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COMBATING TERRORISM WITHOUT VIOLATING HUMAN RIGHTS : SOME OPTIONS REVISITED

I. INTRODUCTION

Following the demise of the Cold War, increasing interest is being focused on issues related to human rights and international terrorism in their individual capacity and in combination. In the 1994 Human Development Report[1], international terrorism has been considered as one of the indivisible components of threats to global human security. The growing menace of terrorism compounded by internal dynamics and external linkage, poses a formidable challenge to values, norms and institutions of democracy at national and transnational levels.

The changes witnessed in the contemporary global theatre are enormous. From Fukuyama's 'End of History'[2] to Huntington's 'Clash of Civilizations'[3], from Krauthemmer's 'Unipolar Moment'[4] to Watanabe's Euro-America-Japanese condominium[5], the systemic transformation process already experienced by the international system is indeed radical.

1. For further exposition, see, UNDP, *Human Development Report, 1994*, Oxford University Press, New Delhi, 1994, p. 68.
2. For details, see, Francis Fukuyama, *The End of History and the Last Man*, Penguin Books, London 1992.
3. See, Samuel Huntington, "The Clash of Civilizations", *Foreign Affairs*, Summer 1993, p. 22-49.
4. See, Joseph S. Nye, Jr. "What New World Order ", *Foreign Affairs*, Spring 1992, Vol. 71, No. 2, p. 87.
5. See, Akio Watanabe, "International Security Issues in the post-Cold War Era: A Japanese Perspective", *BIISS Journal*, Dhaka, Vol.13, No. 2, 1992.

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The issue of terrorism appears to have not only survived these radical changes, but also drawn renewed importance in the domestic, regional, and global politics. The urgency of combating terrorism is underlined because of its increasing incidence and widespread influence over the fabric of socio-political life.Whatever definition is used in describing the menace, terrorism contains actions that inevitably create social and political disorder, chaos, and instability in a society and deprives the victims of basic human rights. On the other hand, it has also been observed that instruments and strategies used in countering terrorism in many cases may result in human rights violations. The dilemma, therefore, is that in either case - as a result of terrorist activity and as a result of counter-terrorist measures - human rights tend to be jeopardized. Hence the key question is whether it is possible to combat terrorism without violating human rights. The present paper focuses on the linkage between terrorism and human rights and attempts to demystify the conventional notion of inverse relationship between the two. An attempt is also made to examine the options that could be considered to combat terrorism without violating human rights. While the options suggested in this paper are, by no means, new, the purpose of the paper is to reemphasize them in a systematic manner on the assumption that combating terrorism in traditional ways which are often accompanied by violation of human rights could only open up the vicious circle of violence through terrorism-counter-terrorism-terrorism in a row.

II. TERRORISM AND HUMAN RIGHTS : THE TWO-WAY LINKAGE

To review the linkage between human rights and terrorism, it would be useful to reflect on what is understood by the two terms. Inspite of the growth of huge literature on terrorism, it still remains a controversial and intensely debated concept. There is no universally acceptable definition of terrorism. A recent work on the subject lists 120 such definitions which are considered far from satisfactory.[6] The definitional problem of terrorism leads

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6. See, Walter Laquer, "Terrorism Reconsidered", *NATO's Sixteen Nations,* 1987, p. 34

to confusion about the objective of terrorism. Instead of entering into the conceptual debate as such, it appears relevant to note that there are two main schools of thought identifying the perceptions toward terrorists. The first school gives a highly politicized view of terrorism within the framework of Western modernist perspective. The bottomline here is that it is a fight between barbarism and civilization and it is nothing but a mindless violence by fanatical and misguided groups of people. Terrorism is considered to be the product of militant and extreme political ideological indoctrination and religious fundamentalism. Stress is on the violation of international rules and regulations, and on the linkages with arms traders, drug traffickers, gold smugglers, and other clandestine forces. All terrorist acts are considered crimes and many also would be violations of the rules of war, if the state of war existed. A remarkable and radical contributor to this thought is the Tokyo Declaration of the G-7 Summit held in 1986 which stated:

> Terrorism has no justification. It is such a morally contemptible means of struggle that it is absolutely wrong in all circumstances ... There are some governments which sponsor or support terrorism and make 'blatant and cynical use of it. Terrorism must be fought relentlessly and without compromise.[7]

Sharing the negative implications of the violent character of terrorism, the second stream of thought advances the idea that although it is backed by political violence, it is the product of structural deformities and mass discontent of disadvantaged groups in affected societies. Thus, backed by popular support in many cases, terrorism becomes an indispensable part of the struggle for national or sub-national salvation and uncovers internal dismal realities of a state, whether it is a democratic or pseudo-democratic or repressive regime. From such a perspective, terrorism may even tend to be regarded as a legitimate means of warfare. On September 8, 1972, the UN Secretary General asked for inclusion in the General Assembly agenda of an item entitled, "Measures to Prevent Terrorism and Other Forms of Violence which Endanger or Take Innocent Human Lives or Jeopardize Fundamental

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7. For details, see, Lawrence Freedman, *et.al.*, *Terrorism and International Order*, Routledge, 1988, p. 8.

Freedoms."[8] The Secretary General's statement evoked angry opposition, as it was understood that the inclusion of the agenda as such was tantamount to treating terrorism without considering its causes. Later, the Secretary General made it clear that it was no good considering terrorism "without at the same time considering the underlying situations which give rise to terrorism and violence in many parts of the world".[9] The following statement articulates this perspective:

> Acts of terrorism inspired by base motives of personal gain were to be condemned. Acts of political terrorism, on the other hand, are undertaken to vindicate hallowed rights recognized by the UN, were praiseworthy. It was, of course, regrettable that certain acts in the latter category affected innocent persons.[10]

Like terrorism, the issue of human rights despite its universal appeal, has been highly politicized for the last few decades, particularly in the context of the Cold War featured by ideological confrontation and related dynamics. The concept is of paramount significance in the realm of peace and prosperity in the present day world, and it continues to be treated as one of the foremost concerns of the post-bipolar global community. The main components of human rights and fundamental freedom which are universal in scope include: the right to life, or right to live as a human being, the right to liberty and security of persons, freedom of movement, freedom of expression, freedom from torture and cruelty, freedom from slavery and servitude, and the right to the basic necessities.

Despite clear identification of the basic elements of human rights, the issue remains a subject of great debate. During the Cold War era it was an issue between the West and the East and between the Third World and the West. With the elimination of the confrontation between Moscow and Washington, the East-West dimension of the debate has been erased while human rights continue to be an issue between the North and South. At a

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8. See, Abraham D. Sofaer, "Terrorism and International Law", *Dialogue*, Washington, No. 76 February 1987, p. 3.
9. *Ibid.*
10. *Ibid.*

dispassionate level, the issue of the debate centres around two important actors: first, how much emphasis needs to be placed on each category or group of rights - civil and political, or social and economic, or cultural. Some argue in terms of the first generation of rights (civil and political rights), the second generation of rights (social rights), and the third generation of rights (including the rights to solidarity, peace, development, environment, etc.).[11] For the Third World it is an irony that almost all the accusers live in glass houses, so to say.[12] These industrially advanced countries of the North having already achieved the highest level of socio-economic development, concentrate on the civil and political rights at a level difficult for the less developed countries to pursue with comparable rigour. On the other hand, the South concentrates on economic and social rights. The dilemma clearly dominated the deliberations in the last year's Vienna Conference on Human Rights.[13]

The second issue of debate is embedded in the changing relationship between sovereignty and human rights in the modern world. Traditionally, as stated by the World Court, the doctrine of state sovereignty means that the state "is subject to no other state, and has full and exclusive powers within its jurisdiction".[14] Inevitably, international activities to protect human rights contradict a core premise of traditional sovereignty that, as Louis Henkin has put it, "how a state behaved toward its own citizens in its own territory was a matter of domestic jurisdiction, i.e., not any one else's business and therefore, not any business for international law".[15] This jurisdictional debate has been reflected in the two recent events: (1) Pakistani insistence and later withdrawal of a resolution in the UN Commission on Human Rights demanding the inspection of Indian human

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11. See, K. P. Saksena, "New World Order and Human Rights," *World Focus*, March 1992, p.3-7.
12. See, Ajit Roy, "Human rights Issue and the Left", *Economic and Political Weekly*, March 5, 1994, p.530.
13. *The Bangladesh Observer*, June 15, 1993.
14. See, Kathryn Sikkink, "Human Rights Networks in Latin America", *International Organization*, Summer 1993, Vol. 47, No. 3, p.418.
15. *Ibid.*, p. 418.

rights violation in Jammu and Kashmir and (2) the Chinese reaction to the US policy of linking of MFN (Most Favoured Nation) status with the former's human rights record.

Coming to the question of linkage, terrorism tends to be viewed as antagonistic to conditions conducive to the promotion of human rights. However, objectively speaking, these two need not necessarily be perceived incompatible. At one level, instead of being a cause of the violation of human rights, terrorism could be a means to ensuring of 'human rights'. Movements for achieving self-determination, national liberation and civil rights sometimes backed by 'terrorist acts' are basically movements for ensuring human rights. This is particularly important in the context of possible human rights implications of measures to combat terrorism. In the Apartheid South Africa during the 1960s and 1970s, the campaign for establishing black rights by the African National Congress (ANC) often through its military wing, and the violent retaliatory action by the Pretoria regime caused death and human rights violation of thousands of innocent people including the terrorists and members of security forces. What we see today in South Africa in the form of a democratically elected multi-racial regime is an outcome of this long-drawn violent movement. The same is true in the case of Israeli counter-terrorist measures against the Palestinian resistance movement against Israeli aggression and the terrorist acts committed by the Bengal extremists against the British Raj in the 1920s in the Subcontinent.

At another level, however, as a result of the policy of "eye for an eye" often adopted by the government, the basic human rights and fundamental freedom of the common people are continuously jeopardized. For example, in Sri Lanka since 1983 when the Tamil Tigers started the separatist movement, almost 17,000 people have been killed.[16] The former Deputy Inspector General of police in Sri Lanka claimed knowledge of 1,079 political killings by government-backed death squads.[17] In the case of

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16. *The Bangladesh Observer*, February 10, 1992.
17. *The Bangladesh Observer*, August 30, 1992.

Kashmiri militant movement, at least 17,000 people were killed since 1990.[18] Another factor is the question of human rights for the captured terrorists. In what manner the captured terrorists would be treated by the government is really a delicate matter. The torture and cruelty applied to them in several cases are certainly gross violation of human rights. How then, and to what extent could the dilemma of one human rights violation justifying another be resolved? Since terrorism cannot be a justifiable means to any end in the civilized world, no act of terrorism can ever justify measures that may result in similar menacing outcome including violation of human rights.

III. COMBATING TERRORISM : THE CONVENTIONAL APPROACH

The state as the ultimate authority against which usually most of the terrorist acts are directed responds to terrorism in various ways. The basic objective of such response is to protect the lives, properties, the overall socio-political structures, values, and institutions which are often at jeopardy because of the terrorist attacks. The rationale behind combating terrorism range from stopping violations of human rights to bringing social and governmental stability.

During the period of the Cold War, the United States from its perceived position of the number one target of the act of terrorism from the left wing, sub-nationalist rightists, and the Islamic extremists, initiated various anti-terrorist measures for curbing terrorism. The US approach, more or less followed by other affected states, has been generally featured by coercive measures like retaliation, reprisals, economic sanctions, and overt actions. The successive Governments in the USA launched retaliatory raids or actions on the terrorist groups, and their perceived or actual supporter countries. In a landmark speech in October 1984, the former US Secretary of State insisted that the US "must be willing to use military force".[19] He said it was appropriate even if "there is potential for loss of life of some of

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18. *The Bangladesh Observer,* August 16, 1994.
19. *Time,* June 24, 1985, p.30.

our fighting men and the loss of life of innocent people" and even the Government lacks "the kind of evidence that can stand up in an American court of law" as to who was responsible for a terrorist attack.[20] In the aftermath of the hijacking of TWA Flight 847 in 1985, Henry Kissinger in an interview suggested that the Reagan Administration should "make it absolutely clear that any damage to any American will lead to very violent reprisals".[21]

Consistent with this line, military means became the main instrument of combating terrorism on the part of the US. The US bombing raid against Libya in 1986 is an example. Echoing the Israeli standpoint the US has also considered PLO as a symbol of terrorism and supported most of the repressive measures adopted by the former. The notable aspect of the outcomes of such actions is further anti-American slogans in various parts of the world, and more importantly, further impetus to terrorism instead of its extinction. Most of the West European states provide strong support to the repressive measures as applied by the US for combating terrorism, specifically in the Middle East. In similar ways, Latin American countries as well as South Africa and Israel followed more or less the same approach in combating terrorism. Even the South Asian states also appear to be inclined to use force for curbing terrorism. To be sure, the traditional approach to combating terrorism provides scope for inclusion of less coercive instruments like "safety measure", resort to diplomacy, and economic sanctions. While military means should ideally be used when other mechanisms fail, in practice, military crackdown tends to be applied before all other means are attempted effectively. The non-coercive or less coercive measures get permanently relegated in the process.

Ironically enough, the use of the armed forces and other coercive measures to combat terrorism within the state can lead to politicization, corruption of the military and if not anything else, widespread non-discriminatory repressive measures by the security forces. For example,

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20. *Ibid.*
21. *Newsweek*, July 1, 1985, p.17.

during the war of independence of Bangladesh in 1971, the Pakistan military was engaged not only in combating the insurgents, but also in the massacre of thousands of civilians and various forms of violation of human rights. The Indian Army assault on the Golden Temple in Amritsar in June 1984 far from ending Sikh terrorism, which was theretofore confined to a small section of the population, provoked massive Sikh insurgency and widespread terrorism. The killing of Prime Minister of India, Mrs. Indira Gandhi by her Sikh bodyguards is widely considered to be the response of the excesses committed by the security forces. Similarly, the deployment of Indian Peace Keeping Forces in Sri Lanka to control and suppress Tamil terrorists is regarded as a failed experiment of combating terrorism with military forces.

The other problem with the use of military forces is the international condemnation it attracts because of the human rights violation by government forces and because of the media coverage and other non-governmental support for the just cause' of the terrorists. Of course, such support encourages the terrorists for more engagement. They become actively involved in provocative acts through terrorism in order to invite severe government military retaliation. In short, military means bring about cycles of massacre and counter-massacre.

The foregoing analysis exposes the limits, if not the futility and ineffectiveness of the use of force, although in some cases it had been able to contain the acts of terrorism for a very limited period. The history of Tamil ethnic conflict in Sri lanka, IRA in the UK, Chakma militancy in the CHT, Bangladesh, ANC militants in South Africa till 1990, PLO in Israel till 1993, Sikh militants in India, and the Kashmiri militants are graphic examples of failure of repressive measures to combat terrorism. On the other hand, caught up in the midst of terrorist and counter-terrorist activities the sufferings and agonies of the common people increase. Their aspirations for civil society with adequate economic, political and social rights tend to be neglected, reinforcing the process of alienation. Thus, to treat terrorism simply a security issue without considering the social, economic, and political dimensions turns out to be counterproductive.

The Irish Problem

Despite the euphoria generated by the historic Anglo-Irish Peace Deal signed by the British Prime Minister John Major and Irish Prime Minister Albert Reynolds in late December 1993 after a month of intensive negotiation and two years of quieter diplomacy,[22] the terrorist problem in the Great Britain remains an intractable conflict. The problem started in 1969, and spreading from the mainland Britain to the Northern Irish Republic, it is the most protracted and intensive terrorist violence experienced anywhere in Western Europe since 1945. Assuming a complex phenomenon, the question of terrorism is centred around the following issues: supporting the partition of Ireland and the existing border; unification of all Ireland; British retreat from this region; constitutional status of Northern Ireland; and Northern Ireland's position as an integral part of the UK. The terrorist acts in this region produced widespread instability and civil disorder. Both passive and violent disagreement and disobedience among unionists and nationalists caused spilling of blood. The terrorist or militant activities are engineered by the Provisional Irish Republican Army (PIRA), the military wing of Sinn Fein. On the other hand, in combating militant republicanism of the PIRA, a number of counter-terrorist groups have been formed which include Ulster Volunteer Force(1966), the Ulster Freedom Fighters, Ulster Defence Association(1970s), and the Red Hand Commandos(1972).[23] In addition, the successive British governments maintained the presence of security forces with emergency powers. All the activities on the part of the terrorists and on the part of the state too, gave birth to two-fold violence: republican and loyalist. Thus, the entire region has been engulfed into the vicious circle of terrorism which resulted in large number of deaths and injuries to human lives and damage to public and private properties, and above all, widespread violation of basic human rights. Over 2,900 people have been killed in the conflict and over 30,000 injured.[24] Considering that the total population of Northern Ireland which is only 1.5 million, the casualty ratio is quite high as may be seen in Table 1.

22. *Newsweek*, January 3, 1994, p.15.
23. See, Northern Ireland: Reappraising Republican Violence, A Special Report, *Conflict Studies*, No. 246, RISCT November/December 1991, p.1-4.
24. *Ibid.*, p.1.

Table 1. Deaths and injuries as a result of terrorism in North Ireland

Year	RUC	RUC 'R'	Army	UDR	Civilian	Total
1969	01	—	—	—	12	13
	(711)		(54)			(765)
1972	14	03	103	26	321	467
	(485)		(542)	(36)	(3813)	(4876
1979	09	05	38	10	51	113
	(165)		(132)	(21)	(557)	(875)
1982	08	04	21	07	57	101
	(99)		(80)	(18)	(328)	(525)
1988	04	02	21	12	54	93
	(218)		(211)	(18)	(600)	(104)
1991	05	01	03	06	52	67
	(112)		(123)	(44)	(367)	(646)

Source: *Conflict Studies*, No. 246, 1991, p.22-23.
Notes: The figures in the parentheses indicate injuries
RUC = Royal Ulster Constabulary
RUC'R'= RUC Reserve
UDR = Ulster Defence Regiment

The above table clearly reveals how violence inflicted deaths and injuries upon all the parties rendering the whole society including the conflicting parties endangered and insecure. Neither the problem of terrorism nor the sufferings of the people is mitigated in this process.

The Kashmiri Militancy

The Indian government has been facing at least a half dozen insurgency or secessionist movements backed by terrorist activities in various parts of the country. Jammu and Kashmir, the princely state of India tops the list of the states affected by militancy. The people, the militants, and the security forces are facing untold misery in this Indian state. Based on the conflicting motives of the militants and the government, the problem of terrorism in this region assumes a complex and dangerous phenomenon. Apart from the controversy related to Maharaja Hari Singh's accession to India of the state of Jammu and Kashmir and its subsequent 'merger,' the Indian government

with its democratic tradition, has committed itself to combat 'terrorism', as the Government says so, or the 'crusade' called by the Kashmiri militants. Clearly a warlike situation has emerged involving considerable deaths, injuries, and destruction of lives and properties. Paralyzing the socio-economic and political structure of the state of Jammu and Kashmir, both the security forces and the militants are locked in a low-intensity warfare over the years. Undue and unreasonable importance given on the option of using force or guns for bringing peace and order in this affected state precipitated gross violation of human rights. This is supported by credible reports of many non-governmental organizations, neutral observers, and the media. The military, the Indian army and federal paramilitary Border Security Force(BSF) and the Central Reserve Police Force(CRPF), all are involved in the massacre and counter-massacre that do not spare the innocent people. Particularly, the governmental organs equipped with legal measures like TADA(Terrorism and Disruptive Activities (Prevention) Act), NSA(National Security Act), and JKPSA (The Jammu and Kashmir Public Safety Act) have contributed to create a rule of terror in the state of Jammu and Kashmir in retaliation to attacks by militant forces. For example, in its annual report covering human rights abuses across the world in 1993, the Amnesty International mentioned that at least fifty three people were killed in Sopore in Kashmir by the BSF in January 1993 apparently in retaliation for death of a BSF member in a clash with separatists.[25] The Human Rights Watch World Report 1993 observed:

> In the disputed state of Kashmir, human rights conditions continued to deteriorate. The government launched "Operation Tiger" in August - a campaign of surprise raids designed to capture and kill suspected militants and terrorize civilian sympathizers. In October, a joint mission by Asia Watch and PHR(Physicians for Human Rights) documented the summary executions of dozens of civilians and suspected militants who had been taken into custody and shot dead after interrogation.[26]

25.*The Statesman*, July 7,1994.
26. For further exposition, see, *The Human Rights Watch World Report 1993*, New York, 1992, p.169.

Torture, detention, disappearances, and kidnapping are the common phenomena in Kashmiri society. To quote a credible source:

It is impossible to gauge the true extent of torture in Jammu and Kashmir. In July 1991, unofficial sources estimated that 15,000 people were being detained without trial in the state....In Jammu and Kashmir rape is practised as a part of systematic attempt to humiliate and intimidate the local population during the counter-insurgency operations.[27]

Moreover, the deployment of around 4,00,000 Indian army and paramilitary forces throughout Jammu and Kashmir for containing the separatist movement has transformed the region into a hot-bed of confrontation. It would be illustrative if the total number of security forces are compared with the total population of Jammu and Kashmir and the total number of Kashmiri militants which stand respectively 4,000,000 and 10,000.[28] However, the following table (Table 2) demonstrates the killing of people in Kashmir as a result of terrorist violence and use of force by the government.

Table 2: Terrorist violence toll in Jammu and Kashmir

	1990	1991	1992	1993
Total killed	1177	1393	1909	6054
SF personnel	132	185	177	40
Govt. Officials	62	57	36	08
Top Pol. Leaders	01	—	—	02
Politicians	24	10	04	07
Judiciary	—	01	—	—
Pressman	01	01	01	—
Muslims	575	456	747	242
Hindus	177	45	67	22
Sikhs	06	12	10	—
Militants	183	614	873	320
Others	16	12	35	13

Source: *The Times of India,* November 7, 1993

27. *Economic and Political Weekly,* May 21, 1994,p.1261.
28. See, *Economic and Political Weekly,* November 6, 1993, p.2442. Also, *Country Reports on Human Rights Practices for 1993,* p. 1345.

The state machineries in Jammu and Kashmir have been blamed by the international public opinion in general and the people sympathetic to the self-determination of Kashmiri people, in particular, for violating human rights which instead of solving the problem of terrorism, has militarized the whole society.

The Tamil Question

In Sri Lanka since 1983 the Tamil Tigers started a violent campaign for an independent homeland called 'Tamil Eelam' in the northern and eastern part of the country. The Tamil people complain of economic and cultural discrimination by the Buddhist majority Sinhalese that has given rise to aggressive ethnic Tamil nationalism in Sri Lanka. It has been manifested in an epidemic ethnic violence turning into a civil war between the Tamil militant group, the Liberation Tigers of Tamil Eelam(LTTE), and Sri Lankan government troops with violation of human rights by both sides. The government has declared war on the 'separatists-terrorists' of Jaffna and the consequences of this war have brought untold sufferings to the Tamils in the peninsula as well as the people in the other communities. It is really difficult to quantify the extent of the miseries and agonies caused to the common people. As mentioned in the Human Rights Watch Report 1993:

> According to a government report, 2,095 people, including 457 civilians, were killed in the war between January and September 1992. Tens of thousands of families were displaced by fighting in northern Sri Lanka, in addition to the million and half already displaced since the current phase of the war began in June 1990.[29]

The reality of militarized situation prevailing in the peninsula is also reflected clearly in the following statement:

> The population of the north-east is down to nine lakh from 1.7 million in 1987, out of whom 50,000 have been killed or are missing. Of those who have left the region, three lakh Tamils had gone to the west and two lakh to India. About 3,50,000 have taken shelter in refugee camps throughout the island or are staying with relatives.[30]

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29. *Human Rights Watch Report, op. cit.,* p.185.
30. *Sunday,* May 29, 1994, p.36.

Amidst this human despondency, the security forces, the LTTE, and other militants groups continued to engage in massive political killings. Meanwhile, together with the 50,000 member police force, the army manpower has increased steadily over the past few years. Now, the 80,000-man army has the primary responsibility of conducting the war against LTTE.[31] The Prevention of Terrorism Act(PTA) and the Emergency Regulation(ER) have provided security forces with wide powers which are misused in most cases. On September 11,1981, the *New York Times* quoted President Jayawardene as saying:

> I regret that some members of my party have spoken words that encourage violence and the murders, rapes and arson that have been committed.[32]

Similarly, the separatists along with their natural violent methods, responding to the retaliatory raids by the state authority, become more and actively involved in the terrorist activities. For example, following a series of suicidal attacks against leading Sri Lankan officials by the LTTE, a suicide bomber killed former Sri Lankan President R. Premadasa and dozens of bystanders in Colombo on 1 May 1993. Opposition party leader Athulathmudali was assassinated the week before by an unidentified lone gunman who may have been an LTTE member.[33]

All these are contributing to the sustenance of ethnic violence, and year after year the nation has been shouldering the high cost of human lives and national properties and erosion of democratic culture. Thus, in combating terrorism militarily and justifying use of force as necessary to counter separatist or independence movement, the state authority remains far away from the core objective of solving the problem of terrorism.

IV. ALTERNATIVE OPTIONS REVISITED

In view of the above discussion, the imperative for looking for non-coercive and non-military options in combating terrorism is clear. The basic

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31. For detail, see, *Country Reports on Human Rights Practices for 1993*, Department of State, February 1994, Washington, p.1387.

32. *The Lanka Guardian*, Vol.17, No.6, July 15, 1994, p.8.

33. See, *Patterns of Global Terrorism: 1993*, US Department of State, Los Angeles, 1994.

point here is that in considering any measure to contain the menace, the question of protection and promotion of human rights of all the concerned people should be strictly taken care of. In conformity with the nature of the problem itself there are two broad dimensions in which terrorism needs to be combated: internal and external. In this paper, focus is more on the possible options on the internal front although some of the implications may be equally applicable for the external dimension too. The discussion below relates particularly to countries with multi-racial, multi-lingual, and multi-ethno-cultural identity and composition. The concern is to look for approaches which would protect and promote, not violate, human rights.

National Harmony and Political Accommodation

The systemic changes in the contemporary international scene have unleashed a process of nationalist and sub-nationalist assertion in various parts of the world which in many cases are manifested in the form of terrorist activities. In many cases these are the products of genuine and deep grievances of deprivation on the part of the minorities. It is clear that in containing such problems the governments must address the issues that account for the grievances as such. There cannot be any magic formula or a universal model that may be recommended to ensure national integration and territorial integrity. Each state has its own type of challenges, but all the efforts should be directed to strive for accommodation and a viable formula for living together in 'unity within diversity'. The primary requisite in this case is the preparedness to mutual give and take on the part of all parties concerned. In this context, the majority community always has greater scope and responsibility to offer concessions than the minority. Experience shows that the incidence of terrorism passes through stages. When the government and terrorists are bogged down in an unending bloody conflict, it becomes a conflict of mutual destruction. So, the sooner the accommodation is attempted, the lesser will be the damage.

To reduce the impetus for separatism, the nation has to continue building safety nets - political, social and economic - for national

communal groups and individuals who belong to them. The safety nets could be looked for in preventive strategies to improve inter-ethnic co-existence, protection of the collective rights of communal groups, and promotion of intra-regional economic co-operation and inter-dependence. The objective is to ensure that the various social groups who live in the territory develop a sense of belonging to the political system and they, in turn, agree to have their public lives regulated by the political system, its constitution, and its law. Establishment of constitutional democracy ensuring the fundamental rights of all sections of the people is the main step towards building of such a society.

While the above measures cover the whole gamut of political and economic initiatives possible within the available resources, special measures are needed to bring the backward class into the mainstream of the society. Similarly, through ensuring greater degree of mobility of disadvantaged people and creating special opportunity through quota and other measures the gap between the value capabilities and value expectations in the society could be narrowed down. Measures to ensure the sense of participation in the political, economic and social development would help the deprived, alienated and aggrieved groups - tribal, ethnic, or religious - come to the mainstream and build mutual confidence.

The measures including the special safeguards can only be effective if they are backed by a solid political will to lend credibility and transparency to the measures so that a process of restoring building mutual confidence is set in motion. As long as political will does not appear transparent and credible, even the most attractive package will not lead to a cessation of violence. The experiences with insurgency in the Chittagong Hill Tracts(CHT) of Bangladesh which only recently witnessed some positive developments will bear testimony to this.

The CHT : A Case for Searching Political Accommodation

In the largest tribal region of Bangladesh, the Chittagong Hill Tracts(CHT), the state authority and the Chakma terrorists like other parts of South Asia have been bogged down in an undeclared war. The widely held view regarding the crisis is that the wholesale rejection of the demands,

however unjustified and unacceptable, initially for regional autonomy and subsequently for separate homeland in the name of 'Jumma Land' for the Hill people fomented the problem over the years. Initially suggesting them to forget their separate identity and `become Bangalees'[34] and the subsequent governments' tilting towards military option for combating terrorism conducted by the *Shanti Bahini,* a military and guerilla wing of the regional political organization the *Parbatya Chattagram Jano Sanghati Samity* (PCJSS) contributed more to the continuation of this problem and deterioration of human rights situation than to its solution.

For the last seventeen years the successive governments as a part of counter-terrorist operation, deployed three brigades of 24th Infantry Division of Bangladesh Army with support of Bangladesh Rifles(BDR), Armed Police Battalion and Armed Ansar Battalion in the region of CHT.[35] On the other hand, equipped with conventional and lethal weapons and applying the popular strategy of *hit-and-run,* the *Shanti Bahini* affixed to their usual use of violence, came in confrontation with the security forces. The state of confrontation not only survived over the years, it also resulted in a large number of fatalities and injuries and damage to the properties. Between 1980 and December 1991, 952 non-tribal and 188 tribal civilian people were killed as a consequence of violence.[36] Although at various times the successive governments in Bangladesh initiated political dialogue and undertook different development programmes like CHT Development Board, the special Five Year Plan for CHT, and the creation of Local District Councils and so on, no major progress towards the resolution of this conflict could be achieved. Only recently signs of positive change came with the firm determination for political solution manifested by the government which came to power in the wake of the fall of the long years of autocratic rule. The recent developments demonstrate the viability of the non-coercive measures in eradicating violent activities in the CHT region.

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34. Amena Mohsin and Bhumitra Chakma, "The Myth of Nation Building and Security of Bangladesh: The Case of CHT", paper presented at a seminer at BIISS, August 1992, p, 18.

35. *Dhaka Courier,* 8 July 1994, p.9.

36. Mizanur Rahman Shelley(ed.) *The Chittagong Hill Tract of Bangladesh, The Untold Story,* Centre for Development Research, Bangladesh, December 1992, p.124.

The government has put special emphasis on political methods for resolving the problem of terrorism in this region. Even all the mainstream opposition parties including Awami league, Jatiya Party, and Jamaat stress on the political solution of this problem. The recently established Parliamentary Committee on the CHT held several rounds of peace talks with the PCJSS delegation led by Jotindra Bodi Priya Larma alias Shantu Larma, a firebrand Shanti Bahini activist. These resulted in the signing of tripartite agreement on the repatriation of Chakma refugees from India. The successful completion of the two phases of repatriation has not only opened the prospect of resolution of the longstanding problem of refugees stationed in India, but also indicated how a complex and potentially volatile conflict with terrorist manifestations can be resolved though the process political negotiation rather than military option.

Democratization and Popular Participation

Terrorism is often resorted to when the political avenues for solution are either absent or inadequate. It is pursued by the political forces who believe, for historical, ideological, and practical reasons, that their objectives will best be served by force of arms. Thus, the recourse to arms is perceived as the only meaningful way to bring about expected transformation of society or realization of the political goals.[37] Unless the people find avenues to articulate their political aspirations, to mobilize for realizing them, and to work out their own path to social transformation, it will be difficult to combat terrorism. Hence, if conflicts are to be resolved without resort to arms, then popular participation and democratization are inescapable. In this context, the establishment of democratic pluralism and popular participation through free and fair electoral process as well as ensuring independence and democratization of the media can play a catalytic role.

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37. See, Edmund Garcia, "Conflict Resolution in the Philippines: The Quest for Peace in Democratic Transition", *Bulletin of Peace Proposals*, Vol. 20, No. 2, p.59-60.

Public opinion is an important factor. Whatever the cause behind their activities, in almost every case they try to justify it by projecting the higher goal. The more they can justify, the longer they sustain. In fighting terrorism it is not always enough to see that the whole nation or majority of the people or a dominant group in a country has been convinced and unified against the terrorist activities of a discontented group. The objective of should be to win the political allegiance and the adherence of the people of community in question. But this task cannot be achieved by the government alone. It needs to be taken up by independent non-government organizations and social movements. Such organizations can play a vital role in building the confidence through objective ventilation of the problems, continuous monitoring of the situation, and providing the two-way feed-back on relevant issues including violation of human rights.

Regional Cooperation

The external dimension of terrorist activities is almost universal. Nearly every terrorist operation is backed by external involvements. Be it for narrow or parochial interests or be it for genuine support to the movements for self-determination and independence, the external support often plays a critical role in sustaining terrorism. Here, we observe a complex set of interconnections between group vs. group, state vs. group, and state vs. state. As a result, allegations and counter allegations of sheltering terrorists are common in the conduct of international life. The United States took the global leadership in accusing the external powers of assisting the terrorists worldwide which contributed to the popularization of the concept of 'state terrorism.' On July 08, 1985, the former US President Ronald Reagan denounced five terrorist states: Iran, Libya, North Korea, Cuba, and Nicaragua.[38] Later, according to the US, Syria and PLO also joined the Terrorist Club. On the other hand, the US according to some Third World countries, was criticized for its support to Israeli aggression

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38. *South*, August 1985.

against the Palestinians and its attack on Libya in 1986. President Fidel Castro of Cuba on July 09, 1985, branded Mr. Reagan as the worst terrorist in the history of mankind.[39] Recently, this phenomenon has come to the forefront of inter-state relations in South Asia. Both Pakistan and India continue to charge and countercharge each other for violating human rights and sheltering the terrorists. This vitiates the prospect of the South Asian journey to regional cooperation.

Regional cooperation has indeed been one of the effective ways of combating terrorism. In Europe, in addition to their individual national legal and institutional measures, the historic convention titled the European Convention on the Suppression of Terrorism' (ECST) was signed. Later, at an Anglo-Dutch initiative, the 1975 Rome European Council decided to set up the TREVI.[40] Thus, cooperation among Europeans to combat terrorism has proceeded apace within WEU, TREVI, NATO, and the Council of Europe. This flow of regional cooperation crosses the border of Europe and touches other parts of the affected region. South Asian countries also recognized the importance of addressing the issue of terrorism at regional level during the first Summit of the South Asian Association for Regional Cooperation (SAARC) in 1985. In the next year, following the Bangalore Summit of November 17, 1986, all member states of SAARC agreed to cooperate on issue of terrorism. "Prevention of Terrorism" was eventually included within the areas of cooperation among SAARC countries. It became further formalized when the member states signed a "SAARC Convention on Prevention and Suppression of Terrorism" in 1987.[41] This convention containing eleven articles established the foundation of an effective mechanism to combat terrorism in South Asia. Despite signing of the agreement prospect of regional cooperation for combating terrorism remains a far cry, and the reasons for this are obvious. But the point to stress here is the potential of the regional approach, in general and in South Asian context, in particular.

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39. *Ibid.*
40. For details, see, H.H. Tucker,(Ed.) *Combating The Terrorists Democratic Responses to Political Violence,* Facts On File, New York, 1988, p. 48.

V. CONCLUDING REMARKS

The main argument of the paper is that unless due consideration is given to all related aspects, human rights violations may take place while combating terrorism the way terrorism itself violates the same. The need for stressing more on political weapons rather than those of force has been re-iterated. On the domestic front, building of safety nets - political, social and economic - for the disadvantaged sections would help redress grievances. Establishment of constitutional democracy ensuring the fundamental rights of all sections of the people, popular participation through free and fair electoral process would be effective in building up mutual confidence. Independence and democratization of the media, greater role of non-governmental organizations particularly aimed at building dispassionate public opinion on related issues are critical. The stress is on the whole gamut of political and economic initiatives possible within the available resources which would help develop in the various societal groups and sub-nationalities a sense of belonging to the political and legal system. The need for strengthening regional cooperation for combating the menace has also been stressed.

The key aspects of the strategies under consideration are societal harmony, accommodation, stability and cooperation in line with what P.N. Haksar visualizes in the context of India: "What we need today is not a monochromatic concept of Indian state, but a poly-chromatic one, the concept of a gulistan or garden where every living being is at peace within itself."[42] Like war, violence and terrorism originate in the minds of people, and it is through efforts to eliminate these from the mind that these could be effectively challenged.

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42. P.N. Haksar, "Towards New Beginnings", *India International Centre Quarterly*, Spring 1990, p.98.