomes a necessity due to the lack of non-violent options available to further their objectives ? The genuineness of this question can hardly be refuted. This found expression in the statement made by the representative from Mauritania in a UN Committee debate on terrorism that the term terrorist can "hardly be held to apply to persons who were denied the most elementary human rights, dignity, freedom and independence, and whose countries objected to foreign occupation". Citing situations in Africa, the Middle East and Asia, he said "such peoples could not be blamed for committing desperate acts which in themselves were reprehensible; rather the real culprits were those who were responsible for causing such desperation."[20]

Thus, whether one terms a particular group of activists "terrorists" or "freedom fighters" depends upon one's political standpoint. What, for Israel, are Palestinain terrorist organisations are, for the Arabs, Palestinian Liberation Movements. This political essence of the problem makes the question of defining terrorism a really difficult one. However, there have been some interesting attempts at defining a terrorist act from the standpoint of international law. Belgian researcher Eric David defines the terrorist act as "any act of armed violence which, being committed for a political, social, philosophical, ideological or religious ends, violates, among the prescriptions of humanitarian law, those interdicting the use of cruel and barbaric methods, attack of innocent objects or objects of no military interest."[21]

20. Cited in Abraham D. Sofaer, *op.cit.* p. 3

21. Eric David. "Le Terrorisme en Droit International." *Reflexiones sur la Definition et la Repression du Terrorisme, op. cit.*, p. 125.

From the standpoint of contemporary international law, act of violence come under terrorism if :

a) the form and methods of the commission of an act of terrorism are prohibited under international law, or punishable in virtue of a custom which has acquired the value of *jus obtio* in international relations or must be prohibited as being contrary to the fundamental standards and principles of international law;

b) the object of violent action is accorded protection under international law or in virtue of a custom of granting such protection within the framework of international relations or the necessity of protection following from the basic principles of international law ; and

c) violent action has been committed by a subject of international law and is, therefore, to be considered within the framework of this system, or by a natural or legal person but in a situation presupposing international consequences which can be resolved and settled within the framework of international law.

International Terrorism : While none of the above definitions can be treated as exhaustive from the viewpoint of international law some western states adopted a new policy of differentiating between terrorism and "state terrorism" or "international terrorism". Here again we find no precise and exact definition of state or international terrorism. It seems that every state is bent upon deliberately formulating a definition that suits her interests most. In the words of Henderson, for the US international terrorism can be loosely categorized "as all terrorist acts committed by radical (Marxist oriented) or religious groups with state sponsorship for the purpose of attacking US interests in the Middle East or Europe."[22]

22. Robert D.A. Henderson, *op. cit.*, p. 17

Such a biased definition can hardly satisfy the needs of international law. International terrorism as a matter of fact, is just one of the forms of terrorism. Renowned Soviet scholar A.N. Talalaev defines international terrorism as "terroristic acts conducted by individuals or groups against persons, or objects enjoying international protection and thus causing damage to international relations."[23] Thus, international terrorism is a criminal act against an international element. An international element should be taken to mean the commission of an act of terrorism :

a) on the territory of one or several foreign nations or on the territory that does not come under the jurisdiction of any state;

b) by a foreign citizen or subject, or in complicity with a foreign citizen or subject ;

c) in respect of a foreign citizen or property of a foreign physical or legal person or state.

Furthermore, it is indispensible to have special motive of the crime—aggravation of international relations—for such acts to be considered as acts of international terrorism.[24] International terrorism, in the words of Talalaev, "is almost always arranged and conducted on foreign soil, financed from foreign sources and serves as an instrument of foreign policy".[25]

Consequently, international terrorism may be classed as international crime. It should, however, be remembered that the acts of terrorism containing an international element and representing a certian danger to the maintenance of international relations in virtue of the object they have been committed against or in virtue of the presence of an international element only should be regarded

23. A.N. Talalaev. *International Law and Contemporary World*, (in Russian), Nauka, Moscow, 1984, p.153
24. I. Blishchenko, N. Zhdanov. *Terrorism and International Law*. Progress Publishers, Moscow, 1984, p. 78
25. A.N.Talalaev, *op. cit.* p. 154

as international crimes. Another soviet author, I.P. Blishchenko, offers a comprehensive study on international terrorism, but concludes, that the term "international terrorism" is too loose for raising the specific issue of international action to suppress the acts of terrorism.[26]

State Terrorism : In connection with suppression of terroristic acts, some authors and policy makers have categorized certain acts as state terrorism or state-sponsored terrorism. This also, does not seem to have a single, precise definition. The US Administration has made considerable descriptive use of the term in its public denouncemements of worldwide terroristic activities. US has drawn up a list of "those states that find it in their interest to support international terrorism".[27] This again, is a very much partisan approach towards defininig state terrorism.

State terrorism can be defined as an act of terrorism committed by one subject of international law against another. This would cover an act of terrorism committed by : a) a state; b) a nation in battle for liberation; c) an international organisation. State terrorism should likewise be interpreted to imply a policy of terrorism pursued by the authorities in respect of individuals, groups of individuals or population for political, racial and religious motives as well as terrorist activities of the secret services of one state on the territory of another.[28]

State terrorism in the entire diversity of its forms may be classed as international crimes. To classify the problem of qualifying state terrorism, we should mention paragraph 6 of Art. 2 of the Draft Code of Offences against the Peace and Security of Mankind,[29] prepared by the International Law Commission at its sixth session in 1954. Under this document, "the undertaking or

26. I. Bilshchenko, T. Zhdanov, *op. cit.*
27. Robert D.A. Handerson *op. cit.*
28. I. Blishchenko, T. Zhdanov, *op. cit.*
29. *Yearbook of the United Nations, 1954.* New York, 1955, p.411

encouragement by the authorities of a state, or the toleration by the authorities of a state of organised activities calculated to carry out terrorist acts in another state" are offences against the peace and security of mankind and, consequently, as defined in Art. 1, "Crimes under International Law".

So the problem of state terrorism in international law can be resolved by qualifying acts of this kind as acts of agression, because an act of agression by one state against another is, undoubtedly, a crime under international law not only because of this crime being committed by a subject of international law but also because of the danger such acts create for international relations and for the maintenance of international peace and security.[30]

A somewhat different situation arises when acts of terrorism are committed by a physical person who does not act upon instructions by a state. Liability for such acts of terrorism by physical persons is regulated mainly through the framework of national legislation or through a number of international agreements. Acts of terrorism by physical person shall come under international law if these actions comprised an international element. This goes to say that the presence of an international element conditions the international character of an act of terrorism, even if committed by physical persons, its increased social danger, and requires special qualification.

Thus we see that a terrorist act should be seen as violent actions against an individual, a group of individuals, a class or representatives of the authorities of a state, designed to intimidate or compel

30. On this ground, assassination of the PLO leader Abu Jihad by Issaeli mercenaries in May, 1988, can be treated as an act of state terrorism, i.e, as an act of aggression. For its legal basis see : *UN General Assembly Official Records*, (Twenty Ninth Session.) Suppl. No. 19(A/9619), pp.6-10 See also : *UN General Assembly Official Records*, A/9173, S/11003. 27 Sept, 1973, pp. 1, 2

the latter to fulfill the demands and objectives underlying the commission of a terrorist act.

To sum up. the views of Karpets seems worth quoting : "Terrorism is international or internationally intended national organising or other activity aimed at creating special organisations and groups to commit murder, use violence and take people hostage for a ransom of other demands; forcible deprivation of freedom, often involving torture, blackmail, etc; terrorism can also mean the destruction of buildings, their ransacking and similar acts."[31]

The International Response to Terrorism

Long ago it was understood that the battle against international terrorism can only be waged by international cooperation, not merely in policing, but in politics. It is now generally recognised that a state which supports terrorist or subversive attacks against another state, or which supports or encourages terrorist planning and other activities within its own territory, is responsible for such attacks. Such a conduct can amount to an ongoing armed aggression against the other state under international law.

Some progress has been made to establish rules of international law applicable to particular manifestations of terrorism. The approach that has in practice been adopted by the international community in recent years can best be described as functional, or pragmatic, rather than comprehensive. This contrasts with the all-embracing view taken by the League of Nations in the 1937 Convention for the Prevention and Punishment of Terrorism, which in the event, and only partly because of the onset of the Second World War, never entered into force.[32]

31. I.Karpets. *Crimes of International Significance.* (in Russian). (Yuridicheskaya Literatura, Moscow, 1979,) p.98
32. For an overview of the Convention see : Farhed Malekian. *International Criminal, Responsibility of States.* Stockholm, 1985, pp. 159-160

The spread of aircraft hijacking in the 1950s and 1960s stimulated a series of international conventions :

a) The Convention on Offences and Certain Other Acts Committed on Board Aircraft, 1963 (entered into force on December 4, 1969);

b) The Hague Convention for the Suppression of Unlawful Seizure of Aircraft, 1970 (entered into force on October 14, 1971);

c) The Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971 (entered into force on January 26, 1973)..

In December, 1972 the UN General Assembly set up an *ad hoc* Committee on terrorism, but this failed to arrive at any agreed recommendations. However, in 1973 the General Assembly did manage to adopt a Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons Including Diplomatic Agents.

A great leap forward in combatting terrorism was made with the signing of the International Convention Against the taking of Hostages in 1979 which has been adopted by the UN General Assembly.

Alongside these universal conventions, some regional conventions were also adopted to help combat terrorism better. Most notable among them are the 1971 Organisation of American States (OAS) Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That are of International Significance; the 1977 European Convention on the Suppression of Terrorism (came into force on August 4, 1978); and the 1987 SAARC Regional Convention on Suppression of Terrorism.

While almost all the above mentioned Conventions have been elaborately discussed in contemporary legal literature, the SAARC Convention, in its nascent stage, is yet to attract the attention of

the international community. We will, therefore, concentrate on this particular Convention.

SAARC Convention on Suppression of Terrorism

Organizations are instruments to reach goals. It is now advocated that the wealth of experience in the universal organizations should be harnessed to a new concept encouraging a step by step, region by region approach, with a long term perspective aimed at strengthening international law.[33] Although one might wonder if this was the reason behind this regional move to curb terrorism, but no one can question the extreme necessity and timely adoption of the Convention when four of the seven member-states of SAARC are literally over-burdened with terroristic acts.[34]

The signing of the Convention at the SAARC summit in Nepal in 1987 was preceded by four sessions of the Committee of Experts who were entrusted with the charge of drafting the document.[35] The Convention in its present form consists of eleven articles. By adopting this Convention the member-states have resolved "to take effective measures to ensure that perpetrators of terroristic acts do not escape prosecution and punishment by providing for their extradition or prosecution".[36]

It is interesting to note that the SAARC Convention very carefully avoids the question of defining terrorism. Because of the political accent of the problem the drafters decided not to take

33. One of the proponents of this view is Ted Dunn. See his : "An alternative : the Regional Route," *Development Forum*, Vol. XVI, Vo.1, Jan-Feb. 1988, p.3
34. Reference is made to Sikh terrorists in India, Tamil seperatists in Sri Lanka, terroristic acts of Shanti Bahini in Bangladesh and problems caused by militant Afghan refugees in Pakistan.
35. *Sangbad*, September 2, 1987.
36. Preamble of the Convention. Hereinafter reference is made to Articles of the SAARC Regional Convention on Suppression of Terrorism, signed at Kathmandu, Nepal on November 4, 1987.

up the issue of definition in the Convention.[37] The Convention rather follows a descriptive approach for identification of terrorist acts. The Convention, for example, refers to the Hague Convention of 1970, the Montreal Convention of 1971 and the New York Convention of 1973 for offences which shall be regarded as terroristic.[38] The point about the conventions referred to is that they require specific offences to be established as crimes under the municipal law of states which are parties to them, and they lay down cases where the contracting states may exercise their jurisdiction. This provision arouses sufficient doubts as to the effectiveness of the Convention.

Moreover, according to Art.1 (e) of the SAARC Convention such acts as "murder, manslaughter, assault causing bodily harm, kidnapping, hostage-taking and offences relating to firearms, weapons, explosives and dangerous substances when used as a means to perpetrate indiscriminate violence involving death or serious bodily injury to persons or serious damage to property" constitute terrorism. But again this has been placed under the law of the concerned contracting state. This, in our view, negates one of the fundamental aims of any regional convention— that of ensuring uniformity in any particular sphere of law.

The Convention creates obligations for the contracting parties to change the existing extradition treaties and to formulate any future extradition treaty in line with the provisions of the Convention (Art.III). But the whole idea of this article becomes flawed when in Art.III. 4. it is provided that "Extradition shall be subject to the law of the requested state". Given the fact that the SAARC member-states are not interrelated *inter se* by extradition treaties, the fate of any extradition request, even after the Convention's coming into effect, is highly questionable.

37. *Sangbad*, August 12, 1987.
38. Article I of the SAARC Convention.

This flaw in Art. III necessitated and paved the emergence of Art.IV, which provides that in cases when a state does not comply with the extradition request "shall submit the case without exception and without delay, to its competent authorities, so that prosecution may be considered". Once again, proper functioning of Art.IV has been blocked and hindered by provisions of Art.V. Taking of local remedies has been subject not only to national laws but also to another condition - reciprocity. According to Art.V this condition is prevalent and applicable not only to cases of extradition, but surprisingly, to any offence under Art.I or agreed to in terms of Art.II i.e., to any offence that can be defined as constituting terrorism.

Extradition of an alleged offender found in the territory of a contracting state is also "subject to national laws" of that state (Art.VI). This clause - subject to national laws - puts the Convention under the national law of the state concerned, although one of the main objectives of any such international treaty is to unify the material laws of contracting states or invent new laws whereever such are nonexistent.

However, in comparision to Art. VII of the Convention, earlier mentioned articles would seem to be of little value. Given the political situation in the region, it can be said without any exaggeration that the effectiveness of the Convention is likely to be greatly hampered by provisions of Art. VII. In the opening article of the Convention it has been declared that "...following offences according to the law of the Contracting State, shall be regarded as terroristic and for the purpose of extradition shall not be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives..." (Art. I). The inherent spirit of the article is crystal clear--to avoid non-application of the provisions of the Convention by referring to the offences committed as "political". To a general reader this might appear to be a significant step forward if compared to the universal conventions refered to in Art. I

These, otherwise ambitious, objectives receive a stumbling blow in Art. VII which states: "Contracting States *shall not be obliged* to extradite, if it appears to the requested State that by reason of the trivial nature of the case or by reason of the request for of the surrender or return of a fugitive offender not being made in good faith or in the interests of justice or any other reason it is unjust or inexpedient to surrender or return the fugitive offender" (emphasis added).

The vagueness of the expressions like "trivial nature of the offence", "request not made in good faith", or "in the interest of justice" etc, hardly needs to be over-emphasised and leaves enough room for arbitrary interpretation. An offence which to one of the contracting states is trivial might be of insurmountable importance to the other. Likewise, the meaning of the word "justice" can also be so relative and thus so different depending upon specific contexts. Consequently, Art. VII dilutes the effectiveness the whole Convention. In the context of this article very little is left of the high and lofty objectives the Convention stipulated in the preceding articles.

What is astonoshing is that even mutual cooperation and assistance among the contracting states in connection with suppression of terrorism has been subject of their national laws (Art. VIII). The article declares *inter alia* : "Contracting States shall cooperate among themselves *to the extent permitted by their national laws* (emphasis added).. ...with a view to preventing terroristic activities through precautionary measures". Evidently, the Convention dees not create any obligation for the Contracting States to change or modify their national laws in tune with the Convention. On the contrary, even after signing of the Convention problems relating to the suppression of terrorism and thus falling within the jurisdiction of the Convention have been placed under national laws of the Contracting States.

Eventually we get a picture when an obligation to be so recognised and treated by the Convention has to be first defined as such

under the national laws of the Contracting States. The logical consequence is frustrating : the Convention fails to make even the first step towards establishment of uniform set of rules for suppression of terrorism. In other words, the Convention in its present form is far from making a headway for evolution of what could be termed as the SAARC Community Law in this field.

The priority and prominence of the national laws accorded to in the Convention is sufficient to manifest that till now there is no common understanding within SAARC of the object or the subject of a terrorist act falling within the scope of international law, there is supposingly a considerable difference in the definition of the *corpus delicti* of an act of terrorism, no indication of the range of persons entitled to protection from an act of terrorism, or of the grounds for such protection, or of its ways and means.

At least some of the above mentioned shortcomings of the Convention have to be removed if the Convention is to play the role enumerated in the Preamble. Depending on the *corpus delicti* and its social danger, cooperation of SAARC countries for the purpose of suppression of terrorism may proceed along the following lines:

i. unification of the standards of national legislation in respect of offences that amount to terrorist acts, and punishments thereof;

ii. creation of convention machinery of legal cooperation in the presence of an international element within the *corpus delicti*;

iii. creation of a system of regional criminal justice implying the the functioning of a SAARC Criminal Court or other *ad-hoc* Courts and Tribunals for prosecution of terrorism cases;

iv. introduction of severe punishment for terrorism (e.g., long terms of imprisonment, death sentence, etc).

Conclusion

The issue of terrorism and international law has provoked much academic discussion but relatively little international action. As yet the world community is far too divided to accept other than hesitant steps in specific, relatively noncontroversial directions and the weakness of the international legal order has been manifested once again. International law can only move forward where states have consented to a particular line of action. It cannot be imposed upon unwilling community, since that community will only accept what it is prepared to accept.

The whole issue of force, of which terrorism is an integral part, in international relations has posed a severe test for the centrality of intenational law to the world order and one to which it has so far responded with some inadequacy. The SAARC Regional Convention for Suppression of Terrorism is but only a glaring example. Nevertheless, the political consensus to combat terrorism reached upon by SAARC member states and manifested by the Convention is of prime importance and should not be overlooked. In this region of tense political relations among the neighbouring states, deepened by years of bitterness, the SAARC Convention on Suppression of Terrorism despite its various shortcomings and flaws can really sow the seed of harmony which is sure to bloom in full sometime in the near future.