CHAPTER VII: Conclusion and Recommendations

7.1 Conclusion:

The International Committee of the Red Cross (ICRC) outlines that an international armed conflict involves the armed forces of at least two sovereign states in the conduct of armed hostilities whereas an internal armed conflict is a confrontation within the territory of one state between the regular armed forces and identifiable armed groups, or between armed groups.242 There is no disagreement of opinion while terming a war or a war like situation between two nations as an international armed conflict as in the cases of the recent international armed conflicts in Afghanistan and Iraq. However, as far as internal armed conflict is concerned, even defining the same is not free from conflicting interpretations. Different perceptions are developed many a time and situations of armed conflict are often interpreted as per convenience by different groups to serve their specific interests. In a particular situation of armed violence between the regular armed forces of the government and identifiable armed groups, or between armed groups within the territory of one state, one section may like it to brand as an

internal armed conflict while another section may opt to term it either as a law and order problem or terrorism.

As a matter of diplomatic strategy, no ruling group of a country is ready to accept that there is an armed conflict situation in their country. Few months back, the Maoists of Nepal (presently ruling the country) were branded as terrorists and were banned by the monarchy in the Himalayan kingdom. The Sri-Lankan government is not yet ready to acknowledge even the alarming violent situation in the Tamil dominated Jaffna region of the country as one of an internal armed conflict. The President of the island nation Mahinda Rajapakse has recently blamed Britain of maintaining double standards in dealing with terrorism. He cautioned the British government to take up effective measures to prevent the LTTE from fund raising in Britain.\textsuperscript{243} The Tamil Tigers, however, have outsmarted the Sri Lankan government in propaganda and have succeeded in convincing the international community of the outfit's compelling necessity of using violent measures for the cause of self determination as, according to them, the Sri-Lankan government is cultivating discontent in the Tamil dominated regions

of the country.\textsuperscript{244}

Legal Officer of the ICRC, South Asia Delegation, New Delhi Dr. Banerji Chaka observed that whatever be the circumstances, the defining criteria for an armed violence in a country to become an internal armed conflict remain recognition by the international community and magnitude of the conflict.\textsuperscript{245}

It may be noted that the armed violence, within the territory of a country between the regular government forces and identifiable armed groups, becomes an armed conflict when the same is recognized by the international community, particularly by the influential countries of the world and global media, as an armed conflict. Otherwise, it remains a law and order problem even if it is continuing for a significant period of time and has claimed a considerable number of human lives.\textsuperscript{246} However, sometimes, the cost of human life and properties claimed by an armed violence comes out in such a large scale that either the international bodies or the influential countries of the world have no option but to recognize the situation as an armed conflict. Either by compelling necessity or by virtue of its magnitude,

\textsuperscript{244} Ibid.
\textsuperscript{245} A Talk with Dr. Banerji Chaka, LO/ICRC, Hotel Vishwaratna, Guwahati, Aug. 31, 2006.
\textsuperscript{246} Ibid.
only the term armed conflict fits the situation.\textsuperscript{247}

India’s emergence as a nuclear superpower and its booming economy make many influential countries of the world its friends. The government of India has successfully influenced American perspective and has changed the long time held US perception on Kashmir issue. India has toned down the voice of advocacy even for the plebiscite to be held in Kashmir as approved by the UNO in January, 1949. Even the United States and United Kingdom, once considered being lopsided with Pakistan, have become equivocal on the Kashmir issue, the bone of contention between India and Pakistan. The global powers who can define and redefine an internal armed conflict are keeping mum at the developments of armed violence with regard to secessionist movements in India and the voice of dissent is becoming less and less heard to the international community.

The Government of India is allowing the International Committee of the Red Cross (ICRC) to serve humanitarian activities in Kashmir. The humanitarian service of the Red Cross is used to provide in armed conflict zones. Has India agreed with the notion that there is an armed conflict at least in Kashmir? Sharing his views in a two-day Teachers Training Program

\textsuperscript{247} Ibid
on International Humanitarian Law at Hotel Vishwaratna, Guwahati on 29 and 30 August, 2006 organized by the Department of Mass Communication and Journalism, Gauhati University in collaboration with ICRC, Vincent Nicod, Head, Regional Delegation for South Asia, ICRC averred that the Government of India was allowing the ICRC to serve humanitarian service in the prevailing situation in Kashmir and he himself was not very clear about what the prevailing situation in Kashmir would encompass to mean.248

The Government of India has succeeded considerably in manufacturing a global perception favorable for it about the armed rebellion in India. However, the ever increasing magnitude of the armed confrontations between government forces and identifiable secessionist outfits in Jammu and Kashmir, North-East India and the Naxalite belt of central, eastern and southern India has made it necessary to reconstruct another insight of the prevailing situation. Dr. Nalini Rajan, Associate Professor at the Asian College of Journalism in Chennai has significantly observed: “The wars fought in Punjab, Jammu and Kashmir, India’s North-

248 Op cit, p. 5.
East, or zones hit by Maoist violence have claimed far more lives than all of India’s wars with its neighbors put together.”

The Government of India’s treatment of the armed rebellion in these regions as a law and order problem, and its failure to contain the same, have brought another second thought to the earlier held pro-India perception. The Central government’s proclamation of the disturbed area status to Jammu and Kashmir, Nagaland and Manipur and its subsequent enforcement of the Armed Forces Special Powers Act, 1958 which empowers the Army and para-military forces of the Government of India to almost impunity even when they have committed extra-judicial killings, curtailing the fundamental right to life and personal liberty guaranteed by the Constitution of India to its citizens etc. lend credibility to the perception that there is an armed conflict situation, between the government forces and the armed rebels which the normal laws have failed to tackle. The Government of India’s successful endeavor in Mizoram wherein it had brought an amicable solution to the armed rebellion in the state after political dialogue with the armed rebel group- the Mizo National Front (MNF), is a living example of legitimately identifying the secessionist organizations by the Union Government. This is

evidently one of the necessary conditions of an armed violence to become an internal armed conflict. The Central government’s peace talks with both the factions of the NSCN in Nagaland, initiatives to bring the ULFA into the negotiating table in Assam, coming to an agreement for Suspension of Operations (SOO) with Kuki militant outfits in Manipur, etc. have explicitly inferred that New Delhi has already accepted that the secessionist armed groups are identifiable and they are not unknown miscreants. Moreover, confrontation between identifiable armed outfits is not a rare incident in Manipur, Nagaland, Assam, Jammu and Kashmir etc.

According to an official source of the Foreign Office of the United Kingdom government, the Islamic militancy in Jammu and Kashmir has claimed an estimated 35,000 people during the period from 1989-1999.\(^{250}\) Amnesty International Report on India, 2007 indicated that some 10,000 people had been victims of enforced disappearance since 1989 in Jammu and Kashmir. The Association of the Parents of Disappeared People of the state reported that the authorities failed to provide information to the families of

\[\text{"Fiona Dunlop, The Kashmir Conundrum, www.fco.gov.uk (Foreign Office advisory website of the United Kingdom)\}
the victims about their whereabouts. The conflict in Punjab claimed 21,443 lives between 1981 and 1993. The Amnesty International Report on India, 2007 further revealed that the 1984 anti-Sikh riots in Delhi, which followed the assassination of Prime Minister Indira Gandhi by two of her Sikh bodyguards, led to a massacre of nearly 3,000 Sikhs.

The Naxalite movement began in 1967 as a peasant uprising in the West Bengal Village of Naxalbari, when a group of activists split away from India’s mainstream Communist Party. The violent revolution was seemed more like a quaint relic than a threat in the 1990s. However, the Naxalite resurgence began in 2004. The Government of India is saying that 11 of the country’s 28 states are now affected in one way or the other by the insurgency. Ajai Sahni, the Executive Director of the Institute of Conflict Management in New Delhi and a keen observer of the re-emergence of the Naxalites once said in the Time, one of the largest circulated and most

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influential newsmagazines of the world, that the conflict between the naxalites and government security forces had killed 837 people in 2007, enough to make it deadlier than the Kashmir conflict for the first time ever.\footnote{Op. cit, p-27.}

India's northeast — an isolated region wedged between Bangladesh, Bhutan, China and Myanmar with only a thin corridor connecting it to the rest of India — is also beset by conflicts.\footnote{Wajid Hussain, \textit{Associated Press}, Attackers kill at least 61 in northeast India, \textit{The Guardian} (online edition), London, 31 October, 2008.} According to a news report by the Associated Press (AP) which have been published in many newspapers of the world including \textit{the Guardian} (of London), more than 10,000 people have died in separatist violence over the past decade in the region. The region is also home to dozens of separatist groups who accuse the Government of India of exploiting the area's natural resources while doing little for the indigenous people.\footnote{Ibid}

All these mean that there is an alarming magnitude in terms of the cost of human lives claimed by the armed rebellion in the country. Besides,
the biggest news agency of the world - the Associated Press (AP), one of the most reputed dailies of the world - the Guardian (London), a top executive of the New Delhi based Conflict Management alma mater and a faculty member of the country’s prestigious media studies centre have started to brand the prevailing situation in India as a conflict or a war between the regular government forces and identifiable armed outfits within the territory of India. Hence, one may contend that situations of armed conflict are to be found in different parts of the country.

Among the armed conflict regions of the country also the situation in Manipur is one of the gravest if one looks upon the quantum of human lives claimed by the ongoing armed confrontation between the regular government forces and the secessionists. In Manipur, with a population of 2.4 million only, the number of the armed violence related deaths in the past decade has added up to 2856 including 1110 civilians. The numbers of armed revolutionaries and security personnel killed during the past decade are 1249 and 497 respectively. According to a newspaper report, everyday, 1000 people die of armed violence all over the world and India’s
share is 12 people per day.\textsuperscript{259} In the past three years, approximately one person dies every day of armed violence in Manipur. As per the aforementioned data, the state's share of death in the armed violence is significantly high when it is compared, taking the population parameter, with the global as well as the national figures. If the quantum of death in armed violence is compared on the basis of population parameter, the ratio of the number of death in Manipur per day to that of the world is 5:2 and the ratio of the number of death in Manipur per day to that of the country is 50:1.4. This means that the rate of death in the armed violence in Manipur is more than two and half times the global figure and more than 34 times the national figure.

While the population of the state accounts only one tenth of the total population of the whole of the north eastern India, the state shares 45 percent of the killing statistics of the region.\textsuperscript{260} Incidents of kidnapping, killing, extortion, bomb attack, intimidation etc. are order of the day. Most of the people, in the state, are living with a fear psychosis. There were not less than 4375 crimes related to militancy during the period from the beginning of

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  \item \textsuperscript{259} Small arms bleed North-East, \textit{The Times of India} (North-East edition), September 29, 2008, p-2.
  \item \textsuperscript{260} Manipur became killing field under Ibobi regime, \textit{Hueiyan Lanpao}, Nov. 11, 2007, p-1
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2004 to the end of September, 2007. There were 183 cases of kidnapping, 168 cases of bomb blast, 205 cases of extortion, 175 cases of ambush, 308 encounters between underground outfits and security forces during this period. 261 The armed confrontation between the regular government forces and identified armed groups in Manipur, during the period from January 1980 to May 2007, have claimed lives of 2675 civilians. And 1270 of them are from the hill districts of the state. 1314 rebels including 314 rebels from the hill areas of the state have lost their lives in different conflicts with security forces during the past 27 years. The civilian casualty is counted at 2061 during this period. 262 Thus, keeping in view the commonly accepted notions of an internal armed conflict, the magnitude of the armed confrontations between the government forces and militants, and the quantum of human life claimed by the same in Manipur, it may be contended that no term with a lesser intensity than an armed conflict will be able to describe the prevailing situation in Manipur.

Deeply concerned at the frequency of the acts of violence, including deliberate attacks, in many parts of the world against journalists, media

261 Ibid.
professionals and associated personnel in armed conflict situations, the Security Council of the United Nations Organization condemned such attacks and called on all parties to put an end to such practices on 23 December, 2006.\textsuperscript{263} Unanimously adopting a resolution to condemn all attacks upon media persons in such situations, the Council recalled, without prejudice to the armed conflict/war correspondents’ right to the status of prisoners of war (PoW) under the Third Geneva Convention. According to this Convention, journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians, be respected and protected as such.\textsuperscript{264}

More than 1,100 journalists and support staff have been killed while carrying out their work in the past decade with Iraq and Russia topping the list as the deadliest countries for the profession and India stands at sixth. The annual toll has jumped since 2003, the year of the US invasion of Iraq, as per a report of the International News Safety Institute (INSI), the Brussels-based coalition of international news media organizations and human rights

\textsuperscript{263} \url{www.un.org/News/Press}

\textsuperscript{264} ibid.
groups. Only one in eight deaths resulted in prosecution, according to the report entitled “Killing the Messenger”. In most cases, the killers were never identified or punished. A major share of journalists, being targeted, happens to be in armed conflict zones of the world. The New York based global organization of journalists - the Committee to Protect Journalists (CPJ) averred in its annual report of 2005 (published in 2006) that more than three quarters of the journalists who died all over the world were murdered “to silence their criticism or punish them for their work”.

Journalists beheaded in Iraq and Afghanistan by Islamic militants, US-led coalition force’s bombardment of Al Jajeera TV offices in Kabul and Baghdad, unbearable pressures and threats upon media persons in military regimes and major conflict zones of the world et al remind the world, time and again, the scene of media under siege in armed conflict regions. Helpless journalists beg for mercy to fulfill their professional commitment, all in vain, as the line between the protectors of the freedom of press and its predators became blurred. In such a situation, the safety and security of the media persons continues to be endangered. Many journalists are still

265 www.newssafety.com
266 ibid
267 The Imphal Free Press, 3 Jan., 2006, p-3
languishing in jails in different parts of the globe. Many of them have also been handicapped by fatal attacks in the armed conflict regions.

In India also, covering armed conflicts is not an easy thing as the media's experience of militancy in Punjab has amply demonstrated. More than 50 media personnel have lost their lives in the state during the height of its militancy to form an independent Khalistan. In addition to the 50 journalists killed in Punjab, the country has also lost another 45 journalists in the past decade. And majority of the murdered media persons are from the armed conflict torn states of Jammu and Kashmir, North-East India and the naxalite belt of central, eastern and southern India. Many journalists in these turbulent states have faced life attempts, assaults, jail terms, reprimands and other forms of harassments or humiliations from both state and non-state actors in the prevailing situation.

Coming to that of the situation in Manipur, it is found that the scope and reach of media have taken giant strides in the state in the past decade. The advent of offset press for printing newspapers has enabled local newspapers to increase their circulations manifold. The launching of two


\footnote{www.freemedia.com, IPI Death watch, 1997-2007.}
local cable television networks in Imphal - ICTV and SEEN TV, and their amalgamation as the ISTV Network later on in 2003 have brought a new vista of enjoying local contents in electronic media for the people of Manipur. There have been significant developments in the Doordarshan Kendra, Imphal and the All India Radio, Imphal as well. The media in Manipur has emerged as a very potent medium through which the public opinion can not only be expressed but also molded. Seeing this potential, the two contending sides of the conflict situation have started to keep a close vigil and maintain the same so that the local media may serve their interests.

As a result, both the warring parties are trying to mold a public opinion favorable to them. With that goal in view both try to use the media to their advantage either through persuasion or direct coercion. Herein starts the problem of an independent media trying to cover the prevailing situation in an objective manner. Covering such situations also raises both moral and professional issues for the journalists. As per journalistic ethics, the fundamental function of the press is to report fairly, accurately and objectively about the newsworthy events. And the news value of an armed conflict is irresistible. So, there is a great need of reporting the news pertaining to the armed conflict on the one hand and on the other side, the
maneuverings of the conflicting parties to use the media to serve their vested interests.

The Government of Manipur is trying to curtail media freedom by issuing "do's and don'ts for the press" as directed by the Government of India. In a bid to curb the "oxygen of publicity" of the militants, the state administration has issued official orders as well to ban publication of news and photographs emanating from armed outfits. Media persons have been booked on the flimsy grounds of either having nexus with the militants or publishing seditious news reports and comments. They have also been harassed at reporting sites by the personnel of the law enforcing agencies of the state. At the same time, they have also been under constant pressure from proscribed underground organizations, which have been relentlessly trying to arm-twist them into becoming their propaganda machinery. Splinter factions of militant organizations are also a serious headache for the local journalists as they have time and again imposed threats to the freedom of the press. Local journalists have been killed, assaulted, kidnapped, and sometimes, bombs have been forcibly presented to media offices by underground outfits. In the social fabric of Manipur with multi-ethnic characters, divergent views, deep rooted hatred and lack of trust towards
each other, the interpretation of journalistic responsibility is as per convenience among the state and non-state actors, and civil society organizations as well. The media persons are under constant threat from both state and non-state actors and their diktats to media often prevails; the finest example could be the clarifications or apologies made by editors and other journalists in the newspapers and electronic media to avoid the wrath of the conflicting parties.

All these prove the fact that the safety and security of journalists has become an important issue in Manipur during the past decade. It has been established in course of the present study that journalists in the state have been exposed to serious professional hazards because of the ongoing situation of conflict inside the state. The following instances when they found themselves in grave danger during the period under study support this.

1. Two newspaper editors - L. A. Lalrohlu Hmar and Thounaojam Brajamani Singh and an electronic media journalist - Yambem Megha, were shot dead in the last decade. The Hmar underground outfit - the Hmar Revolutionary Front (HRF) claimed responsibility for the murder of Lalrohlu Hmar. The outfit charged that the scribe was involved in anti-social activities and was acting
as chief adviser of its rival outfit Hmar People's Convention (D). The other two murder cases of Brajamani and Megha went unclaimed and the motive behind the killings also could not be established. In all the three cases, the state government could not book the perpetrators of the crime.

2. Two newspaper editors - Ratan Luwangcha and Paonam Labango Mangang, faced life attempts in two separate incidents during this period. In case of these attempted murders also, only in connection with one case, a valley based underground organization of the state - the Kangleipak Communist Party (KCP) owned the responsibility and no organisation owned up the responsibility for the other. Besides, no culprit has been booked so far. Two cases of murder and one case of attempted murder of journalists are still up in the air with police investigations breaking no ice.

3. Two journalists, Laithangbam Iboyaima and Y. Arun, were kidnapped by a Kuki underground group- the United Kuki Liberation Front (UKLF) in yet another case of interference with the freedom of the press. The police could not trace the scribes
while they are in the custody of the outfit. Later, the journalists were released unharmed though with a stern warning.

4. Five newspaper editors - Brozendra Ningomba, Sh. Gopal Sharma, K. Shyam, Khogendra Khomdram, Khoirom Loyalakpa and one news editor of a local private television channel Kangujam Madhumangal, were taken into hostage in one incident in 2006 by an underground organization - KCP (City Meitei).

5. One newspaper editor - Brozendra Ningomba was reprimanded by the Manipur Legislative Assembly on the charges of breach of privilege of the house.

6. There were 32 incidents where the journalists of the state were either assaulted or humiliated at reporting sites, on their way back to home from their newspaper offices and even at or in front of their newspaper offices by security personnel and unknown miscreants. Out of these 32 incidents the state government has taken up punitive action against the culprits (security personnel) only in 3 cases. In two other cases, the concern authorities of state police/central security forces assured that action will be initiated
after investigation. However, no intimation ever came to the apex body of journalists in Manipur - the AMWJU about taking any action after investigation or departmental inquiry in relation to excesses committed by the law enforcing agencies of the government.

7. Ten journalists of the state have also been either arrested or detained by the security forces of the government in eight different incidents on the flimsy ground of either having nexus with the armed activists or for publication of seditious news or comments. But, the irony is that none of the charges labeled against the journalists were ever substantiated. The scribes were released after they have experienced the hospitality of the government either in police/security lock-up or in jail or unnecessary detention at police stations and at reporting sites. Amputation of printing materials by the state government even led to the closure of a popular daily - the Freedom during the past decade.

8. Publication of newspapers and transmission of local channels in local television networks were banned on six different occasions by
militant outfits, state administration and civil society organizations in Manipur. Most of the time, the security forces or militants or pressure groups that have taken law in their own hands to produce a guided press to fulfill their vested interests, have not been punished for the excesses/crimes they have committed. As a result, the journalists of the state have to compromise with the perpetrators of the crimes/excesses to avoid further reverberating troubles.

9. There were also 2 incidents wherein the journalists of the state were warned by the state police with lodging FIRs against seven dailies in the first incident and against six dailies in the second incident for publishing news and photographs emanating from proscribed organizations. Fortunately, the cases have not been pursued any further sparing the concerned newspapers from further harassment. Even an imposter in the guise of a personnel of the Assam Rifles threatened media persons of the state taking advantage of the prevailing situation. Fortunately, he was booked by the police.

The grim reality of the safety and security of the journalists being seriously endangered in the armed conflict situation inside the state has been once again appallingly reminded when K. Rishikanta Singh, the junior sub-
editor of *the Imphal Free Press* was shot dead by unknown miscreants at Langol, Imphal on 17 November, 2008.

7.2 Recommendations:

Keeping in view the various problems faced by journalists in the situation of armed conflict as one finds inside the state, the following measures are being suggested to better protect their safety and security interests:

a) Awareness of human rights and International Humanitarian Law should be promoted among the government authorities, security personnel, and non-state actors like armed revolutionaries and media persons.

b) A persistent drive for proper and meaningful observance of the same will also go a long way in helping the journalists while reporting in the midst of an armed conflict situation.

c) Coverage of the professionally risky local situations should be encouraged in the mainstream media. This will render the local media persons less vulnerable as it will make the state and non-state parties think twice before committing excesses against the journalists.
d) There is also the need to check infiltration of anti-national/anti-social elements to independent media in the guise of journalists. Otherwise this may greatly jeopardize the credibility of the journalists which in turn will render them more vulnerable.

e) Sensitization programs for risk alleviation for working journalists in armed conflict/armed violent zones should be regularly conducted. This will make the media persons better prepared while reporting in the prevailing situation.

f) Endeavors must also be made for strengthening the journalists’ organizations/unions and for proper co-ordination with regional, national and international journalists’ bodies.

g) There is also the need to maintain impartiality in reporting events of conflicting nature and consider wider implications of a news report before the publication or transmission of the same. It is better to avoid publishing news that are likely to cause unfair consequences in the society or cultivate hatred between ethnic communities or incite disturbances.

h) The journalists should also observe the law of the land and the professional code of conduct.
i) A proper understanding of the historical background of the troubled region is also a must. This will equip the journalists not only with a background of the problem but also an awareness of the precarious situations embedded in the area they are covering.

k) Journalists of all ilks are also human beings. They also have their own social, political, ideological and religious affiliations. Definitely, they try their best not to color their media content with those affiliations. However, they may fail to contain the same sometimes and commit blunders. In such situations, they have to see where the media have gone wrong and should rectify the same promptly and with the patience of a jewel seller. In other words, retrospection on the part of the journalist is also necessary.

l) Due safeguard measures should also be taken up to protect the local journalists. The UNESCO has time and again emphasized the need to provide safety measures to local journalists. This is something which is often neglected while the international journalists are heavily protected. Yet it is the local journalists that are the most vulnerable. The local journalists and their news companies, often cannot afford body armor or expensive training courses. All media companies should ensure that journalists and others
working for them in conflict zones, including local free-lancers and stringers, are properly equipped, trained and insured.

m) Many advocates of conflict resolution are of the view that mass media can play a pivotal role in defusing tensions and forging peace in armed conflict or armed violent situations. The former Chief Justice of India J. S. Verma once told: “All conflicts arise in the minds of men and that is where they need to be tackled. The impact the media makes in influencing the mind is so great and it can make all the difference.”270 Keeping this potential on the part of media, there is the need to keep the interest of peace and development in their mind. Journalists should not be only communicators of news and views but also messengers of peace and development. They should look for development oriented stories and engage in constructive criticism. They should try to bridge the gap between the have’s and have not’s, between the rulers and the ruled, between the state and non-state actors in time of an armed conflict and observe restraint not to widen the rift between the contending parties.

270 www.nic.in/pci.