CHAPTER- I

Introduction to International Terrorism
- A Conceptual Framework
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For centuries the search for in international order guaranteeing the security of international commerce and travel, diplomatic protection and the safe-guarding of non-combatant civilians has been the concern of international community. Of course, there has been increased focus on the defence of conscience in the last century and with right to self determination and human rights the concerns in this century. However, the increase in terroristic activities worldwide has caused a renewed concern with international safety and the old conflict between individual conscience and public order has returned once more to hunt the international arena.

The trinity of terrorism, human rights & International cooperation is not oxymoronic in any way. On the contray, this juxtaposition is to be comprehended Lucidly.

It is an acknowledged truth that terrorism flows from fundamentalism. Fundamentalism odurs the sadistic attitute of separatism, secessionism, dis-integration; it airs the demand of violation of human rights, its self violation of human rights by outraging the modesty of womenfolk, killing the innocent people orphanising the countless young novices, and making hundred thousands people homeless is nothing but a disguise of Azadi (independence) or right to self-determination.¹

It is ironical that with the ever increasing tempo of world movement for protection of human rights, nations of the world are utilising torture as a weapon to subdue, muffle, supress and stifle the human spirit to live in freedom, oblivions of the fact human spirit to live in freedom and truth could not be daunted even in the dark ages.

¹It seems, perhaps the world is witnessing the last ditch-battle between the forces of darkness and the light. So long as torture is used as an instrument
to suppress human rights, the scourge and menace to international peace will continue to exist. There can not be international peace in a world whose human rights are not upheld.

One of the most disturbing developments of the twentieth century, particularly of the last few decades having global implication has been the emergence of the politics of Terrorism, both national as well as international. It is a threat to the civilized life all over the world.

It has assumed dangerous proportions in the recent past because of the scientific and technological inventions which have on the one hand annihilated the time and distances and on the other hand have placed sophisticated weapons of mass destruction in the hands of terrorist who are very keen to strike at innocent of soft human targets and strategic locations without caring for their consequences.

A terrorist action, whether it is manifested by mere threat or actual use of extra ordinary violence is in substance, a shocking and alarming expression of socio political claims of the terrorists.

Terrorism in a broader sense is a use or threat of use of force or violence against or in favour of the government establishments by any individual or group of individuals, as a tactic or technique by creating overwhelming fear to coerce purposes is perpetrated by resorting to kidnapping, assassination, hijacking, blackmail and ransom, using bomb etc. The main aim is to achieve avowed objectives in shortest span of time by exercising optimum strain on the conventional legal mechanism and gaining wide publicity over media. Terrorism breeds various grounds of hatred, intolerance, lack of social, cultural or religious accommodation and above all, on economic and political difference.

Terrorism is an act of intimidation of innocent people, threatening their lives, destroying their property depriving their lives & liberty and thus creating tension among them. It is a systematic use of terror of unpredictable violence against government, public or individuals to attain social political objectives.

In search of definition

The definition of terrorism has become a matter for political as well as intellectual struggle because the term is pejorative and politically antagonistic. Various futile attempts have been made to define the terms “terrorism” by different
authors and in national & international seminars and conventions.

According to Butom M. Leiser "terrorism is an organised set of violence designed to create an atmosphere of despair or fear, to shake the faith of ordinary citizens in their government and its representatives to destroy the structure of authority which normally stands for security or to reinforce and perpetuate a governmental regime whose popular support is shaky".

Brain M. Jenkins defines terrorism as "the threat of violence, individual acts of violence or campaign of violence designed primarily to instill fear or to terrorise".

One of the important definition of international terrorism has been however given in draft single convention on the legal control of International Terrorism 1976 in Belgrade. Article 1, of this single draft convention describes International terrorism as "an serious act of violence or threat thereof by an individual whether acting alone or in association with other persons which is directed against, internationally protected persons, organisations, places, transportations or communication systems or againsts members of general public, for the purpose of intimidating such persons causing injury to or the death of such persons disrupting the activities of such international organisations, places, transportations of communication systems of causing loss, detriment or damage to such places or property or of interfering with such transportation and communication systems in order to undermine friendly relations among states or among the national of different states or to extort concession from states. Conspiracy to commit, and attempt to commit, complicity in the commission of or public incitement to commit offences shall constitute an international terrorist offence."3

Terrorism may be defined as use of extreme form of violence and terror to achieve certain ends, as a weapon in international politics to establish supremacy, or to weaken the enemy country or to supress the dissidents to harm political adversaries, or by fundamentalists to oppress the party in power in a democratic country or to terrorise the opposition by the state. Terrorism has unabashedly been used in international politics. The super powers through their secret agencies have played a great role in overthrowing the inconvenient governments. Taking a few examples, Russian interference in afghanistan, American interference in vietnams are not unknown. American agency CIA's role to
establish American supremacy in Vietnam, in Chile and Nicaragua are also worthy to remember. Pakistan has been sponsoring terrorism in Punjab and Jammu & Kashmir and trying to instigate the people for insurgency.

The term international terrorism means terrorism involving citizens or the territory of more than one country. Present day terrorists are not so much interested in the affairs of their own country. According to CIA report 1977, the terrorists of Turkey were using a Palestinian camp for training in Syria, Cuban terrorists in their involvement and operations in Africa and middle east. Cuban instructors were training the Palestinians in Syria, Lebanon and Cuba. Shelter given to terrorists by various countries helps in spreading international terrorism.

As per a report an international hit squad was reportedly approached by the Khalistani militants offering a multimillion dollar contract for elimination of certain highly placed individuals in India. There is a common belief that the increase in international terrorist activities in recent years is the outcome of some understanding arrived at by the terrorists groups in different countries. Each organisation is committing acts of sabotage, terror and murder on behalf of the other organisation in order to cover the tracks. All these associations enjoy many sophisticated international connections and means for action, both in finances and firearms.4

There is a perceptible difference among the scholars, journalists, policy makers and security experts in understanding the true implication, nature and scope of the word terrorism. General masses only recognize the word as being associated with violence. Terrorism is also defined by Dr. Tyagi that the national or international use of or threat to use of violence against civilian targets in order to attain political aims or other socio-religious objects. Terrorism is the imposition of one's will on the others through force. Terrorism is normally against the law of the land and is rooted in intolerance and belief in the efficacy of force.

Terrorists are those who intend to acts of terror and profess to terrorism. Terrorists represent a small minority of dedicated, often fanatical, extreme belief individuals.

Terrorism emerged as retaliatory violence against the colonial and racist state oppressors. Availability of modern sophisticated weapons, communication systems and financiers had made it easier for terrorism to thrive to paralysing
the state and traumatizing the society.

Terrorism is a constantly changing phenomenon including its scale and scope. Most often the terrorists and their acts bring forth counter terrorism and repression and provoke more terrorism.

Terrorism usually changes little and saves nothing. It consumes Scarce resources of talent, devoted manpower thought & attention and ultimately the entire nation. Yonah Alexander seems to be more general in defining terrorism as "the use of threat or violence against random or civilian targets in order to intimidate or to create generalised pervasive fear for the purpose of achieving political goal." In most of the terrorist acts are of a larger phenomenon of politically inspired violence. Even though terrorism has always been distinguished from other forms of political violence associated with the conduct of a legitimate campaign against a repressive regime, usually of a despotic, military or fascist type. Terrorist acts are more criminal than political offences. European convention of supression of terrorism, 1977 depoliticises terrorist offence inits article 1 to 7. But early to this convention in 1936, International conference held at the auspices of the league of Nations noted that terroist acts are not political delictum.⁶

The book "Political Terrorism" written by schmidt & young gave around 109 different definitions of terrorism but non of universal acceptance. Benjamin Netanyahu in his book. "Terrosim, how the west can win" states that terrorism is the deliberate and systematic murder, maiming and menacing of innocent civilians to inspire fear of political ends."

Walter lacqer in his book "Reflection of terrorism" viewed it as "the use of threat of violence, a method of combat or a strategy not an ideology to achieve certain goals, that is to induce a state of fear in the victim, that it is ruthless and does not conform to humanitarian norms and that publicity is an essential factor in terrorist strategy."

The United states code sec. 2656 define terrorism as means premeditated politically motivated violence perpetrated against non combatant targets by subnational groups or clandestine agents usually intended to influence an audience. The US state department defined terrorism in a more simple way deserve due attention.
Terrorism is "Premeditated, politically motivated violence perpetrated against non combatant targets by subnational groups or clandestine state agents, usually intended to influence an audience."

The United States army regulation states "Terrorism is the calculated use of violence to attain goals, political religions or ideological in nature. This is done through intimidation, coercion or instilling fear. Terrorism involves a criminal act that is often symbolic in nature and affects an audience beyond the immediate victims."

The Federal Bureau of Investigation (FBI) defines terrorism as "Terrorism is the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population or any segment thereof in furtherance of political or social objectives."

The European Union's definition of "Terrorism" is the aim of destabilising or destroying the fundamental political, economic or social structure of a Country. Terrorism is understood and explained as an attempt to provoke fear and intimidation in the main target audience, which may be a government, society, or a group.

Prevention of Terrorism Act, 1976 of UK defines terrorism as "the use of violence for political ends and includes any use of violence for the purpose of putting the public or any section of the community in fear."

The Terrorist and Disruptive Activities (Prevention) Act of 1985 defined terrorism as

i) Threat to the life of either Head of state or head of the government.
ii) Try unconstitutional and violent attempt to topple either central or state government.
iii) Any other activity that creates panic in the minds of the people and
iv) Harbouring any terrorist or involves in such act of terror activities.

Terrorism is deliberate indiscriminate and brutal use of violence or threat of violence against a non-combatant target for political or ideological ends in which the victims are incidental and mostly innocent civilians as defined by Vipul Mudgal.

Paul Wilkinson is the leading author of contemporary terrorism, who perceives from his western liberal thought and perspectives, defines "Terrorism as a process
and constitutes decision to use terrorism as a systematic weapon, threats or acts of extraordinary violence by themselves and the effects of the violence upon the immediate victims.

The marxian perspective and stance explained by the cuban leader Fidel Castro as, "At present the Yankee imperialists are also trying to equate with terrorism the national liberation movement and the struggles of the people for social change".

Allex schmid in his study in 1983 after compiling more than hundreds of definitions of terrorism defined terrorism as follows:

Terrorism is a method of combat in which random or symbolic victims serve as instrumental targets of violence. These instrumental victims share group or class characteristics which form the basis for their selection for victimization. Through previous use of violence or the credible threats of violence other members of that group or class are put in a state of chronic fear (terror). This group or class, whose members, sense of security is purposively undermined, is the target of terror. The victimization of the target of violence is considered extranormal by most observers from the witnessing audience on the basis of its astrotcity, the time (e.g. peacetime) or place (Not a battlefield) of victimization or the disregard for rules of combat accepted in conventional warfare. The norm violation creates an attentive audience beyond the target of terror, sectors of this audience might in turn form the main object of manipulation. The purpose of this indirect method of combat is either to immobilise the target of terror in order to produce disorientation and compliance or to mobilize secondary targets of demands (e.g. a government) or targets of attention (e.g. public opinion, to changes of attitude or behaviour favouring the short or long term interests of the users of this method of combat.

The definition of terrorism given by publicists like Elagab: The term terrorism is used to define criminal acts based on the use of violence or threat thereof and which are directed against a country or its inhabitants and calculated to create a state of terror in the minds of the government officials, an individual or a group of individual or the general public at large, which could be the work of one individual or a group of individuals whose philisophy is based on the theory that 'the end justifies the means'
Terrorism is not a new phenomenon. What is new and important, its international character and the international nature of terrorism. This represent a common misperception. Terrorism was and is more often that not domestic in nature. For terrorism to be international, there must be an 'internationalizing' element and many definitions and criteria have been advanced for deciding when that element exists. Laqueur observes that the terror 'international terrorism' can refer to state sponsored terrorism against foreign countries, to cooperation between terrorist's groups and to attack against foreign nationals or property in the terrorist own country or elsewhere. P. Wilkison suggests that terrorism is international when it is directed against foreigners or foreign targets, when it is concerned by the governments or factions of more than one state or when it is aimed at influencing the policies of a foreign government.  

For the purpose of definition as long as no over all encompassing definition has been agreed upon in the legal area. The definitions given by the : General Assembly, security Council, International Court of Instice, conventions and Treaties are not same. It would be tempting to stick to a definition provided by the International law commission. This important Commission functioning within the realm of the United Nations concluded in the 1980s that the following Categories constitute terrorist acts.

i) Any act causing death or grievous bodily harm or loss of liberty to a head of state, persons exercising the prerogatives of head of State, their hereditary or designated successors the spouse of such persons, or persons charged with Public function or holding public, or persons charged with Public functions or holding public' positions when the act is directed against them in their public capacity.

ii) Acts Calculated to destory public property or property devoted to a public purpose.

iii) Any act likely to imperil human lives through the creation of a public danger, in particular the seizure of aircraft, the taking hostages and any form of violence directed against persons who enjoy international protection of diplomatic immunity.

iv) The manufacture, obtaining, possession or supplying of arms ammunition,
explosives or harmful substances with a view to the commission of a terrorist act.

Yet, it is quite obvious that this definition lacks important elements like the intention to influence that audience and financing the terrorist acts etc.

No definition of terrorism can possibly cover all the varieties of terrorism that have appeared throughout history: peasant wars, labour disputes and brigandage have been accompanied by systematic terror, and the same is true of general wars, civil wars, revolutionary wars, wars of national liberation and resistance movements against foreign, occupants.


No single definition of terrorism has gained universal acceptance. In fact it is difficult to arrive at an exhaustive and objective definition of terrorism, which will be accepted by the academic researchers, security experts and those who are fighting against terrorism.

The problem is not one of comprehensiveness or degree of detail of terrorism, but it one of the framework of definition. Trends in codification of norms and rules efforts have been made during the interwar period of the 1920s and 1930s, developments from 1945 till 1960 and since than.

The league of Nations attempt at codification and progressive development of specific norms to combat international terrorism underlined both doctrinal as well as the political difficulties.

At doctrinal level, several states viewed any development of international criminal jurisdiction as an infringement on their "exclusive and absolute" Jurisdiction over crimes, which represents a combination of the principles of "territoriality and nationality and the protective principles".

The protagonists of international Criminal Jurisdiction on their part differed in its modalities. Without a substantive "international criminal law" relating to terrorism, one could not conceive of an international enforcement mechanism for
suppression of terrorism in general and international criminal Court in particular

The free usage we now give to the word “terrorism” makes it at times difficult to distinguish this supposedly distinct activity from the morass of squabbles, border skirmishes and undeclared wars which fill the world and the media at any given time. On closer examination the problem of defining terrorism does not disappear. No single definition seems to fit. Some terrorists claim to be soldiers of national liberation, while others claim to be avenging the past injuries. To compound this problem the act of defining terrorism involves a basic irresolvable act of interpretation. One man’s terrorists is another man’s freedom fighter. This is no more abstraction, but rather a stumbling block to concerted action on the issue for some time. Developed and developing countries condemn violent disturbances of hard won and long established order, conversely third world countries are quite likely to see the struggle for national liberation in whatever form- as a task necessary to the solution of their current problems and therefore less inclined to condemn terrorism outright.

Concepts and constructs of Terrorism

Terrorism is neither conventional warfare not common crime nor a casual lunancy exploited by media. What distinguished terrorism is its peculiar strategy for obtaining specific goals. By examining the most common of these goals we can reach to a good idea of that strategy.

1. The terrorist tries to provoke a response favourable to his goals.

Terrorism above all a strategy of the weak against the strong. The terrorists turn the power of the state against itself. The terrorist hopes to force the state to react so repressively that (a) the politically apathetic public will turn against the state and (b) the repressive measures will exhaust the states resources, will and energy.

A successful example of this strategy is the Algerian war of independence. When it began in the 1950s with a small band of rebel rationalists, strong feelings of separatism from France did not exist. The Algerian National Liberation Front (NLF) began a campaign of random violence and bombing; the French authorities responded with increased military presence and most significantly, by transporting all Algerian Muslem soldiers out of the country and replacing them with “Pure”
French forces. Immediately the distinction between Algerian and French were understood. Algerian nationalism blossomed, world opinion was mustered, and French cause was as good as lost from the onset.

The peculiar irony of this strategy, the irony behind all terrorism, is that the terrorist is usually indifferent to his victims. He aims not at the deed but at the response the deed will illicit. Most of NLF bomb victims were not French but Algeria, the place bombed were not head quarters of antirebel factions, the victims may even have been terrorists sympathizers.

In sum, 1) the terrorist feels his cause to be transcendent and his victim to be an unavoidable sacrifice.

2. The terrorist wants publicity

If the response strategy is to succeed then the terrorist must have his audience. This provision dictates for terrorist actions a dramatic, ostentatious quality, usually in an urban setting. Thus the campaign of rural guerrilla warfare advocated by Mao-Tse Tung and Ernesto 'che' Guevara has little in common with modern terrorist strategy.

3. The terrorist aims at a breakdown in social order. To the terrorist, panic and fear are as useful as repression. Government must always justify their existence to the governed, and they do so by offering order, justice, and freedom from the fears of life. When governments cease to provide these benefits they lose popular support. Therefore the terrorists wishes to disrupt routine, trains are derailed, mailrooms are bombed, crowded airport lobbies sprayed with bullets. Apart from the political disruption, the terrorist established a psychological atmosphere of panic and uncertainty that the state is powerless to dispel.

4. The terrorist want to gain some specific concessions such as release of prisoners, payment of ransom, etc. Although the act, as we have seen is not the principal goal, many terrorist acts are still gauged at striking real enemies or satisfying real needs.

5. The terrorist wants to enforce cooperation.

This goal is more a symptom of state-supported terrorism as in the case of Nazi Germany. Again the principal motive is the desired response, the state may gain from spiriting away undesirables, but equally useful are the tales of
midnight interrogation torture and mysterions disapperances that attend such activities and while disposing of a few political dissenters the state obtains a climate of fearful cooperation.

6. The terrorist may wish to punish his enemies.

This and the previous goal may have a variety of audiences and victims. The terrorist feels that the state has wronged him; the public, for apathy or betrayal, of members of the terrorist group, to punish betrayed or simple to maintain discipline.

No discussion of the theory behind terrorism could be complete without touching upon the terrorists ideology— the body of belief, values and modes of interpretation by which one perceives the world and shapes one's actions. Here, it is not possible to fully explore the many diverse the often conflicting ideologies which motivate terrorists. There exists an identifiable terrorist canon, comprised of divergent elements of nationalism, anarchy, nihilism and extremes of both the left and right. None of these categories necessarily excludes the other and they may combine in different degrees.

1. Nationalism: For good and bad the feeling of Nationalism, of belonging to a separate and distinct group of peoples which would prefer to govern itself, appears to be an inevitable part in the development of political and economic systems. clearly, there are periods of prenationalism which society is oriented around smaller units may share the same language and beliefs. for example, the German territories for example did not unify themeselves until otto Von Bismarck negotiated the federation of monarchies in 1871. Very often the elements prerequisite to Nationalism lie undeveloped and unnoticed for a long time, only to surface when a shared threat is present. Similarly the attempt to create nations often encounters prenationalist or antinationalist resistance. In Countries where nationalist impulse is emerging, terrorists often see themselves as soldiers in "Wars of National liberation" as is the case of the Basque and Quebec separatist movements. In these cases the terrorists defines himself as a patriot.

2. Anarchism.

Anarchism involves the desire to remove all or virtually all state authority. It holds the man is basically good and may, if left to his own devices, solve his own problems. Evil comes from one man holding authority over another.
Anarchism has a long historical and techniques of terrorism were first formulated by a group of Russian anarchists (Notably Neechaev, Bakunin and Kropotkin). In Kropotkin's words, revolutionary terrorism is nothing less than "Propaganda by the deed". Many of the prototype terrorists of the American 1890s and early 1900s were self-styled anarchists, and indeed, the impulse to anarchy prospers today in the liberation movement of America and in the youth-dominated green party of west Germany.

3. Nihilism: Nihilism is nothing less than the disbelief and disavowal of all values. Unlike anarchism Nihilism foresees no happy future for mankind and only wishes to end the current status quo, which since it operates by some system of values, which is hypocritical and false. Nihilism as a terrorist ideology can be seen in America's westerners later renamed the weather underground to avoid possible sexist implications members of this group whose political orientation changed almost as frequently as its namesake, at times felt themselves to be hastening the complete downfall of American society. Very other the goals of the nihilist are by their very nature undefined.

4. Rightist Politics:

Like its counter part on the left, rightist politics can fall anywhere within a broad spectrum of beliefs. In its most extreme form, rightist politics are identified with fascism as practiced by the Axis countries before and during World War II. The state was seen as an absolute and all-present entity which upheld social stability at the cost of civil liberty and preserved a group of values with which its supporters tended to identify. One historian has summarised fascism in his language.

Fascism drew heavily upon a historic nationalism which it greatly exaggerated. It derived in part from the organic theory of society, which held the society (or the nation or state) was a kind of living organism within which the individual person was but a single cell. The individual, in this theory, had no independent existence, he received life itself and all his ideas from the society, The people nation or culture into which he was born and by which he was nurtured to acquire valid ideas were those of the group or as a whole, The people or nation (or, in marxism, the class) as form solid base. Even science was a product of specific societies; there was a "Nazi Science" which was bound to differ in...
its conclusions from democratic, bourgeois, western or 'Jewish' Science.

In other words, rightist politics may include a desire to return a monarchial state in pursuing again, a type of reaction against new values, or it may merely signify the desire to replace the existing leftist tendencies with a less centralised market place.

Pólíticas of left.

Although socialist thought begins long before the nineteenth century, karl marx is nonetheless the summation of previous socialist thinkers and the mentor and starting point of subsequent social philosophers. Marx’s doctrines may therefore be taken as the central statement of leftist politics. Marx held that the final change in social evolution following the creation of an industrialised means of production would be the transferral of this means of production into the hands of its workers, the proletariat. However, the hows and when’s of this transferrence were to greatly trouble Marx’s successors. They confused with that the process would be slow, painless and evolutionary, or had marx really advocated that the proletariat violently seize what was to be theirs. Indeed, marx himself seems never to have solved the problem and evidence for both positions can be found in his writing.

Vladmir lenin realised that Russia was nowhere near the industrial stage which Marx had described as necessary for proletarian revolution. Because Russia’s economy predominantly or even largely not industrial.

Although, a theorist, lenin was above all an exhorter to action, and he affirmed the possibility of bypassing the prescribed historical process. It was, he claimed, within the power of the people to rebel if their political will were strong enough. Lenin also augmented marx’s doctrines with an equalion of capitalism with imperialism. He held imperialism was the last stage of a capitalist economy and the two would fall together.

Mao. Fse-Tung of chinese Revolution (1947) and Fidel casto and Ernesto ‘che’ Guevasa of cuban revolution (1959) were also Maxists who did not wait for the long industrialization process. Their example illustrates an important development toward terrorism, namely shift from rural to urban guerilla tactics.

In summerising the Legacy Marxism-Leninism bequeaths to the modern terroist in a five fold manner: (i) the prophecy of a Just, necessary and inevitable
social revolution. (2) the need for radical activism to achieve that revolution, (3) the need to shatter the old imperialist powers to achieve national development (4) importance of the urban guerilla theatre and (5) the need of going outside conventional means of social change.

Theories of Terrorism

Definitions of terrorism, as well as descriptive or historical studies, are many and several attempts have been made to outline prescriptions for the prevention control, and management of the phenomena.

Attempts to explain this emergence of terrorism at a group phenomenon level or the process of becoming a terrorist, are less common. They range from individual biographical accounts to sweeping socio political or psychiatric generalizations. No single theory has emerged, and the various hypothesis have been proposed are still awaiting testing and confirmation. The attempt will be made to present an integrated, interdisciplinary theoretical approach, keeping in mind existing studies and the rather disappointing lessons criminologists and psychiatrics have learned whenever they have tried to reach a scientifically acceptable level of theoretical exploration.

Terrorism is not new. Its impact is, though, and it, has forced itself into the limelight of international awareness. Many types of terrorisms coexist and an objective definition in spite of many attempts, is still debated. One obvious difficulty is the need to abstain from value judgement and personal involvements a position that is practically impossible in relation to a phenomenon in which we can all be participants, victims or even actors. Moral and political judgements cloud the issues; Today's terrorist can be tomorrow's freedom fighter" If his actions are successful.

To start with let us take the definition of G. Pontara, "A terrorist act is any action carried out as part of a method of political struggle, aimed at influencing, or conquering of defending the state power, implying the use of extreme violence inflicting death or suffering or injuries against innocent noncombatant persons." This definition includes both terrorism "from below" and terrorism "from above" by a state against its internal and external enemies.

In political terrorism, the terrorist movements can use the criminal element, or merge with it and mentally imbalanced individuals, in the psychiatric range,
can be used by terrorist groups. The individual who is mentally sane, who is engaged in subrevolutionary or revolutionary activities is the matter of greater interest and important. Criminal terrorists are using terror, but their goals and motivations remain criminal and they must be approached as such. Psychiatric terrorists and assassins of major political figures remain unpredictable, depending on chance occurrences and defy forecasting and theoretical explanations.

The phenomenon of terrorism also merges with other forms of dissent and protest. The range of actions begins with legal and acceptable forms of dissent, such as individual oral protests, petitions, grievances, and peaceful demonstrations. In the next stage this moves to illegal but often tolerated behaviour such as coercive demonstrations, violent demonstrations, seizures of property and vandalism and finally escalates to illegal and unacceptable behaviour such as sabotage personal assault, bombing, kidnapping and assassination. The latter can take the format of mass murder and serious warning have been voiced about the possibility of future chemical, bacteriological or nuclear threats. In stead of large scale warfare “war by proxy” is the perception of low level conflict, represented by terrorism as war, may be essential to the terrorist mind set.

Typologies are also questionable value. Meclume lists five major types by “cause”.¹²

– resistance to the colonial rule, for example Algeria or East Africa, the only type fading into historical oblivion after victory and international global support.

– Separatism, for example the Basques or the Puerto Ricans allied to colonial resistance, but ethnically based and politically vaned.

– inter-political for example early mao or early castro, involving an attempt to seize power within a country which may have different political connotations and may even change political affiliations.

– ideological for example, Tupamaros, the Red Brigade, Badder meinhof, or weather underground. This is the most dangerous and the one that attracts theoretical attention, the goal is the destruction of the system without a viable and coherent alternative in view.

– Supporting external takeover, for example, Vietnam in the sixties, which may be a covert operation and is generally of limited theoretical interest.
The above five types may merge and the identification of the terrorists group may attempt to encompass more than one type.

**Principles of Terrorism**

A.C. Hazelip has tried to determine the unity in the principles of terrorists, and their adherence to the same Principles, through an analysis of the statements of prominent terrorist leaders. The 12 principles are the following:

1. Violence is necessary to overthrow oppression.
2. There is no limit to the extent of violence justified.
3. Actions should clearly convey their purpose.
4. Reprisal killings are counterproductive.
5. Ruthlessness and extraordinary violence are essential to terrorists' success.
6. Government failures can be used to gain popular support.
7. Terrorism exposes the repressive side of government.
8. Terrorists aim to incapacitate government directly or indirectly.
9. Secrecy is important to terrorist operations.
10. Systematic planning and execution are critical to terrorists' success.
11. Small scale, persistent attacks are most effective.
12. Terrorists are dedicated to destruction for the sake of their cause.

From the behavioral science perspective, the most important elements appear to be the commitment to violence and the operational flexibility, a contrast to the rigidity of the political credo. One common element in ideological terrorism is the urge to dedicate oneself to a cause, a leader, an ideology, as A. Koestler indicated. To engage in terrorism may be an adaptive response in its appeal for affluent or middle-class youth faced with value conflicts as per Prof. F. Ferracuti.

As F. Faron submit, "Aggression and violent action increase self-esteem, thus generality "Sentiment of glory"."

Man escapes from death using every available mechanism, but particularly through a specific psychological attitude, defined as 'the delusion of immortality', through which man lives day by day as if death either did not exist or did not concern him. This defense mechanism is a removal and denial of reality an
escape from reality.

The only condition under which this attitude towards death is drastically changed and the survival instinct appears to operate is war. In a war situation man appears ready to kill and be killed, the most aberrant forms of aggression are carried out by highly civilized cultures and every soldier can engage in murder. War permits the rule of death over life and the legitimation of terror. The "normal" terrorist is therefore like a soldier-outside of time and space, living in a reality of war that exists only in his or her fantasyl.

**Fantasy of War and Terrorism.**

Real war is a complex phenomenon and the status can take place only, if some conditions exists. The first is the need for two or more clearly distinguishable groups or societies, each with a clear and discrete social identity. War is a collective and organised phenomenon. One necessary and irreplaceable prerequisite for a collective event is the existence of a collectivity.

To modify itself through a state of war, it must process a certain degree of organization and sovereignty. The organization is needed in order to maintain a viable social structure and the sovereignty ensures the independence of power from the structure.

A second condition, for war, to happen, the concerned groups or nations must experience the need for the appropriation of something a physical object or an instrumental asset whose property is contested and which is considered indivisible.

The third condition is the need for the use of strength and all the sophisticated technological aids man has created to multiply his limited physical power for the purpose of inflicting harm.

Fantasy war is therefore an ongoing phenomenon in a continuously unstable balance between two possible stabilizing processes, real war or diffuse terror fantasy war becomes real only if acknowledged by the enemy and becomes terrorism when unable to compel the enemy to accept a state of war, it must limit itself to harassing and destabilizing the enemy through the utilization and diffusion of fear.

Fantasy war, as real war, is carried out by executing projects of destruction.
Two possible scenarios exist in fantasy war. Either it changes into real war, and thus ends with the defeat of one contestant or it stabilizes itself into terror and thus entering into a new crisis. Thus it removes the threat to the object and making it accessible to both contestants or it can change the system, reducing or abolishing the prerequisites of war.

Salbert has summarized the four main theories. Briefly, they are as follows:

1. Olson theory or Revolution as a Rational choice-Revolution is the best alternative, given the prevailing social circumstances. Game theory and cost-benefit analysis should permit verification, given its inherent rationality. No role is envisaged for individual motives.

2. A psychological theory- This is mostly based on frustration aggression, and on the already cited devices reformation. This moves the problem from the social universe to the idioverse, and motives and countermotives one superficially handled. Also the theory is at least partially tautological and does not account for those who abstain from terrorism, although frustrated or for repented terrorists.

3. Theory of the unbalanced of the social system.

   This has been proposed by C. Johnson and is a homeostatic "system" approach, essentially based on the validity of the selection of variables increase of ideological activity, armed forces, general and political criminality and suicide as an index of anomic.

4. Marxist theory- This is the most difficult to synthesis because of its long history and its various interpretations. Marxist theory based on social and economic aspects. This is transfer from "class consciousness" to "revolutionary consciousness" remains historical unproved and further conceptual elaborations are in progress.

   In closing, a statement by Henry David Thoneau, dated 1849, in civil Disobedience should guide the search for understanding: "All men recognize the right of revolution; that is right to refuse allegiance to and to resist the government, when its tyranny or its inefficiency are great and unendurable".

   Terrorists are not aliens; they are our youth- we can not dismiss them as enemies, except in a short range approach. In the long range, if we want to stop terrorism, we must understand terrorists.
Such understanding is necessary not only to prevent future wars, but to deal with the important issue to treat with terrorists after we capture them.

**Dichotomy between National Liberation Movement and Terrorism**

Terrorism is confused with other form of violent acts which shares some characteristics with it, although differing substantially in other ways. There is no acceptable test to distinguish between a group of terrorist and a group fighting for freedom in the shape of National Liberation. The line of demarcation between the two is very thin and it exists.

Terrorism is a particular form of political violence. It is not a philosophy or a political movement. Terrorism is a weapon or method or strategy which has been used throughout history by both states and substate organisations for a whole variety of political causes or purposes. This special form of political violence has given major characteristics. Those are

* It is premeditated and aims to create a climate of extreme fear or terror;
* It is directed at a wider audience or target than the immediate victims of the violence;
* it inherently involves attacks on random and symbolic targets, including civilians.
* the acts of violence committed are seen by the society in which they occur as extra-normal, in the literal sense that they breach the social norms, thus causing a sense of outrage;
* and terrorism is generally used to try to influence political behaviors in some way, for example to force opponents into conceding some or all of the perpetrators demands, to provoke an over-reacion, to serve as a catalyst for a more general conflict or to publicise a political or religions cause, to inspire followers to emulate violent attacks, to give vent to deep hatred and the thirst for revenge, and to help undermine governments and institutions designated as enemies by the terrorists.

Terrorism is a very broad concept. It is also difficult to draw a demarcation line between political terrorism and the National Liberation Movements the world over, specially in the third world countries. However, the legitimacy and justification of the National Liberation and self determination of nations, has been recognised
by the United Nations. Hence, the dichotomy is found to exist between the National Liberation movement and the acts of terrorist, in, between a freedom fighter guerilla and a terrorist. Geopolitical divisions, political considerations and a lack of definition regarding international terrorism generally have complicated this situation. Existing arrangements are made between states which are party to different conventions. In turn, specific categories of violent acts one made subject to varying levels of criminal process and inter-state co-operation regarding extradition.\textsuperscript{15}

In post 1945 era, a satisfactory approach to dealing with acts of terrorism has been made particularly difficult. In large part this is due to the operation of U.N. charter principle of the equal rights and selfdetermination of "peoples". Initially considered a principle applicable only to former colonial territories, the concept of a "people" has gradually been expanded, as a result the successful use of violent force in armed struggles by self-determined "people" for the right of self determination, became more acceptable.

Traditionally, a "people" reflected a politically, ethnically and/or culturally distinct group, usually inhabiting a discrete territory. The term is now understood to include groups which live in a situation of colonial domination, alien occupation and/or under a racist regime. This later formula, evolved after the admission to the U.N. As a result many new states which had formerly been colonial territories and which had been subjected to human rights abuses or under tyranny became independent and enjoyed more freedom.

In view of the many liberation struggles waged by formerly dependant territories to achieve independence the extension of the laws of war to armed liberation struggles received approval and can be found in Article I(4) of the 1977 protocol additional to Geneva Convention of 12th August 1949, and relating to the protection of victims of International Armed conflicts. Protocol- I, supplements the four Geneva conventions and extends the provisions of the International Humanitarian (IHL) law of Armed conflict in full to wars of self determination.

The extention of IHL to some liberation armed conflicts was mandated by a post 1945 Proliferation of largely unregulated "Civil" wars. In particulars, the means and methods of warfare utilized in liberation conflicts knew little restraint other than the availability of resources. Methods of terrorists and guerilla warfare
predominated and were perpetrated both by target and liberationist forces.

The important development of 1977 extension of IHL has made to this situation is that the actions of states in particular when dealing with "domestic" armed conflicts is no longer beyond the scope of international inquiry.

Further the acts of terrorism perpetrated by or on behalf of “peoples" struggling for their rights to self determination should be viewed as constituting a separable and “different" phenomenon. In other words, as illicit acts or war, they cannot be considered equivalent to individual, sporadic acts of violence which have effect in the international arena for personal gain. Thus acts of terrorism perpetrated by "people" struggling for the right to self-determination should be presented under IHL, as “grove breaches" or war crimes.

UN On Liberation

There is an ambivalence in United Nations treatment of the whole question of politically motivated violence. In the Declaration on Principles of International law the “Principles of equal rights and self determination of peoples” is put on the same level as the principle that states shall refrain in their international relations from the threat or use of force against any state, or in any manner inconsistent with the purposes of the UN”. Significantly it proceeds to spellout that all states have a “duty to promote any action for realisation of the principle of self-determination in order to bring a speedy end to colonialism.” Every state has the duty to refrain from any forcible action which deprives people of their right to self-determination. The ambivalence may cause trouble for the colonialism but not for the people of own state, to which UN has specified.

The declaration continues “In their actions against and resistance to such forcible action in pursuit of their right to self determination such people are entitled to seek and to receive support...........

Naturally these clauses are enough to read as a legitimisation by the UN of any struggle undertaken in the name of the principle of National liberation and an open invitation for international support for such struggles. Thus the UN is seen to be supporting both sides at once in such conflicts.

For example Israel, as a member state, is accorded full "Sovereign equality” and protection of that sovereignty. simultaneously other member states of UN can claim that they are fully entitled to arm and support movements dedicated to the
liquidation of Israel, on the ground that they are merely supporting a legitimate national liberation struggle aimed at self-determination. So there is a need of more clarity regarding the determination of self-determination and who are entitled for that.

"Political" offences loophole

Political offence and political violence and political terrorism are the different frequently used words in the study of international terrorism. It is equally difficult to map the differences between those. In the contemporary international system, the political system, political motivation and ideological orientation determine the nature and character of other above concepts. If one definition and idea work good in one political system, fails in another system because of the factors dominating in that part of the geographical division. No broad categorization can do full justice to the variety and completely of the modern phenomena of terrorism.

Substantial progress has been made in the field of international cooperation by different nations by becoming the parties to different conventions to combat terrorism. The conventions provide that all ratifying states will exclude the whole range of major terrorist offences, such as association, hostage taking, bomb attacks, and hijacking from the political offence exception clauses that had previously been used to justify refusal of extradition. That means all the contracting states would treat such offences as common crimes. In cases where, because of some technical or constitutional difficulty, a contracting state is unable to carry out extradition, the convention obliges the authorities to bring the suspect to trial before their own courts. Mutual assistance in criminal investigation of such offences is also made mandatory.

However, the admirable intentions of this convention have been seriously obstructed by two major short comings. First, a possible escape clause was inserted into the convention permitting a contracting state to reserve the right to regard a certain offence as political and hence to withhold extradition.

Second, the process of ratification has been disgracefully slow, because of ratifying conservation. For example France and Belgium have been reluctant to ratify on the grounds that they are constitutionally committed to guarantee the right of political asylum. It seems odd that despite all the careful safeguards in the convention, they are still unprepared to exclude those charged with serious
crimes of terrorism from this right. Who is a befitting person to seek political asylum is again an issue to be scrutinize by the state concerned.

Two other recent moves to improve international co-operation against terrorism are worth mentioning. At their Bonn summit meeting of July 1978, the Heads of Government of Canada, France, Italy, Japan the United Kingdom, the United states and West Germany Came out with a form collective statement promising sanctions against states aiding and abetting aircraft hijacking as their communique stated.\textsuperscript{17}

In cases where a country refuses the extradition or prosecution of those who have hijacked an aircraft or refuses to return it, the Heads of state or government are additionally resolved that they will take immediate action to cease all flights to that country. At the same time their governments will initiate action to halt all incoming flights from that country or from any country, by the airlines of the country concerned.

If the international community is to minimise the rewards of terrorism and maximise its risk and costs it must be seen to be possible to bring terrorist suspects to justice even when they slip across frontiers. Extradition is a highly complex and unpredictable process. Many states do not have extradition agreements and where exist they frequently exclude political offenders. The term "Political offence" is often very liberally construed. Difference in criminal codes, Procedures and judicial traditions also have to be taken into account, often the extradition procedures become highly protracted, owing do the difficulties of obtaining evidence and witnesses from abroad. Extradition proceedings succeed in the cases of only a small minority of terrorist suspects.

However deportation merely shifts the problem to another state and does not ensure that a suspected terrorist is brought to justice. Yet this method should be encouraged. Another desirable course is that the states to standardise their criminal codes and procedures to facilitate the application of the "extradite or prosecute" principle.

\textbf{War and Terrorism and armed conflict}\textsuperscript{18}

Rousseau considered that war is not a matter of relation "man to man" but only between "state and state", as individuals are only enemies by accident, not as men, not even as citizens but as soldiers, not as member of fatherland but
as its defenders. Vattel claimed that when the head of state, the sovereign, declares war against another sovereign, it is the whole nation which declares war on another nation, for the sovereign acts on behalf of the whole society. This view seems to indicate that it is really the individuals who are at war.

Now there is trend to prefer the term "armed conflict" to that of 'war' almost as if it were a third category. Some writers have chosen to use the term "armed conflict" in preference to the more traditional "formal war". A confusion has also been created by the new use of the new term "armed conflict" which is the larger concept; 'war' or 'armed conflict'? The "Institut de droit international" has considered armed conflict falls short of war or includes war. Other consider that 'armed conflict' is a concept larger than 'war'.

Most writers and commentators up to the 1990 appear to use the term 'armed conflict' to denote something less than war, assuming that war is the larger concept implying a more intense or full scale situation than armed conflict. But later, practice varies. War has been chosen to include certain armed conflict of certain dimensions. Nationally not all armed conflicts amount to war, so armed conflict, may or may not be war. The subjective meaning of 'war' has been abandoned or at stake. Ultimately, the distinction between war and armed conflict is not really fruitful since it is not a question of type but one of scale and degree.

**Terrorism and organised crime**

Terrorism directed at achieving political demands or aspirations while organised crime oriented at achieving financial gain by illegal means.

According to the terrorists view their motive is noble and legitimate because he seeks to achieve principles which for them represent truth and justice. They want to sacrifice themselves for the cause for that end. The only objective of criminal organisations however to obtain profits, regardless of their source, causes or faith.

The similarities between terrorism and organised crime are both use fear to intimidate citizens and authorities. Gangster groups terrorise people to obtain money and terrorize officials to prohibit interference with their affairs. Terrorist organisations use fear to rouse public opinion against the authorities and demonstrate their inability to protect any one. Both use terror with difference in intent and extent.
Most of the terrorist organisations follow the example and adopt many of the tactics of the mafias of the crime syndicates.

Many terrorist organisations recruit criminals for the tasks as planning and carrying out operations. In many occasions terrorist organisations maintain strong ties to organised crime. They sometimes hire members of the gangs to carry out murder or sabotage on their behalf where criminal gangs are established in controlled areas. Even though terrorists and gangsters have different objectives, competition between them does not exist or may be in a friendly state.

Relevancies are so close between these two sometimes experts consider complement to each other. No doubt their motives and objectives nevertheless constitute a substantial difference. The mafia through their unlawful acts create terror in the minds of the public, enforcement agencies, executives, judiciary, to refrain them in their activities.

**Terrorism and Self-Determination**

One of the most important goals of international terrorism today is to bring about international revolution to change to international law and structure of the international system. To achieve this purpose it finds a close ally in the human right of self-determination, an objective specifically incorporated in U.N. charter. In fact, it must be realised that there is a potentially dangerous nexus between terrorism and self-determination.

Self determination has been one of the rallying points of contemporary international law and politics and the banner under which almost two, third of the states of the present day world have marched to independence. It is therefore quite natural for many of these states to have sympathy for the terrorist organisations viewing them as advancing the right of self-determination. There is no legally recognised definition of either terrorism or self-determination. It has been said, “the right of a people to self-determination means, legally speaking, the right of people to constitute either alone or jointly with other peoples, a sovereign nation. As many of the newly constituted states are patchworks of religious linguistic and ethnic groups which could be people, self determination tends to fragment existing communities into components that are not viable and invites unredeemed diplomacy and mischievous ethnic manipulation.”

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Legally speaking, terrorism focusses upon the effect, while self determination deals with casual relationships. Terrorism is a human wrong, self-determination is arguably a human right. Yet both the phenomena during past quarter century have become, to use a legal phrase, inextricably interwined.

For some this rights of self-determination amounts to a right to rule themselves, for other it means relief from denial of liberty or equality for reasons of race, or religion and for still others it entails an opportunity to cultivate their culture and language.

War is a sustained, struggle by armed forces of a certain intensity between groups of a certain size, consisting of individuals who are armed, who wear distinctive insignia and who are subjected to military discipline under responsible command. This definition is the natural consequence of the concept of combatant. Combatant is defined as someone who distinguishes himself from the civilians population, carries arms openly and is subjected to a internal disciplinary system, he must also act on behalf of a belligerent. That, belligerent, a state of another party to war. Hence war must be a conflict between group of combtants as defined in contemporary law of war.

In case of terrorism the target always to injure or kill civilians.

The difference between a fight for freedom or liberation and terrorism lies their aims and the methods. The fighters for liberation never attack civilian population or a man, women or child, whether Hindu, Christian or Indian or British. Where as terrorism have no religion, kill human beings without any sense and conscience but to meet their ulterior objects.

The traditional notion of a war as only an inter-state conflict is no longer prevalent. Now-a-days wars frequently occur "within the national layer of society, with or without external participation. It is the guerilla who, when their demands for self-determination or other rights are not met, resort to arms against the state and the state then violent counter measures in suppress then where upon a full scale war often, ensures. The fault often lies with the state for not having given some leeway to the demands of the internal movements. But the violence nearly always starts on the side of the insurgents. The traditional category of internal war, usually termed civil war, or "small wars because of their limited impact."
Terrorism, on the contrary, necessarily implies to most observers acts against the state or against citizens rather than acts by the state. The intermittent time factor is another typical feature of terrorism. There is often a lull in the activities of terrorists to that the next attack is gauged to occur when no one expects it. This forms the backbone of an terrorist act. Treacherous attacks by surprise is the most distinctive feature of a terrorist attack.

The aim of terrorists may be to create chaos so that repressive measures introduced by a state's government to combat terrorism. The terrorist attack may aims at the people to make them inclined to accept revolutionary change, when a terrorist movement may become a guerilla movement. The indication that terrorism is conceptually to be conceived as a preliminary step towards unconventional warfare. If the "intermittent factor" is treated as a hallmark of terrorism, than it excludes from constituting war par se, so it can be said terrorist tactics may be adopted in guerilla warfare.

In fact war still occurs, the belligerents are often non-states and the distinction between war and armed conflict can only be used loosely to indicate the scale of hostilities.

All types of war are fought by individuals with different allegiance to different entities and those entities are not always states. War remains essentially a sustained struggle between individuals by armed force. In a war, individuals will be organised to pursue their hostile or defensive acts for a group, either the traditional nation state, or for another unit such as people of ethnic, religious, cultural or political unity or for an organisation with specified goals including the realisation of its own statehood. Neither every group can be belligerent nor every type of fighting constitute war.

The much abused aphorism "one man's terrorist is another man's freedom fighter", clearly indicates the dilemma produced by militant self-determination proponents. It is no wonder that a belief has grown that terrorism works and results in establishing new nations causing the downfall of the existing regimes. It has led some specially the dissident groups in a country, to believe that terror in violence, when used as a political weapon, does help in achieving its separatist objectives which it can not achieve by any constitutional or legitimised means. This is being done under the garb of "National liberation movements", deriving
their supports from the concept of human right to self determination.  

Violence, though not necessarily a part of the concept of self-determination, has often played in the past an important part in liberating many new states from the colonial rule and enabling them to achieve self-determination. There are, of course, some critical distinctions between self-determination, wars of liberation and terrorism. Self-determination is an important right, which does not involve violence. The wars of liberation generally involve violence but are primarily directed against military targets and they operate under the rules governing warfare. Terrorism on the otherhand, involves indiscriminate acts, of violence on the civilian population for the purpose political intimidation and accepts no municipal or international rules of conduct. It is however, a painful existing reality that United Nations, in its practice, has regarded self determination, war of liberation and terrorism as one fungible mass out of historical experience innocence, confusion or sinister design.

Thus, the relationship between international terrorism and human right of self-determination, can be clarified only by realising their implications for world order.

On the otherhand, violations by governments, genocide, official racism, large-scale, official terrorism, totalitarian governance deliberate refused to satisfy basic human rights, and on the other unholy alliance of nationalism in the disguise of self-determination with terrorism tends to put the international state-system in a dangerous situation, leading towards the breakdown of the delicate structure of world public order. The choice either the establishment of a global society based upon the rule of force or the creation of a world community adhering to the rule of law. The issue indeed is the survival the human kind.

There is a considerable problem of reconciling the modern attitude, that is, aspiring nations and liberation movements and rules of reserved domain. As per article 2(7) of the United Nation's Charter no other state and no international body may scrutinize what is happening inside a state except with the full consent of the territorial state. These attitudes are now a days most vehemently put forward in the context of verification, were states are jealous of their territorial integrity. In otherwords these has certainly been some relaxation of this firm rule. There is virtually universal agreement that any maltreatment of citizens in a matter in
which other states and organisations may take legitimate interest and even in changed course of action may go for economic sanctions.

The self-determination of “peoples” in the U.N. era was originally an aspirational goal. The scope of self-determination has however been much expanded since 1945. The terms of U.N. charter pre-suppose a vision of state sovereignty, territorial integrity and political independence. However, this vision of state powers has come into frequent conflict with the powers with the equally forceful U.N. principles, of the equal rights and self determination of “peoples”, in that a “people” frequently has a transboundary or border existence.

While most states in the world community concede that a ‘peoples’ right to self-dermination exists, it is felt in many quarters that it should be achieved through forms of domestic state political process or democratic representation, in context of ethnic or cultural nationality.

Further, the identification and content of the rights entitlements involved in self-determination has never been made explicit. In otherwords, rights to self-determination may be restricted to some form of participation in an already existing governing process or may include the grant of various issue specific rights contained in the post 1945 human rights documents.

Now self-determination may be viewed as a new standard for evaluating a government’s right to rule and to manage system change. Self determination in commercial contexts becomes a proper allocation of property and management rights or privileges. Thus it may concern the issues of expropriation and ownership compensation, investment rights, contract duration and basic considerations of jurisdiction.

From its early context of colonialism, the notion of self-determination has expanded to include “peoples” in post-colonial states or in those states where human rights abuses by a government afford a justification for the use of force in modes of self-defence or self-preservation.

The use of force to achieve self-determination will include the perpetration of terrorist offences, as one tactic in an otherwise permissible political strategy. The expression "struggles for the right to self determination" is intended to include “wars of national liberation".
While the categories of liberation struggle to which IHL is made applicable appear narrowly confirmed to protocol, express reference to the 1970 Friendly Relation Declaration suggests a much broader approach.

The legal situation changes fundamentally once insurgents have been recognised. There is no doubt that a foreign state commits on international delinquency by assisting insurgents in spite of being at peace with the legitimate government. But matters are different after recognition. The insurgents are then a belligerent power and the civil war is than a real war. Foreign states can either become a party to the war or remain neutral.

**Liberation wars**

By a gradual development in international society come to constitute a category distinct from civil war and other internal conflict.

There has been a series of Resolutions in the General Assembly of the United Nations on the legal character of liberation wars stating that national liberation wars for the struggle against colonial and alien domination and against racist regimes, are to be regarded as international armed conflict in the sense of the 1949 Geneva conventions. Some Declaration of the General Assembly carry great weight although technically speaking they are devoid of binding force. The view that liberation wars are international conflicts, a qualification which will lead to increased protection for those involved in such wars, has not been adopted by protocol I of 1977 to Geneva conventions in its much discussed article 1(4).

There are grounds for suggesting that the protection afforded by the Geneva Conventions and by the protocols should still the afforded to liberation movements with limited aspirations for greater autonomy but which do not seek outright independence.21

Article 1 (4) of protocol 1 expressly states that the protocol shall apply to armed conflict in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right to self determination.

The reference to national liberation war implies by the cross-reference to article 2 of the Geneva conventions, that liberation wars are to be put on an equal footing with war or other armed conflict between states. However, Protocol I does not expressly say that liberation wars are international although the
conclusion of the reading of the articles is that liberation wars are “equated” with full scale international conflicts for the purpose of the application of the protocol.

To consider liberation wars as being of an “international character” had become something of an ‘idée fixée’ of the third world, but only with regard to war fought against colonial regimes and not within socialist or third world states themselves.

By a simply unilateral declaration a liberation movement can now formally adhere to protocol I of 1977 to the Geneva Conventions of 1949 as well as to the Conventional weapons Conventions of 1981 and in these important respects liberation movements are put on the very same footing at states.

Liberation movement are often able to attend international conferences on a very similar footing to states, provided the conference is thought to ‘concern’ them. Even before PLO became self governing territory, has taken part in General Assembly meeting and in the sessions of many other organisations.

When the protocols to the 1949 Red Cross convention were negotiated in 1977, there were eleven liberation movements which took part in the Diplomatic conference elaborating the Additional Protocols. The presence of these movement organisations which were not ‘states’ because of humanitarian character of the instruments to be drafted that it could be conceded that liberation movements could attend and express their movement objectives and position. Responding to these participation some third world countries insisted that only recognised liberation movements should be allowed to take part and particularly those have recognised by their regional organisations. Such as the organisation of African Unity or league of Arab States.

However liberation movements were admitted as observers at number of occasions in the past, even before General Assembly declared, in 1974 that there must be an opportunity for those movements to express their views and to propose changes so as to ensure that new rules ‘meet the needs of the time’.

The General Assembly insisted in resolution 3102 that liberation movements be invited to attend. It was emphasised that only states would have the right to vote.

Preemptive war or preventive war takes as intermediate position as not being fully programmatic for the achievement at any positive aim but to preclude
some other action being taken. Preemptive war has much in common with anticipatory breach, with assumption that another party is about to resort to war. A war is thus started in the belief that, because of acute danger, action provides the only safe route.

**War against Terrorism**

The attack on the twin towers of the world Trade center and on the pentagon which reduced the towers to debries and snuffed out more than 6,000 lives is a great horrendous terrorist attack the world have sever seen President Mr. George W. Bush declared that the US was not treating the outrage as terrorist attacks rather ‘acts of war’. The united states of America and its ally, the Britain, launched their war against terrorism on 7th October 2001 by air strikes on Afganistan.

If we keep into the history of US, we find that the US himself encouraged terrorist activities for a variety of intensity self objectives. The carnage of September 11, attack on US could be seen as a form of backlash of the meddlesome policy of US in the middle East. The Israel and palestinian conflict flare up just because US support to Israel. The whole world knows that with the help of the US, the Israel came into exist. It well acknowledged that Pakistan is a terrorist sponsored state, but for its own interests the US consider it its foremost ally in war against terrorism. India constantly gave proofs of Pakistan’s role in cross border terrorism in Kashmir but US gave a blind eye to it and never think of declaring Pakistan as a state sponsoring terrorism. In fact US is responsible in bringing terrorism in its own land. Pakistan is engaged in exporting terrorists across the border in Jammu and Kashmir and financing and nurturing terrorists camps in Pakistan occupied Kashmir and Afganistan is known to whole world. Then, how Pakistan can be an ally in the global war against terrorism.

The scholars are of opinion that a war can only be defined as one army fighting another and Al Qaeda does not constitute any army.

The Geneva Conventions (part IV, Chapter I, Article 48) make clear distiction between the civilian population and combatnants and between civilian objects and military objectives. The US air strikes hurting innocent men, women and children, destruction of infrastructure including hospital and UN relief office were the matterof great concern & clear violation of international law.
Professor Chomsky came down heavily on the US government’s decision to wage a war against Afganistan. The attack on Afganistan planned by the US and its allies is of immense human tragedy.

The United Nations was set up to ensure an international order based on the principle of the sovereign equality of all nations and to save succeeding generations from the scourge of war by taking action for the suppression and preventing any member from using force against the territorial integrity or political independence of other states. As the some time it categorically denied itself any authority whatsoever to intervene in matters within the domestic jurisdiction of any state.

Under the charter VII of the UN charter that gave the council with awesome powers (sanctions, use of arm forces on behalf of the organisation) to take any action against a threat to the peace, breach of peace or act of aggression. US response was illogical and insane as was the action of September 11 terrorists attacks on US. The most legitimate option for US was therefore to move to the security council of United Nations, and ask to intervene the matter and to organise a UN force against the Taliban. There is no difference between the perpetrators of the tragedy and Mr. Bush’s decision on Afganistan for open air strikes.

President Bush called its mission as operation infinite justice. Mr. Bush’s war against terrorism is a myth or reality, whether for their own people or for who are suffering from terrorism, whether the US attacks on Afganistan is not a war rather revenge, the world community expressed their reaction through worldwide protests against the Afganistan, open armed attack on there by disrespecting the most reverend Institution for peace, prosperity and coexistance of the world community - the United Nations Organisation.

TERRORISM AND HUMAN RIGHTS

Today, we live in the world where violence is in its full strength. The terrorists use violence in a demonstrating horrifying manner. They kill hundreds of innocent citizens, destroy government buildings & property, damaging the bridges and burn vehicles. All these acts are considered as to be violence against the person and violation of the liberties.

On 10 December 1948, the United Nations Organisations, General Assembly adopted, a Universal Declaration of Human Rights at its 183rd meeting. India, who is the founder members of the UN signed this important declaration.

The recognition of human rights has its foundation in the charter of the United Nations in Articles 1(3), 55(c), 62(c), 68 and 76(c). The UN, in its declaration on the protection of all persons from being subjected to torture and other cruel inhuman, and degrading treatment, set out twelve Articles and prescribed a code of conduct for law enforcement officials.

Human rights, like law making have been taken as the major goal and the major justification for the present world order. At the same time, one must note the growing brutality of power in the form of state terror suppressing all dissent and individual as well as group terrorism destroying human values and human rights to a very great extent.

"Terrorism is generally a politically or psychologically motivated act. Such motivation gives rise to megalomania or extremist activities in the name of "self determination" Similarly in the name violation of human rights.

The objectives of a terrorist may range from separatist causes to revenge for ethnic grievances to social and political revolution. The terrorists desire the people to feel helpless and lose faith in their government's capacity to protect them leading to undermine the legitimacy of the government itself or its policies or both.

The terrorist succeeds if government responds to his violence by clamping down on individual rights and follows terrorism, what ever else it may represent, is fundamentally an attack upon the prevailing legal order. It is the use of force or threat of force, directed against innocent third parties primarily for ideological financial or psychological purposes.

Human Rights

In the present world order, state has the fundamental task of creating conditions of life where individual person feels secure and has reasonable opportunities for a full development of his personality. Thus, the realisation of human rights is the first and foremost goal as well as commitment of the state. The second world war demonstrated clearly the class relationship between
outrageous behaviour by the government of a nation towards its own citizens and aggression against other nations and between respect for human rights and the maintenance of international peace and security. One of the important purpose of the United Nations is “to achieve international cooperation, in promoting and encouraging respect for human rights such as the right to life, liberty and security of person, the rights to freedom of thought, conscience, religion, expression and opinion and economic, social and cultural rights such as the rights to work, education and participation in the cultural life of one’s community”.

**Link between human rights and terrorism**

There is a close link between human rights and terrorism. Terrorism obviously abuses the fundamental human rights of its victims, whether it is individual terrorism and state terrorism. The victims of terrorism are arbitrarily deprived of the fundamental human rights of life and liberty. Acts commonly covered under “terrorism”, whether committed by states or by individuals are, in fact violations of fundamental human rights of those against whom they are perpetrated. But the dilemma of the situation is that resorting to terrorism themselves call in aid the notions of human rights to support their claims for actions resorted to by them. Torture, mass execution, forced servitude, mysterious disappearances, etc are the most usual forms of state terror, where repressive governments seek to intimidate and control their civil population. It is sad to observe true commentary on the state of human rights in many states in the present day world. Quite often to meet the threat of terrorism the states over react and in the process of eliminating terrorism they curb the human rights not only of the terrorists, but also of the rest of the society. Thus, the human rights and liberties are certainly diminished in the process of discovering apprehending and convicting the terrorists.

The country faced with a delicate questions, that are the responsibilities of governments to respond to terrorist activities within their territories.

Human rights notion works both ways for as well as against the government. The actions of terrorists viz, killing civilians, destroying and looting property, creating an atmosphere of alarm, are serious violations of human rights of the victims which require very strong action even to the extent of negating the human rights of terrorists, characterization of the terrorist acts as breaches of human
rights is significant, as a view exists that an individual who interferes with the human rights of others, renders himself susceptible to losing his own human rights. The states are under a duty to react vigorously to safeguard human rights against infractions by terrorists groups is based on a strict duty of the state to protect the right to life. In fact some terrorists do aim at the reaction of the government with a strong hand, anticipating that the inevitable reaction of the authorities will be to introduce measures repressive of civil liberties and thus helping them by creating disaffection among the people for the government. On the other hand, because of the human rights development in modern International law, there are limitations upon the governments response how to treat an individual regardless of his offence and state has certain limits on its powers. The rights are to be maintained at a substantial cost. If the state is subject to no limitation in its pursuit of terrorists, then there is no place for human rights for inevitably they are a limitation.

In fact, the problem of accommodating the control of terrorism with the protection of human rights is to be balanced. The crucial question is where that balance is to be struck.

In this context important to mention that certain basic human rights are permitted even to persons facing most serious criminal charges and they should be made available even to alleged terrorists. To illustrate the rights to a fair trial should be available to those who are suspected of criminal activity regarded as terrorism, even though it is pleaded that the background of terrorism itself negates this ordinary guarantee.

Another human right viz, the right not to be tortured or ill treated is very important in the context of terrorism. It is quite natural for security forces to inflict harsh suffering on the alleged terrorists to obtain information, particularly confessions, which would lead to convictions and enable the claim to be sustained that terrorism was being defeated by the ordinary process of law. It has been argued that, “derogations to human rights obligations are acceptable only if events make them necessary and if they are proportionate to the dangers that those events represent. In this situations, it is submitted it would be good to keep in view the doctrine of “Margin of appreciation” which entitles a state the discretion in determining what measures in derogation from the protected rights would be
necessary under the prevailing circumstances.

**Historical developments of terrorism**

Terrorism has been practised throughout history and throughout the world. The ancient Greek historian Xenophon (C. 431-C. 350 BC) wrote of the effectiveness of psychological warfare against enemy populations.

Roman emperors such as Tiberius (reigned AD 14-37) and Caligula (reigned AD 37-41) used banishment, expropriation of property and execution as means to discourage opposition to their rule.

The Spanish Inquisition used arbitrary arrest, torture, and execution to punish what it viewed as religious heresy. The use of terror was openly advocated by Robespierre as a means of encouraging revolutionary virtue during the French Revolution, leading to the period of his political dominance called the Reign of Terror (1793-94).

After American Civil War (1861-65) defiant southerners formed a terrorist organisation called the Ku Klux Klan to intimidate supporters of reconstruction.

In the later part of the 19th century, terrorism was adopted by adherents of anarchism in Western Europe, Russia and the United States. They believed that the best way to effect revolutionary political and social change was to assassinate persons in positions of power.

From 1865 to 1905 a number of kings, presidents, prime ministers and other government officials were killed by anarchists' guns and bombs.

One point is less debatable now terrorism is not new with the ever progressive society this act of menace has not remained static. Terrorism has evolved considerably over the years, even if retaining some of the same characteristics that have historically typified it. While it is impossible to definitely ascertain when it was first used, that which we today call terrorism traces its roots back at least some 2,000 years. In parts of France during the Hundred Years' War, bands of pillagers called "ecorcheurs" ranged over the countryside, looting and murdering anybody weaker than themselves until they encountered more disciplined armed forces who executed them in their turn.

Medieval rulers continued the Roman practice of public executions of criminals, intended to deter the populace from crime by terror; indeed, the practice
went on, in countries that regarded themselves as civilised, until the mid nineteenth century.

Public execution by guillotine, in the heart of Paris and other large cities, formed part of the system of terror that accompanied the French Revolution.

The Nazi party secured power in Germany partly by frightening voters into voting for it; beating them up if they did not comply. Both in Hitler's Germany and in Stalin's Russia, almost everyone quickly came to realise that if they did not conform, they would be packed off to a concentration camp, the more name of which was enough to deter them.24

German Gotha bombers had tried, quite without success, to terrify Londoners into suing for peace in 1917.

Government-sponsored terror has continued into modern times, often by sophisticated means. When Vladimir Lenin and Leon Trotsky seized power in Russia in Nov. 1917, Feliks Dzerzhinsky, developed for them a system of terror through secret police that secured their party's power for seventy years and made the terror of French Revolution seem almost petty by comparison.

More hesitantly it has been practised also by the British SOE (Special Operations Executives) and the American OSS (Office of Strategic Services) and CIA (Central Intelligence Agency), subversive secret services dealing in covert action, normally operating outside the conventional democratic controls. These services use thought necessary tools to deal with Adolph Hitler's and Joseph Stalin's dictatorships.

Flame had been used as a defensive weapon in sieges since the early Middle Ages. In the winter of 1914–1915 the German army developed portable flame throwers for use in trench warfare.

In 1939, 1940 German Ju 87 dive-bombers using bombs with cardboard attachments to make them howl as they fell, terrified some Polish, Dutch and French troops into surrender. An air attack on Rotterdam drove the peaceable Dutch to give in promptly. As a general rule, bombardment from the air angered, rather than terrified, the victims; this was the case in turn in Barcelona, London, and Berlin as terror bombing developed during the wars of 1935–1945.

A refinement added to terror bombing by Germany in 1944 was the use
of Pilotless missiles, the V-1, & V-2, which might fall on anybody. Yet two American atomic bombs, dropped on Hiroshima and Nagasaki in August 1945, were terrifying enough to bring imperial Japan to its knees.

In the later twentieth century, terror has been used by disaffected national and political groups against established governments, sometimes with secret support from other governments who have provided training in the making of bombs and the use of small arms. A few determined fanatics can manage to set off a bomb or assassinate an individual almost anywhere, an imaginative terrorist can, for example use a blowtorch as a portable flame thrower, to terrify information out of a captive and thus prepare an assassination. Only exceptionally vigilant security and intelligence systems will be able to stop attacks of this kind. Free societies face a standing dilemma, unless they limit freedom they can not provide security for their own leaders, and for themselves also.

During the 1960s and 1970s, when most terrorism was vaguely left wing in inspiration, arguments where made that terrorism was response to injustice,. Hence it was accepted that if there were more political, social and economic justice terrorism would more or less automatically vanish. Seen in this light terrorists were fanatical believers in justice driven to despair by intolerable conditions. But in 1980s and 1990s, when most terrorism in Europe and American came from the extreme right and the victims were foreigners, national minorities or arbitrarily chosen, those who had previously shown understanding or even approval of terrorism no longer used these arguments.

At the other extreme, it has been proclaimed that all and every form of terrorism is morally wrong. But such a total condemnation of violence is hardly tenable in the light of history. Catholic theologians in the middle ages found arguments in favour of killing tyrants and more recently, the attempted assassination of Hitler and successful killing of Heydrich, among many other examples can hardly be considered morally reprehensible. Terrorism might be the only feasible means of over throwing a cruel dictatorship, the last resort of man and women facing intolerable persecution.

Terrorism by radicals of both the left the right and by nationalists became widespread after world war II. Since the late 20th century acts of terrorism have been associated with the Italian Red Brigades, the Irish Republican Army, the
Palestine liberation organisation, Peru’s shining path, Srilanka’s liberation tigers of Tamil Eelam, the weather men and some members of U.S. militia organisations among many groups.

Religiously inspired terrorism has also occurred, such as that of extremist Christian opponents of abortion in the United States, of extremist Muslims associated Hamas, Osama bin Laden’s Al Queda and other organisations, of Japan’s Aum Shinrikyo who released nerve gas in Tokyo’s subway system (1995).

Terrorism and the state

Long before the outbreak of World War I in Europe in 1914, what would later be termed state-sponsored terrorism had already started to manifest itself. For instance, many officials in the Serbian government and military were involved in supporting, training and arming the various Balkan groups which were active prior to the assassination of the Archduke Franz Ferdinand on June 28, 1914 in Sarajevo.

Similarly, the JMRO (Macedonian Revolutionary Organisation) survived largely “because it became for all intents and purposes a tool of the Bulgarian Government and was used mainly against Yugoslavia and as well as against domestic enemies.”

Information available shows that there is not a country in the world where the Central Intelligence Agency (CIA) does not have a branch and its resident agents. The US Administration’s is annual allocations for such purposes to the CIA are astronomical and unprecedented. For many years CIA resorting to foul means, including bloodiest of deeds, to achieve its ends.

Here are some of the major “special operations the CIA has carried out in the past thirty years. 1953 plot that brought about the downfall of Iranian Prime Minister Mohammad Mussadeg, who however escaped death.

1958- Plans to assassinate Egyptian President Gamal Abdul Nasser which Proved abortive.

1959- Assassination of Prime Minister Soloman Bandaranaike of Cylon (Now Srilanka).

1966 - Plot that led to the overthrow of President Kwame Nkrumah of Ghana.
1967 - Conspiracy that led to the death of the Guevara the outstanding Latin American revolutionary.
1969 - Assassination of Edurerdo Mondlane, chairman of the Mozambique Liberation Front (FRELIMO)
1973 - Assassination of General Carlos prats, chilean Minister.
1973 - Assassination of President salvador Allende of Chile.
1975 - Assassination of Progression Kenyan leader Posiah Kariului.
1975 - Assassination of the Abrian Presidents brother Stephen Tolbert, Minister of Finance.
1976 - Assassination of Orlando Leterier, a former minister in the Allende government.
1977 - Assassination of President marien Ngouabi of the people's Republic of the congo.
1960 - 81 - Repeated attempts on the life of Cuban leader Fidel Castro.
1979-81 - Plans to assassinate Ayatollah Khomeini, leader of Iran
1981 - Bombo explosion in Iran that killed 72 prominent members of the ruling Islamic Republican party.
1981 - Attempts to assassinate president Keneath Kaunda of Zambia.
1981 - Plots to murder the libyan leader, colonel muammar ab Gaddafi.

All these are only a few of the known traces of the worldwide operations conducted by CIA in a decade. Former CIA man Philip Agee says it is impossible to describe in full detail all the conspiracies, coups, assassinations and bombing raids organised by the CIA and he affirms these type of activities continuing.

The primary difference is that unlike non-government terrorist forces, the CIA acts not directly but through agents. In otherwards, the CIA is practising a kind of indirect imperialist terrorism, always concealing its face behind a mask and sometimes several masks.
History of Global Terror Attacks in Brief:

The terrorist attack on the United States on 11th Sep. 2001 was the worse in history. It was not however the first terrorist attack of this new century and certainly the last century was one in which terror came to the forefront of the world scene. Here is a partial list of some of the major terrorist action since 1968.

1968 - July 23rd - Three members of the popular front for the liberation of Palestine hijack an El Al plane to Rome. November 22nd - Twelve people were killed at a bombing in the market in Jerusalem.

1969: February 18th - An EL Al Aircraft in Zurich Switzerland was attacked, the Co-pilot was killed.

1970: February 10th - A bus carrying passengers to a place is attacked by Palestinian terrorist at the Munich airport.

1970 - February 21st - A Swiss airplane on a flight to Israel is blown up in mid-air by Palestinian terrorists.

April 21st - A bomb explosion aboard a Philippines airliners. All 36 aboard are killed.

May 22nd - Eight Israeli schoolchildren are killed by Arab terrorists.

1972 - January 26th - A bomb explodes on a Yugoslav plane killing all but one passenger.

May 30th - 24 people are killed at Lord airport by Japanese terrorist recruited by Palestinians.

July 21st - Twenty two bombs go off in downtown Belfast killing 11 people.

September 5th - Eleven members of the Israeli Olympic team are killed by black Septembers, an arm of the PLO led by Yaser Arafat at the Olympic games in Munich.

1973 - February 23rd - Israel shoots down a Libyan plane over the Senai desert fearing it was a flying bomb.

March 8th - Two IRA bombs explode in London killing one person and injuring 200.

1973 - August 5th - Five people are killed when a Libyan terrorist group attacks a TWA plane.
1974 - September 8th - Libyan terrorist plant a bomb on board a TWA plane flying from Athens to Rome, all 85 Passengers are killed.

November 21st - The IRA explodes a series of bombs in Birthingham England - 21 people are killed.

1975 - September 30th - A hungarian airplane explodes killing all 64 persons on board.

1976 - January 1st - Eighty two people are killed aboard a Lebanese plane.

June 24th - An Air France plane is hijacked to Uganda. Israeli Later states a daring rescue mission to free the hostages.

1978 - March 12th - Thirty seven Israelis are killed on a bus by palestinian terrorists.

1981 - April 19th - Thirteen people were killed and 177 injured in a terrorist attack in Davao Philippines.

1982 - August 6th - A kosher restaurant is attacked in Paris killing eight.

1983 - April 18th - Eighty three people are killed at the us embassy in Beirut.

September 29th - A gulf air plane explodes killing all 166 people aboard.

October 26th - 241 US marines are killed in a truck bombing in Beirut by the Islamic Jihad (Controlled by Syria).

1984 - September 20th. The US embassy in the Beirut is bombed - 15 are killed.

1985 - June 23rd - 345 people are killed when sikh terrorist explode a bomb aboard an air India 747. October - 7th - The Cruise ship the Achillo Laura was hijacked by palestinian terrorists.

1986 - Pan American flight 103 is blown up over lockerbin scotland. All 259 passengers and crew are killed.

1992 - The Isreli embassy in Buenos Aires is bombed and 14 die.

1993 - February 26th - A bomb explodes in the basement of the world Trade centre in newyork - six die 1,000 are injured.

July 27th - Five are killed in a car bombing in Milan, Italy.

1995 - March 20th - 12 people are killed when nerve gas is released in a Tokyo subway.

April 19th - The Murrah Federal Office building is destroyed by a bomb in
1998 - August 7th - The US embassies in Nairobi Kenya and Dar es salam, Tanzania are bombed.

2001 - September 11th - Two planes were hijacked and flown into Newyork’s world Trade centre, a second plane flew into the pentagon, and a third plane crashed into a field in pennsylvania.

2001 - December 13th - In the forenoon the terror returns with a vengeance by an audacious suicide attack by five armed terrorists pierced the outer ring of security and barged into the precincts of Indian parliament.

2008 August 30 : 35 killed in Srilanka in bombblast in Colombo.

2008 August 8 : Pakistan had its deadliest attack by suicide bomber killing 55, in an ammunition factory of military installment

2008 September 29th - Bomb blast at Maligaon, Maharastra and sabarkanta, Gujrat killing 4 & 2 persons respectively.

2008 October 30th - Serial blasts in Guwahati and other parts of Assam.

2008 - November 26th - blast Mumbai - Terror attack on Hotel oberoi Trident nariman House and Hotel Taz, killing 183 persons.

2011 - Bomb blast in the premises of Tishazari Court, New Delhi.

**Terrorism in Post World war eras**

During the interwar years of worldwar I terrorism increasingly referred to the oppressive measures imposed by various totalitarian regimes, most notably those in Nazi Germany, Fascist Italy and stalinist Russia. More recently other governments such as those military dictatorships which ruled some south American countries in recent years or regime in Zimbabwe, have also been open to the charges of using such methods as tool of state. However, not every one agrees that terrorism should be considered a non - governmental undertaking.

Deliberately bombarding civilians as a means of attacking enemy morale, strategy or means adopted to terrorism.

The preponderance of non-state groups in the wake of world war II is less debatable. The immediate focus for such activity mainly shifted from Europe itself to that continent’s colonies. Across the middle East Asia and Africa, nascent nationalist movements resisted European attempts to resume colonial business
then terrorism has largely been equated to the threat posed by al-qaeda - a threat inflamed not only by the spectacular and deadly nature of sep. 11 attacks themselves, but by the fear that future strikes might be even more deadly and employ weapons of mass destruction.

Despite the implications that Al-qaeda actually intends to wage a global insurgency, the citizens of countries such as colombia or Northern Ireland one likely more preoccupied with when and where the next FARC or Real Irish Republican Army attack will occur rather than where the next al-qaeda strike will fall.

The recent outbreak of violence between Israel and Gaza has take hundreds of lives from both sides. Hamas Militants and Isralies fighting neck to neck to dominate each other for a small part of territorial land even more worse and continuing concern of the International community.

**Myth of Invincibility and inviolability**

The world Trade Center building symbolises the economic power of US, while the pentagon represents the military might of United state of America. Since 1812 the US has not experienced the terrorist attacks on its own land as it experienced on 11th September, 2001. It shattered the myth of America’s infallibility the myth of invulnerability and invincibility. In the history of mankind no invader has attacked so many countries as US has. Earlier it was considered US is a safe haven and will always remain the same whether US joins a war or prosecutes a war, be it the first or second world war, the operation carolina in vietnam, operation just cause in panama, operation prime chance and Earnest will in persian gulf.

Reacting to the september 11,2001, attack, the standard washington fulminations against enemies, president Mr. George W. Bush declared that the US was not treating the outrage as terrorist attacks, they were “Acts of war’ while his secretary of state colin powell believes, “It is a war not against the US, but against the entire civilizations. “The US fostered a grim determination to wipe out not only those who plotted and perpetrated the atrocious attack but also those who harbour and support them. The US and UK, its ally, launched their war against terrorism on 7th October 2001 by the air strikes on Afghanistan and the name given to it was “Enduring freedom”. President Bush said, “Today we focus on
afganistan but the battle is broader. Every nation has a choice to make. In this conflict, there is no neutral ground”.

When one look into the history of foreign policy, we find that the US himself encouraged terrorist activities for a variety of intensely self objectives. The Carnage of september 11, attack on US could be seen as a form of backlash of the meddlesome policy of US in the middle east. The Israel and palestinian conflict flare up just because US support to Israel. The whole world knows that Pakistan is a terrorist sponsored state, but for its own interests the US consider it foremost ally in war against terrorism. India continuously proofs of Pakistan’s role in crossborder terrorism in Kashmir but US gave a blind eye to it and never think of declaring pakistan as a state sponsoring terrorism.

The United Nations was set up to ensure an international order based on the Principle of sovereign equality of all nations and to save succeeding generating from the scourge of war by taking action for the suppression and preventing any member from using force against the territorial integrity or political independence of other states At the same time it categorically denied itself any authority to intervene in matters within this domestic jurisdiction of any state.29

It also provides for the expulsion of a member who violates these principles. Thus any state that is attacked or invaded by the other has full right and it is his duty to report United Nations Security Council and the has a right to take measures accordingly. After the september 11, Catastrophe the UN Security Council Unanimously approved a US Sponsored resolution demanding that all members states should take appropriate actions through their domestic procedures to seize and freeze terrorist assets, funds and support system and asked all states to stop providing safe haven to anyone who supports terrorists or their organizations. Under Chapter VII of UN Charter that gave the Council work awesome powers (Sanctions use of arm forces on behalf of the organization) to take any action against a threat to the peace, breech of peace or act of aggression. 15 members set up by the council approved the article VII of the UN charter that makes its provision enforceable. But it stopped short of providing for mandatory sactions against those who violate it.

However, it does not express the council’s determinations to take all necessary steps to ensure its full implementation. US response is just as illogical
as usual after the defeat of Axis Powers.

These nationalist and Anti Colonial groups conducted guerilla warfare, which differed from terrorism mainly in that it tended towards larger military lines that their terrorist cousin.

During 1960s and 1970s the number of those groups that might be described as terrorist swelled to include not only nationalist, but those motivated by ethnic and ideological considerations.

Like their anti-colonialist predecessors of the immediate, Post - war era, many of the terrorist groups of this period readily and adopted methods that would allow them to Publicise their goals and accomplishments internationally.

Many of these organisations have today declined or ceased to exist altogether, while others such as palestinian Northern Irish and spanish basque groups motivated by more enduring cases, remain active today, towards political rather than terrorist methods. Meanwhile, by the mid 1980s, state sponsored terrorism reemerged as the catalyst for the series of attacks against American and other western targets in the middle East. Countries such as Iran, Iraq, libya and syria came to the fore as the principle such sponsors of terrorism. Falling into a related category were those countries, such as North Korea, who directly participated in covert acts of what could be described as terrorism.

Such state sponsored terrorism remains a concern of the international community today although it has been somewhat overshadowed in recent times by the re-emergence of the religiously inspired terrorist. The latest manifestation of this trend began in 1979, when the revolution that transformed Iran into an Islamic republic led it to be use and support terrorism as a means of propagating its ideals beyond its own border. From the sarin attack on the Tokyo subway by aum shinrikyo in 1995 to the oklahoma bombing the same years, religion was again added to the complex mix of motivations that led to acts of terrorism. That al-Qaeda attacks of sep, 11, 2001, brought home the world and most particularly the United states, just how dangerous this latest mutation of terrorism is.

Contemporary Terrorism

Today, terrorism influences events on the international stage to a degree hitherto unachieved. Largely this is due to the attacks of september 2001. since
and insane as was the action of September 11 terrorist’s attack on US. The most legitimate option for US was therefore to move to the security council of United Nations and ask to intervene the matter and to organise a UN force against Taliban. There is no difference between the perpetrators of the tragedy and the Bush.

President Bush called its mission as operation infinite justice. No doubt, terrorists are bad people but exploitative character of west responsible for human suffering is even worse, killing innocent people is a terrorist act. UN has also harshly condemned the US policy of dropping food aid to afganistan while bombing the country. UN described US actions as “totally catastrophic for humanitarian aid”. According to UN officials the food drops were not targeted, the man with the gun picks it up. So Americans are feeding the Taliban every night.30

The Taliban called the Anglo American attack on Afganistan as a ‘terrorist act” and reiterated their determination not to hand over osama Bin Laden. ‘we will fight the Americans the way we fought the Russia”.

The US attacks on Afganistan is not a war, it is revenge. Dropping bombs on Afganistan is not a strike against the criminals of appalling tragedy of September 11, America, which says it is bringing terrorists to justice, is itself, showing its other face of being a terrorist.31

The whole world witnessed the blood bath in Afganistan and Iraq after 9/ 11, in the name of war against terrorism. In fact the war against terrorism is a political myth propagated by the US and British governments. In the name of war against terrorism US is safeguarding its vital interests.

Terrorism in India - Challenges32

Terrorism is a violent method to express political opposition. Terrorism manifests violence and threat of violence including physical and psychological threat. Terrorism strikes at innocents or objects directly involved in the case fought for and always seeks some socio-political end. It may express itself on the domestic scene or the international level, where it becomes international terrorism. The purpose of most terrorists is to draw world attention to the existence of their cause. Terrorism becomes international when it taken place on third party’s territory. This territory may be a country as well as an embassy or national aircraft.
Terrorism also becomes international when it is abetted by third states or waged by them. Forms of international assistance may include financial aid, the delivery and supply of weapons and the provision of training camps. State terror is directed by those in power and carried out by state organs against a certain population or all the citizens of that state.

India is surrounded by not too friendly neighbours and even after sixty three years of independence, it still has unresolved land and maritime boundary disputes with its neighbours, beset with cross border smuggling of weapons, explosives and narcotics. Its international land border of 15,120 Kms. is shared on the East with Bangladesh (4096kms) China (3,917 kms), to the Pakistan (3,310 km) to the North and west. It also borders Nepal (1,752 kms), Myanmar (1458 kms) and Bhutan (587 kms), with 6100 kms - long coastline. Beside disputed territory with China, the border with Pakistan is the most volatile with Kashmir as only 200 kms, of its border is demarcated with the line of control (LOC) extending for 790 kms. About 125 kms of its border is disputed with Bangladesh with this backdrop of disputed border with our neighbours, India faces problems of infiltration, migration, transborder smuggling and transnational crimes.

Pakistan poses the most serious threat to India today, which primarily emnates from terrorism. For the past six decades, kashmir has however remained the central and over riding concern for Pakistan. Pakistan has been providing covert support for insurgent and terrorist movements in Jammu and Kashmir, Punjab and the North-Eastern states, with continued financial support training and sophisticated weaponry, an issue of grave tension for India.

Inter Services Intelligence (ISI) are engaged in covert operations not only in India but also in Afghanistan, Bangladesh, Myanmar, Nepal, Chechanya, Uzbekistan and Kazakhstan, Saudi Arabia, Egypt, Sudan, Algeria, Lebanon and USA. In India, the ISI has spread tentacles in majority of the sensitive states. The rapidly expanding terrorist training system has been integrated with the madarases in Pakistan and selected places in India. The ISI operations in India involve North-East insurgency, militancy in Punjab and Jammu & Kashmir and in other places in India.

Several Pan Islamic international terrorist groups in concert with ISI are running a number of training Camps in “Taliban” controlled areas of Afghanistan.
for carrying out subversive activities in J & K. The pan Islamic groups such as Harkat-ul-Ansar, Lashkar-e-Toiba are collecting funds for Jehad in Kashmir.

**Jammu and Kashmir**

Inherent delay in controlling terrorism in Kashmir valley due to Pakistan's covert support to the militant outfits persistently and consistently. Inherent delay in controlling terrorism is further intensified by the fact that the realist group describes terrorism as something that happens to other people. All members of the society do not feel affected to the point of action. Many people prefer to keep silent.

Pakistan's confrontationist attitude turned Kashmir valley into hell of death, destruction, despair and dread for the last over fifty years. The facets of proxy war in J & K perpetrated by Pakistan are now clear. Pakistan is unabashedly indulging in sending terrorists to carry flag of Jehad in Kashmir valley. It is only extending moral, political, diplomatic, military and financial support to terrorist outfits operating from Pakistan occupied Kashmir and Indian state of Jammu and Kashmir. A large number of armed volunteers from other provinces of Pakistan are fighting a bloody warfare in India's sensitive state for destroying the identity of Kashmiri masses. Pakistan has made frantic efforts to internationalise Kashmir issue by dragging it in various regional and world fora.34

Pakistan never got reconciled to the reality of Kashmir valley being an integral part of India. It made two abortive attempts to grab it. In 1977, after Zia-Ul-Haque assumed power, put into action of subversion to Kashmir valley. The foundation of this subversion plan was to render clandestine financial and moral support to Jamaat-e-Islami to initiate fundamentalist Islamic education in schools run by it under the cover of religious education. Young people who feel marginalised and deprived on account of economic hardship and unemployment can then take to direct armed action if they are led by some charismatic leaders supporting radical political changes. In the grand design of betrayal and subversion Islamic universities at Islamabad and Karachi were to be used as motivational agents for poisoning the minds of thousands of young volunteers in Pakistan especially in Pakistan occupied Kashmir.35 The proxy war initiated by the great dictator has already taken thousands of lives and has put India and Pakistan on an irrevocable mutually-destructive confrontation. The terror attack
Terrorism in the North Eastern States of India

In Nagaland, a state in the North Eastern part of India adjoining Burma, the Nagas were the first to start a civil disobedience movement against the Republic of India soon after independence in 1947. The state has suitably dealt with the problem and the Nagas are no longer the turbulent people of 1947. With the gradual economic development of the state, the extremist movement is likely to disappear altogether. However, a militant organisation called the National Socialist Council of Nagaland (NSCN) is still active which later spilted into two groups.36

In Mizoram, the militant movement came to an end through political negotiations when Laldenga, the leader of the movement, became the chief minister of the state.

Terrorism in Assam stated due to the continuous immigration of landless people into the state from the bordering countries. The people of Assam were also supportedly hurt by the dismemberment of the state into the various provinces. Further they had a deep craving to have an identity of their own. The problem of terrorism is still alive and is being tackled. The United Liberation Front of Assam (ULFA), which was started in 1983, has established links with the national socialist council of Nagaland (NSCN). There is also evidence that ULFA has established links with LTTE (the terrorist outfit of Sri Lanka) the "Liberation Tigers of Tamil Elam."

Presently about 26 main insurgent outfits are active in the region. These groups have formed themselves into two broad alliances, namely the Indo Burma Revolutionary Front (IBRF) comprising NSCN (K), ULFA, ATTF, PLA, UNLE and PREPAK and another alliance comprising NSCN (IM), NDFB, Hynniewtrep National Liberation Council (HNLC) and NLFT as its constituents. The outfits also enter into bilateral agreements from time to time depending on strategic requirements.

The outfits have also rivalries because of the overlapping territorial claims, ideological differences, ethnic claims for superiority, ethnic rivalries etc. Apart from the alliance partners often going for joint operation against the security
forces, they support each other in areas like giving shelter, transit facilities through their territories, training of new cadres, supply of arms and ammunitions, intelligence gathering and sharing and so forth.37

Manipur is another state which has been facing insurgency, by several militant outfits the main lead over a lingering period being taken by the People’s liberation, Army (PLA) and the People’s Revolutionary party of Kangleipak (PRE-PAK), United National Liberation front (UNLF), Kangleipak Communist Party (KCP), Kanglei Yawol Kana Lup (KYKL) and other smaller one all demanding secession from Indian union. There some groups of hill tribes the Kuki Revolutionary Army (KRA), United Kuki Liberation Front (UKLF), Zomi Revolutionary Army (ZRA) and Hamar people’s convention (Democratic) of HPC (D), which are close to NSCN (IM). Manipur was one of the princely states which became United with India, under sardar patel plan, but the people were not happy with the arrangement. Acute unemployment problems amongst the youth, the flourishing of drug cartel & narcotic trading illegal gunrunning, other smuggling activities, each resenting dominian by the other and vying with each other for superiority, political instability, rampant corruption, blocking National Highways, the general public protesting against alleged excesses committed by the security forces are common features in Manipur. The law & order situation is worst in the region. There does not appear to be any major peace initiatives from any side, bringing militant outfits to table.38

Meghalaya is relatively peaceful state, with two militant outfits which occasionally make their presence felt, by attacking non-indigenous people or businessmen though they do not have any major demand outside the present Constitutional set-up. HNLC is active in Khasi Hills and Achik National Volunteer Council (ANVC) mainly operates in Garo Hillsdistricts. The Militants however often have some kind of understanding with the militant groups of Assam to receive temporary shelter against combing operations by the security force along the Assam Meghalaya border areas.

Arunachal Pradesh is relatively quite peaceful, but for the presence of a sizeable strength of NSCN (K) and NSCN (IM) militants and occasional presence of ULFA militants particularly in three districts adjoining Tinsukia in upper Assam Terap, Changlang and lohit, faces some colateral problems.
Tripura is another state, which is very badly affected by insurgency for past several decades, with 30 out of 40 police stations affected by terrorist violence resulting heavy loss of lives both militants as well as security forces, apart from hundreds of innocent civilians. The main outfits are - National Liberation Front of Tripura (NLFT) and All Tripura Tribal front (ATTF) the primary objectives of both these outfits are creation of an independent Tripura and eviction of Bengali Migrants from Bangladesh. Tripura has got long international borders with Bangladesh and at many places the borders are simply unmanned. Islamic Fundamentalists as well as “Jehadi” terrorist groups of Bangladesh are reportedly maintaining close links with various rebel groups of Tripura. Bangladesh also provides safe sanctuaries to these rebels together with rebel outfits of Assam & Manipur under the patronage of Inter service Intelligence (ISI) of Pakistan and Director General Field Intelligence Bangladesh. According to Mr. M.K. Dhar former joint Director of intelligence Buruea (IB) and other security analysis believe that the ULFS, which has been acting at the dictates of the ISI, are not keen for talks and utilized the ceasefire period for regrouping, extortion, acquisition of fresh quantity of arsenals etc. DGFI officers initially trained some Harkat UL Jehadi Islami (HUJI) and Jamal UL Majaheedin (JUM) top leaders and North-East Militants have been receiving support from DGFI over the years. The Indian Intelligence agencies and other are aware of the fact that the DGFI played a significant role in several attacks by Jehadi groups in different parts of the country including the US consulate in Kolkota, New Delhi bomb blasts, Varanasi, blasts and the Mumbai train blast of 7/11.

Some foreign countries encourage terrorism for their gain in the region. This can be curbed only at the international level as well as the local level.39

Peace is not just the antonym of war. The absence of violence itself can not be end. As we have noted earlier a powerful despot might be able to throttle all opposition in a state and there may not be any ongoing conflict order that is based on injustice and law that protects the despot is worse than conflict. Law & order members desirable only till serves justice. Romain Rolland said, where injustice is the order disorder is the begining of Justice. When the state become inefficient and despotic, insurgency becomes a people’s revoluntion.

Some major terrorist attacks committed in India recently are as follows:
* June 23, 1985 Sikh terrorist blew up Air-India-Jumbo Kaniska in mid air killing all the 329 Passengers.40

* March 12, 1993, over 300 persons died and another 1500 were injured when bomb blasts rocked Mumbai with horror, fury and death. Dawood Ibrahim and Tiger Memon were responsible and are being given shelter in a neighbouring country.


* November 3, 1999 Laskar-e-Toiba suicide squads stormed into the high security army headquaters at Badamibagh Cantonment in Srinagar Six army personal were killed.

* December 24, 1999– The Indian Airline flight with 155 passengers on board was hijacked by Jehadis from Kathmandu and taken to Kandahar. The ordeal ended on December 31, with three terrorists exchanged for the passengers one passengers was killed.

* March 20, 2000-Dressed as Indian Army soldiers Laskar-e-Toiba terrorists massacred 35 Sikhs in chitisingh Pora in Kashmir, hours before the visit of former US President Bill Clinton.

* December 22, 2000- Laskar-e-Toiba terrorists struck at the army garison in Red-fort gunning down two soldiers and a civilian.

* December 12, 2001-Attack on India Parliament, 6 security personnel were killed.

* May 15, 2008-8 bombs rocked Jaipur killing 60 and 200 wounded.

* September 13, 2008-serial blasts in New Delhi killing twenty two and 131 injured-SIMI & Indian Mujahidin claimed responsibilities of attack.

* October 30, 2008-serial blasts in Guwahati killing 78 and wounded 300 staked by Huji etc.

* November 26, 2008-Attack on Mumbai by ten pakistani elements & pakistani Nationals. One terrorist Ajmal Kasab caught alive and 9 other killed.

**UN Declarations and Conventions** 41

Following the cold blooded massacre of eleven Israeli athletes at Munich during the 1972 olympics, the then UN secretary General Kurt Waldheim proposed that the General Assembly include in its agenda the item on "Measures to prevent
International terrorism, which endanger or take innocent human lives or jeopardise fundamental freedoms". But at the initial stage itself the proposal ran into difficulties. Some of the third world countries argued that any study on the phenomenon of international terrorism must be holistic and must therefore encompass the root causes of terrorism. Because without addressing the root causes, the phenomena could not be contained. As a result the already long title of the agenda was further expanded to insert "and study the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievances and despair and which cause people to sacrifice human lives including their own in an attempt to effect radical changes." in a fix even before it began discussing measures to combat terrorism.42

The issues relating to international terrorism have figured in the UN General Assembly mainly in three contexts, namely (a) debates on friendly relations (b) debates on the inadmissibility of the policy of state terrorism (c) The general debates since 1989 on measures to combat international terrorism.

Declarations and Resolutions43

The friendly relations debate, which were spread over nearly a decade, focused on a prohibition of international terrorism and state involvement in it under both the principles of prohibition of force and non-intervention. This principle was embodied in the friendly relations Declaration adopted on the silver Jubilee day of the UN.

The first stipulates that every state has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries for incursion into the territory of another state. Every state is also enjoined "refrain from organizing instigating participating in acts of civil strife or terrorist activities within its territory directed towards the commission of such acts. which involves threat or use of force.

The second stipulates that no state "shall organize assist, foment, finance, invite or tolerate subversive terrorist or armed activities directed towards the violent overthrow of the regime of another state or interfere in the internal "conflict of another state."
These statements have received the approval of the international court in the Nicaragua Case. It is worth noting that the court in this case specifically recognized among the acts constituting an "armed attack" within the context of the right of self-defence under article 5 of the UN charter. Not only transborder action by regular armed force, but also "the sending by or on behalf of a state armed bands, groups-irregular or mercenaries, which carry out acts of armed force against another state of such gravity as to amount to an actual armed attack by regular forces or any substantial involvement there in."

The 1972 debates in the UN General Assembly led to the establishment of an adhoc committee on terrorism. However, the Committee was not effective in dealing with the issue. Instead it generated heated debate on a variety of aspects of international terrorism, particularly with regard to the nature of terrorist acts and the potential victims.44

In 1984, the General Assembly adopted a resolution on the inadmissibility of the policy of state Terrorism and any actions by states aimed at undermining the socio political system in other sovereign states. "Reiterating the principles embodied in the UN charter and the declaration on friendly relations this resolution strongly Condemned " politics and practices of terrorism in relations between states as a method of dealing with other states and people".45

It demanded that "all states take no actions aimed at military intervention and occupation, forcible change in or underming of socio-political system of states destabilization and over throw of their governments and in particular, initiate no military action to that end.

Further, the resolution urged all states to "respect and strictly observe, in accordance with the charter of the United Nations, the sovereignty and political independence of states and the right of people to self-determination as well as their right to choose freely their "socio-political, economic, socio and cultural development" without any outside interference.

By the end of the 1980s, however, the General Assembly started adopting a firmer policy to deal with terrorism. Thus on 4 December 1989 it adopted, without vote, resolution 44/29.46
The most important aspects of the resolution were embodied in its fourth paragraph, whereby by the General Assembly urged all states to take, "effective and resolute measures for the speedy and final elimination of international terrorism and to that end". Specifically the states were asked to prevent "terrorist and subversive acts directed against other states or their citizens", to ensure the apprehension and prosecution of extradition of perpetrators of terrorist acts" and to conclude special agreements to that effect on a bilateral, regional and multilateral basis. It also called on the states to exchange "relevant information Concerning the prevention and Combating of terrorism." it also called upon all states to ensure the "immediate and safe release of hostages" through political influence and to prevent hostage taking.47

The resolution called upon all states to ensure progressive elimination of international terrorism and became parties to the various conventions against acts of terrorism. Finally, the resolution expressed concern at the growing links between terrorist groups, drug traffickers and their paramilitary gangs.

In the 1990, two consensual declarations adopted by the General assembly were the 1994 Declaration on measures to Eliminate International Terrorism and 1996 Declaration to supplement the 1994 Declaration. The 1994 Declaration unequivocally condemned "all acts, methods and practices of terrorism, as criminal and unjustifiable, where even and by whomever committed." destruction of human rights, fundamental freedoms and the democratic bases of society". It insisted that these acts were not justified on any "political, philosophical ideological, racial ethnic, religious or any other ground.

The 1996 supplementary, Declaration expressed concern about the abuse of the rights and facilities of asylum by terrorists. Hence it stipulated that "asylum seekers who are awaiting the process of their asylum applications may not thereby avoid prosecution for terrorist acts".

**UN Conventions**

Following the 1972 General Assembly agenda item, in 1973 the sixth Committee of the assembly adopted a Convention on the Prevention and punishment of Crimes against Internationally protected persons including Diplom-
matic Agents.  

The Convention required State parties to make the commission of the following acts against internationally protected persons to be crimes under their domestic laws: Murder, Kidnapping, violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person likely to endanger his person or liberty. Even a threat or attempt to commit or become an accomplice in any such attack were also to be considered crimes. The states were required to prescribe appropriate penalties corresponding to the grave nature of the act committed.

The 1973 Convention recognised the existing overlapping of criminal jurisdictions among the states. They could claim jurisdiction on any ground among the states. They could claim jurisdiction on any ground such as territoriality, nationality, a Combination of the Protective Principle and the Passive Personality principle and Universality.

The 1979 Covention against Taking of Hostages defines the offence of "hostage taking" as anyone "who seizes or detains and threatens to kill, to intention of compelling "a third party, namely a state, an international Organization, a Natural a juridical person, or a group of persons to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage."

Although mercenaries have often played a role in armed conflict, they attracted a great deal of attention for their role in national liberation wars during the 1960 and 1970s. The General Assembly Resolution 3103 (xxviii) of 1973 considered the use of mercenaries by colonial and racist regimes against the national liberation movements as a criminal act", and felt that they should be "Punished as Criminals".

The Convention against Mercenaries, adopted by the General assembly in 1989, is based on the work of an adhoc Committee working since 1980. It postulates that an offence under the Convention is committed by any person who recruits, uses, finances or trains mercenaries or who participates or even becomes an accomplice directly in hostilities or in a concerned act of violence.

The UN General Assembly drafted the International Convention for Suppres-
sion of Terrorist Bombing in 1996. Under the Convention, it becomes an offence if a person illegally and deliberately “delivers, place, discharges, or detonates an explosive or other lethal service in, into or against a place of Public use a state or an infrastructure facility with the intention of causing “death or serious bodily injury” or “Extensive destruction of such a place, facility or system, were such destruction results in or is likely to result in major economic loss”.

However, the Convention can not be applied to the attacks of 11 September 2001 because no “explosive or other lethal device” was employed, unless one regards hijacked civil aircraft with full fuel tanks as an explosive or other lethal device.

The General Assembly adopted the Convention for the suppression of the financing of Terrorism in 1999, mainly keeping in view the Convention on the illicit Trafficking of Narcotic drugs and the Psychotropic substances, 1987-1990. The idea is that one of the effective ways of tackling the problem of terrorism is by hitting at those who support it. The Convention Considers as Criminal any act of providing or Collecting funds in support of terrorist activities. The funds need not actually be used for-terrorist activities, it is enough if they are provided or Collected with the intention of or with the knowledge of their possible use of terrorist activities.51

It also enjoins upon the states to take preventive action and exchange information with each other in this regard. Besides, numerous regional Conventions and bilateral treaties on extradition also seek to compliment the general objective of tackling international terrorism through approved legal procedure and safe guards.

**Moves towards Comprehensive Convention**

The attempts to deal with international terrorism have been piecemeal till 1993. That is why the 1994 Declaration on International Terrorism called upon states to evolve a comprehensive convention on international terrorism. Pursuant to this call, India took the initiative to table a draft comprehensive treaty on terrorism in 1996. The silent features of the draft, which was revised in 2002 are as follows:
First, it offers a Comprehensive definition of an act of terrorism second, it seeks to impose on state parties an obligation to screen asylum seekers in order to ensure that the asylum facility is not abused for terrorist purposes. Third, it provides for a wide range of preventive obligations including prohibition of installations and training camps for transboundary terrorist acts, prohibition of legal activities by all persons, groups etc. that commit those offences. Fourth, State parties shall have a duty to exchange information on matters relating to terrorism with each other. Fifth the draft convention seeks to provide for attribution of criminal liability to any legal entity engaged in terrorist or terrorist-related activities. Sixth it enjoins upon the state to investigate on receipt of information regarding terrorist activities. Seventh, the state is also required to report to the UN security council about any proceeding under the Convention.52

In other words, the endeavour is to endow the Council with supervisory powers in respect of the administration implementation of the Convention. Given the fact that the Council has since 1992 taken the view that international terrorism is a threat to international peace and security under chapter VII of the UN charter, this is perhaps unavoidable. Finally, the Indian draft embodies three annexes.

Annex I eliminates the chances of non-extradition of persons on ground of the traditional political offence exception. Annex II lays down the Procedure for mutual legal assistance regarding terrorist offence Annex III deals with the extradition Procedure to fill the gap in International law by indicating how extradition requests could be made, entertained and complied with.

Until 11th September 2001, the debates at the UN were overshadowed by the American preference for the Conventions on Terrorist Financing and on Terrorist Bombing and the Russian push for a convention on nuclear terrorism. In the aftermath of 11 September 2001, the UN General assembly has redirected its attempt to adopt a Comprehensive anti-terrorism Convention with a sense of urgency. The fate of the Indian initiative will however depend upon a diplomatic breakthrough on the issue of definition of terrorism vis-a-vis national liberation movement.
The overlapping state claims to criminal jurisdiction over a suspected or convicted terrorists can be resolved if the state in custody of the person agrees either to prosecute or to extradite him to another state whose claim to Jurisdiction is recognized under a relevant treaty and which is interested in prosecuting him. The problem is however, that terrorists are capable of exerting pressure even on the state machinery by taking innocent individuals as hostages. In such situations, it would be difficult to get a target state comply with fullproof obligation to extradite or prosecute. India still has vivid memories of the hijacking of Indian Airlines air craft from Kathmandu to Delhi on 24 December 1998, which ended at Kandahar only when some of the terrorists who had been in Indian Jails, were released. Other Countries including German faced a similar situation in 1969-70 after the multiple hijacking of aircraft in the west Asian senai desert.

It may be pointed out that the obligation is not to prosecute, but to submit the case to competent authorities for the purpose of prosecution leaving contracting states with their traditional discretion to decide whether or not to prosecute.\textsuperscript{55}

The other aspect of the obligation is extradition. The basic problem with it is the "Political offences" exception. This is the reason why the Indian draft regarding international terrorism excludes the application of this exception. Many state parties to the European Convention of 1977 have also specifically, excluded Political offences. In the wake of the events of 11 Sep. 2001, however the Council of Europe has urged the European states to further strengthen the institution of extradiction and the efforts are under way in this regard.\textsuperscript{56}

The contemporary debates on international terrorism betray a good deal of irony and hypocrisy at different levels. As states keen on evolving a legal regulation of international terrorism here and now, professedly for "the Protection of the innocents", would for the moment like to ignore certain uncomfortable facts about state terrorism.

Any anti-terrorist mechanism, to be valid and operational on the interna-
tional plane, needs to be founded on an adequate perception of the essential characteristics of international legal process. The international legal process corresponding to a society of sovereign states. It is a less formal legal process compared to the characteristic formalism of the domestic legal process.57

The trend in international decision making in the realm of international terrorism has been towards identifying certain types of acts as international crimes mainly with a view to protecting innocent human beings. Examples include war crimes, genocide, hijacking and other offences against international civil and other offences against international civil transport and communication system and crimes against diplomatic persons. Each of these categories of crime is made subject to a different set of legal norms. Yet, states are not willing to accept a regime of obligations beyond a general obligation to extradite or submit alleged offenders to competent national authority for the purpose of prosecution.58

Terrorism, in the ultimate analysis, bears upon a complex of psychic disposition of the diverse participants in the socio process the intentions and motives of the perpetrator, the effect it produces upon the victims/targets and its impact on the general community and awareness of the relationship between a particular type of crime and the ever changing realities of life.59

The term International terrorism has been crystallised in the post-second world war era. Though the state is the sole responsible authority for the protection of human rights of individuals and persons, the matter has become on international concern. The state parties share, tieup, develop co-ordinal strategic relationship with the international organisation and international communities, when they have signed and ratified the international multilateral treaties.

During the British regime, the Courts in India took resort to the provisions of the Indian penal code to combat with the revolutionairy zeal of those fighting tooth and nail to throw out the Britishers from the Indian soil. The provisions of law which they applied during that period are still in force in India. Unfortunately the revolutionaries trying to overthrow the British Government were termed as "terrorists" including Netaji Subash Chandra Bose who was considered as a
source of inspiration to such revolutionaries.

**Research Methodology**

Research methodology is a way to systematically approach and solve the research problems. Research Methodology to be adopted for the present investigation will be primarily doctrinal and analytical methods. As the study is based on analysis of international documents like UN reports and recommendations, governmental publications and reports, non-governmental organisations reports and findings, besides the decisional laws laid down by the Supreme Court and High Courts. Different international law doctrines have been observed and analysed. The investigation also plans to adopt complementary methods in the course of enquiry. New tools may be adopted as and where felt necessary in the course of work.

**The Research design** for the control of International terrorism on its legal regime:

(i) Title of the investigation - International Legal Regime to Prevent and Contain International Terrorism.

(ii) Sources of data collection - The research work includes both secondary and primary sources.

The investigator used the following techniques to collect primary data.

(a) observation method (b) schedule method through interview (c) through questionaries (d) through case-study.

The investigator used the following source of study to collect secondary data.

(a) Various publications of central, state governments.

(b) Various publications of foreign governments, international bodies and foreign authros.

(c) Books, Magazines and News papers.

(d) Public records and public opinions, recorded historical documents etc.

(iii) Scope - The scope of the investigation is limited to combat international terrorism in its legal plane.

(iv) Objectives of the study - (a) Definitational infirmity of terrorism

(b) Problems faced by the member states to implement the already available international conventions and other international instruments (c) to study the interna-
tional criminal jurisdiction. (d) to study efficacy of UN working mechanism.

(iv) Hypothesis - The International legal documents and instruments like UN charters, principles are sufficient to combat international terrorism in its present form with stronger will and positive approach to implement the same.

(vi) Analysis and interpretation - Both quantitative and qualitative techniques may be used to analyse the data.

The conceptualisations of the findings is to be stated in the conclusion chapter.

To conclude the chapter however it is worth mentioning that each pattern of these psychic dispositions may vary as between individuals, groups of individuals, states or other non-state entities. In the absence of an acceptable pattern of indentification of the acts of any catch all definition will fail in its purpose.61

Finally, the greatest challenge an international anti-terrorism regime is likely to face continues to be the tendency on the part of big powers and their portages to resort to unilateral, punitive action under the garb of counter-terrorist response, indeed throwing to the wind norms of decency and proportionality, Principles of humanitarian law, and above all the Principles of legitimacy in terms of the rights and wishes of the people of the target state.62

All this does not yet mean that the incidence of International crimes should not be tackled on the legal plane, in tandem with other planes. It is surely necessary ro deal with it, because it is necessary to evolve some mechanism (a) to ensure the protection of innocent human being and (b) to coordinate the efforts of states in bringing the culprits to book.63 At the same time attempting to manipulate the United Nations either as a pushbutton enforcement mechanism or belitting its role to that of a hapless by stander like action against the Taliban and the Al-Qaeda is no way of doing it. The only way to enhance the effectiveness of the UN as a central international mechanism to combat terrorism is to enable it to function on the basis of consensus, uniform application of norms and standards, transparency impartiality and fair play.64 Above all, a state must comply in good faith with all the international obligations it has freely undertaken.65
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