

HUMAN RIGHTS *monitor*

## Suicide bombing: Is another form of struggle possible?

CHANDRA MUZAFFAR

WHENEVER the mainstream American media, especially television, reports on the Israeli-Palestinian conflict, it gives the impression that Palestinian suicide bombers are the main cause of the violence and bloodshed that blight the land. Every Palestinian or Arab interviewee is asked what he or she thinks of suicide bombers and how one can put a stop to them. Even when a news commentary attempts to analyse Israeli invasion (incursion is the word CNN uses) of Palestinian towns and villages, the question that is posed at the end is whether the Palestinian National Authority has the will to curb suicide bombing.

## Travesty

It is a travesty of justice to blame suicide bombers for the Israeli-Palestinian conflict. For we are talking of young men and women from a community, which has been dispossessed, disinherited and disenfranchised. We are talking of a people who have been driven out from their land by Israeli aggression and occupation a land which they had tilled and toiled upon for thousands of years. Deprived of hearth and home, denied rights and liberties, the Palestinians are struggling against formidable odds to preserve what little is left of their honour and their dignity.

## Oslo Accord

After decades of oppression and subjugation, the Palestinians were given a small portion of their original homeland through the Oslo Accord in 1993. Even that portion 22 per cent of the original Palestine is under effective Israeli control. The West Bank and Gaza Strip which are supposed to form the basis of an eventual Palestinian state are in fact 'bantustans' a la apartheid South Africa. The Palestinians are at the total mercy of the Israeli regime. To get from one place to another, the Palestinian has to obtain clearance from Israeli checkpoints. He is sometimes subjected to humiliating strip and search operations carried out in the name of protecting the security of the Israeli state.

## Humiliation

It is all this the continuous oppression, the constant humiliation which has given birth to the suicide bomber. Indeed, to die as a suicide bomber has become a badge of honour. It is seen by not only Palestinians and Arabs but by most Muslims as an act of martyrdom. According to the Palestinian psychiatrist, Dr. Eyyad Sarraj, it is no longer a question of determining who amongst the Palestinian youth are inclined towards suicide bombing. The question now is who does not want to be a suicide bomber.

## Equation

There are, of course, a handful of mainstream US media commentators and analysts who understand why Palestinians have chosen this path of martyrdom. They know that suicide bombing is a reaction to Israeli aggression and violence. However, even these media personnel do not want to acknowledge that the violence of the Israeli army and the violence of the suicide bomber cannot be neatly denominated in a one to one equation. The former is the violence of the oppressor, the victimiser; the latter is the violence of the oppressed, the victim. There is no moral equivalence in the two types of violence. Besides, how can one compare the violence perpetrated by one of the most well-equipped armies in the world with the violence of a largely unarmed, defenceless people relying upon a small catchment of smuggled weapons? This tremendous asymmetry in firepower if nothing else makes a mockery of any attempt to equate the violence of the Palestinians to the violence of the Israeli state. It is utterly immoral in such a situation to focus upon the violence of the suicide bomber. As the Jewish American intellectual, Marc Ellis, once put to me, "It is like complaining about a little boy biting the ankle of one of his ten big sized assailants after they had robbed him and beaten him to pulp".

## Reservations

By pleading for some understanding of the suicide bomber in the context of Israeli occupation, aggression and violence, one is not condoning suicide

bombing. This is the fourth article I have written in the last eight months where I have directly or obliquely expressed my reservations about this particular method of fighting oppression. My reservations stem from religious ethics, on the one hand, and political considerations, on the other.

Suicide, needless to say, is anathema to Islam. No human being has the right to terminate his life, however noble the purpose may be. Similarly, the deliberate targeting of civilians in a war is odious. The Prophet Muhammad (may peace be upon him) had exhorted his followers not to harm those who are not combatants in a battle. Children, women, the old and infirm should be spared in war. Any and every house of worship should be protected. In the course of combat, one should ensure that animal life and vegetation are not destroyed. These principles underlying the conduct of war enunciated by the Prophet were later elaborated by the first caliph, Abu-Bakr as-Siddiq.

## Discordance

In light of these principles, suicide bombing in the Israeli-Palestinian conflict, which is not only directed against soldiers but also civilians, is clearly in discordance with Islamic teachings. It is a technique of war, which has no antecedents in Muslim history. Even as a contemporary phenomenon, the suicide bomber owes his genesis to the Japanese Kamikaze pilot. And, until very recently, the majority of suicide bombers were not Muslim Palestinians but Hindu Tamil Tigers!

There are Muslim theologians of some repute who have argued that suicide bombing is legitimate since Palestine is an occupied land and the entire Israeli population stands condemned as aggressor and oppressor. One cannot, in such circumstances, distinguish between military personnel and civilians.

## Flawed

The argument is seriously flawed. As in any other society, there are in Israel today, sizeable groups of people who are totally opposed to occupation. Some have suffered and sacrificed a great deal campaigning for total Israeli withdrawal from the West Bank and Gaza and for the establishment of an independent Palestinian state. Is it right to regard them also the human rights organisation, Gush Shalom for instance as 'the aggressor'? Isn't it unconscionable that Israeli peace activists should also die at the hands of Palestinian suicide bombers? How can one justify in moral terms the suicide bombing that killed the Israeli teenager, Smadar Elhanim, in Jerusalem Smadar whose mother, Nurit Peled-Elhanim and whose grandfather, Mattiyahu Peled, a former Israeli Air Force Commander, are distinguished peace activists? Incidentally, in the midst of her inconsolable grief, Mrs Elhanim continued to condemn Israeli oppression of the Palestinians and pleaded for peace, justice and reconciliation.

## Political Sense

What this also shows is that suicide bombing does not make much political sense. Every time a suicide bombing takes place in Palestine or Israel, the political stock of Israeli, Prime Minister Ariel Sharon shoots up. In the eyes of the majority of Israelis, suicide bombing is a heinous crime that justifies and legitimises the harsh and inhuman measures taken by the Sharon regime against the Palestinian people. Besides, almost every suicide bomb

attack has resulted in swift, often brutal Israeli retaliation. Israeli retaliation is often accompanied by the incarceration or assassination of key Palestinian grassroots leaders, which over the years has emasculated the liberation struggle. At the same time, Palestinian institutional infrastructure so crucial for constructing a viable Palestinian state, is decimated and destroyed.

One should also take into account the impact of suicide bombing upon people outside Israel-Palestine and the Arab world, especially non-Muslims. In Europe, for instance, where there is some sympathy for the Palestinian cause, every time a suicide bombing wipes out a dozen or so Israeli citizens in a restaurant or a shopping mall, the level of public support decreases significantly. This is what one should expect when an eighteen-month infant or an eighty-year-old woman is one of your victims.

## Ideology

If the political cost of suicide bombing is high and its religious legitimacy is low, why do Palestinian freedom fighters persist with this method of trying to end Israeli oppression? Desperation and frustration in a situation where there does not seem to be any other way out, would be part of the answer. In fact, this psychology of despair is innate to an entire ideology that has evolved in various Muslim lands over the centuries. Elsewhere in my writings, I have described it as the ideology of a defeated civilisation: the two decisive moments of defeat being the Mongol invasions of the leading centres of Muslim civilisation in the twelfth and thirteenth centuries, and even more important, the colonial conquest and subjugation of almost the entire Muslim world beginning from the sixteenth century.

The despair of a defeated civilisation manifests itself in many ways. Violence, sometimes senseless and mindless, becomes a substitute for serious conceptualisation of the monumental challenges confronting the ummah (the Muslim community). Rash, reckless reaction triumphs over careful, systematic, intelligent planning and strategising aimed at achieving feasible objectives. Short term, ad-hoc action is preferred to long-term thinking and analysis.

## Legitimacy

Indeed, senseless, mindless violence is sometimes endowed with religious legitimacy by theologians who are not averse to distorting the fundamental principles of the faith. This is how jihad, for instance, which in the early centuries retained its original, all-embracing Quranic meaning of 'striving in the path of God' has come to be equated solely with war and the battlefield. Likewise, war itself which occupied a small portion of the Prophet's blessed life has been elevated and glorified to such a degree that it is viewed in some circles as the defining trait of a victorious civilisation of yesterday. The tendency to legitimise suicide bombing, it should now be obvious, is part and parcel of the same mindset.

## Paradigm Shift

If suicide bombing, and its correlatives, war and violence, will not work, what other alternatives are available to the Palestinians today? How are they to respond to Israeli occupation and defeat Israeli aggression? Given the dark

and dismal situation confronting the Palestinians, perhaps the time has come for a major paradigm shift in their struggle for freedom.

Are there enough Palestinians who have the courage and the integrity to offer non-violent, peaceful resistance to Israeli power and arrogance? Noting that "suicide bombers may rain pain and fear on Israel, but suicide and mass murder are not a means towards salvation," a Muslim American peace activist, Ramzi Kysia suggests that "Palestinians should start publicly burning identity cards and peacefully marching through checkpoints and "closed military zones" even when they come under sustained fire. When asked for their names, they should give the names of political prisoners in Israeli jails. And throughout the West Bank and Gaza, there should be a massive campaign of "illegal" home construction and land development. There are thousands in Israeli prisons. Let's flood those same prisons by the tens of thousands, and shut them down once and for all. All of this already happens in small degree, but it must be encouraged, organised, massively increased, and sustained..."

Kysia emphasises that "Palestinians must refuse to be occupied and resist with a righteousness that provokes love in their enemies. They must resist with life, not death. The uproar this will cause in Israel, and the massive, worldwide pressure it will put on Israel, will bring down Sharon, and it will bring peace. The Israeli government can be overthrown but only through a resistance that provokes the Israeli people to overthrow it for themselves".

## Karbala

Non-violent resistance to tyranny and oppression, it is seldom realised, is a vital dimension of Muslim history. One of the most outstanding examples was Imam Husayn's opposition to the wayward Ruler, Yazid, in 680 CE in Karbala. Husayn, the grandson of the Prophet, led a band of 72 unarmed men and women in a peaceful protest against a thousand heavily armed soldiers of Yazid. Though Husayn and his supporters were massacred, the tragedy of Karbala has been immortalised in Muslim history as the noblest instance of resistance to injustice, motivated by principle and conscience.

## Protest

In recent decades the Muslim world produced another leader dedicated to non-violent change. This was the Pathan chieftain, Abdul Ghaffar Khan (died 1988) who mobilised a hundred thousand people in the peaceful struggle against British rule in India. Through acts of civil disobedience and peaceful protest in the Northwest Frontier region of India, Ghaffar Khan, together with Mahatma Gandhi and other apostles of non-violence forced the British to quit their motherland. It is interesting that Ghaffar described his non-violent approach as "a weapon that the police and the army will not be able to stand against ... It is the weapon of the Prophet, but you are not aware of it. That weapon is patience and righteousness. No power on earth can stand against it."

There have been other more recent examples of the triumph of non-violent change in the Muslim world. The people's revolution that overthrew the Shah of Iran in 1979 was a largely peaceful one where unarmed women and men confronted the might of the Emperor's armed forces and police. The Indonesian dictator Suharto was also brought down by a non-violent mass movement in 1998.

## Strengths

Of course, the Israeli situation is different. Methods that may have succeeded in one setting may be ineffectual in another. Nonetheless, there are certain inherent strengths in non-violent resistance, which remain untapped. The Palestinians and others committed to justice and freedom should harness the potential and the promise of this alternative. For, in the ultimate analysis, a struggle that celebrates life and love offers more hope than one that is mired in death and destruction.

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## LAW watch



## Invoking International Law to avoid nuclear war over Kashmir

WILLIAM M. EVAN and FRANCIS A. BOYLE

THE military confrontation between India and Pakistan, two nuclear-armed neighbours, has landed the region in a state of jitters. With each country mobilizing its forces - together totalling about a million troops along their 1800-mile border - there is a high probability that the face-off may lead to the outbreak of yet another war between these two countries in future. Although such a war - if it eventuates - is likely to involve a conventional exchange of weapons as happened in the 1947, 1965, and 1972 wars, there is reason to fear that it could escalate into a nuclear war. If such a catastrophe were to occur, American intelligence estimates that about 12 million people would be killed and 7 million would be injured.

What has been the response of the international community to the current crisis? President Bush has urged President Musharraf of Pakistan and Prime Minister Vajpayee of India to exercise restraint and stop cross-border attacks. President Jacques Chirac, President Vladimir Putin and other European officials have echoed similar sentiments.

In the meantime, Mr. Vajpayee accuses Pakistan of waging a 20-year campaign of terrorism to dislodge India from the predominantly Muslim state of Kashmir. He also rejects Pakistan's repeated requests for dialogue or negotiation. And the U.N. Secretary-General Kofi Annan reiterates his requests to General Musharraf to crack down on Islamic militants penetrating the Line of Control separating the Pakistani sector of Kashmir from the Indian sector.

Forty-three years ago the U.N. put forth a potentially reasonable solution to the conflict by conducting a plebiscite on the status of Kashmir - whether it should remain part of India, or become part of Pakistan. These two options could be supplemented by (1) outright independence for Kashmir; or (2) shared sovereignty between India and Pakistan over Kashmir. Thus far India has dismissed the idea of holding such a plebiscite.

Clearly missing from all responses so far to the looming nuclear crisis is an argument for using international law to resolve the India-Pakistan conflict over Kashmir. This striking omission underscores, on the one hand, the widespread commitment to power politics and the use of war as a means of resolving international disputes and, on the other hand, a fundamental distrust of international law to resolve international conflicts.

As it happens, both India and Pakistan are parties to the 1899 Hague Convention for the Pacific Settlement of International Disputes. The United States is also a party to this 1899 Convention. Article 8 is the brainchild of the United States. It establishes a procedure for special mediation. The states in conflict would each choose a power to which they would respectively entrust the mission of entering into direct communication with the power chosen by the other side for the purpose of preventing the rupture of pacific relations. For the period of

this mandate, which could not exceed thirty days, unless otherwise agreed, the states in conflict would cease all direct communication on the subject of the dispute, leaving it exclusively to the mediating powers. In case of a definite rupture of pacific relations, the mediating powers were charged with the joint task of taking advantage of any opportunity for peace.

The threat of nuclear war between India and Pakistan directly affects the vital national security interests of the United States: The nuclear fallout would poison America and its people as well as the peoples of other countries.



So the U.S. government, joined by others, must formally and publicly invoke Hague Article 8 against both India and Pakistan, and demand the required 30-day cooling-off period so that this special mediation procedure could take place.

The U.S. government joined by others must also invoke the requirement of Article 33(1) of the United Nations Charter providing that the two parties to the dispute over Kashmir "shall first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice." U.N. Charter Article 33 expressly by name requires the pursuit of the "mediation" procedure set forth in Hague Article 8, including the mandatory 30-day cooling off period.

Time is of the essence when it comes to invoking Hague Article 8 and averting a nuclear war!

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## LAW views



## Good governance would end hunger faster than foreign aid

A gathering at which President Robert Mugabe of Zimbabwe is able to lecture world leaders on "fast-track land acquisition" as a route to rural reform was always going to be something of a circus. The World Food Summit, convened this week in Rome by the Food and Agriculture Organisation (FAO) of the United Nations, was meant to assess progress made since the previous summit, six years ago, which eagerly promised to halve the number of hungry people in the world by 2015. Progress has been slow. At current rates, the goal will not be reached until 2030 at the earliest. Although hunger has fallen sharply in China, it has risen in sub-Saharan Africa thanks partly to AIDS, civil war and bad weather, and partly to Mr Mugabe and other pursuers of blighted policies.

Chronic hunger a steady lack of enough safe and nutritious food to maintain physical or mental well-being is a less visible condition, even if a far more common and complex one. It is not just a matter of too few calories to fuel development and activity, but also too few micro-nutrients, such as iron, to keep the body running at full tilt. Its long-term impact can be devastating. The effects of hunger start before birth, as malnutrition in pregnant mothers causes problems for children in later life. In young children, malnutrition stunts mental and physical development, later hobbling them at school. It contributes to 5m childhood deaths a year, mainly through susceptibility to such diseases as pneumonia.

The FAO reckons that halving hunger by 2015 would yield \$120 billion-worth of gains a year from longer, more productive lives. Apart from the moral dimension of deprivation, there are the economics to consider. The FAO reckons that halving hunger by 2015 would yield \$120 billion-worth of gains a year from longer, more productive lives. If such assessments are crude, they underscore that hunger is not only a symptom of poverty, but a cause of it too.

Better estimates and clearer strategies will come only from more accurate measures of the number of chronically hungry and where they live. With wide margins of error, the FAO reckons that 780m people in developing countries are undernourished, only a little down on 820m a decade ago. South Asia accounts for something over two-fifths of the world's hungry. Sub-Saharan Africa has the highest proportion of hungry people: every third person, on average, goes hungry.

The FAO bases its calculation on the amount of food available in a country, from domestic production and imports, rather than on how much people actually eat. The International Food Policy Research Institute in Washington, DC, says that an analysis of household surveys, which looks at how much food reaches family members and is now complete for a clutch of African countries, paints a more nuanced picture than the FAO's. It tallies more closely with other measures of malnutrition, such as the number of underweight children in a population. Pinpointing the hungry should improve the deployment of scarce resources.

Even putting food on the table does not mean that everybody will get a fair share.

## Hungry for change

Boosting poor-country agriculture is critical for tackling hunger. Simply shipping food from rich-country surpluses does little to improve the prospects of the world's desperately poor, three-quarters of whom live in rural areas and depend on farming for their income. Higher agricultural productivity and better access to markets will help these people. Although biotechnology is sometimes touted as a miracle boost for farming, the most effective fixes, in sub-Saharan Africa at any rate, are decidedly low-tech: fertiliser, irrigation, better seeds, fitter livestock, more teaching of farming skills, more roads, better access to credit and more secure land tenure.

What of international initiatives? The FAO wants action by rich and poor countries through its International Alliance Against Hunger, bringing together governments, non-governmental organisations and the private sector to find ways of boosting the agricultural productivity of small farmers in poor countries, as well as to provide direct assistance for 200m of the world's hungriest people. It reckons that using this two-pronged approach to meet the 2015 target could cost roughly an extra \$24 billion a year. That will require a doubling in overseas aid to agriculture.

The World Bank is also drawing up a new rural development strategy. A homegrown initiative from African leaders, called the New Partnership for Africa's Development, includes farming as a route to economic growth. Little money or manpower, however, has yet materialised. This week, America revived its own Partnership to Cut Hunger and Poverty in Africa, announcing a modest \$30m rise in foreign assistance for agriculture and rural development this year, with hopes of attracting some of the additional \$5 billion in overseas aid that President George Bush recently promised.

America's largesse is tempered by its new farm bill, which poor-country leaders point out takes with one hand what is given with the other. Domestic farm support, import quotas and rising tariffs and export subsidies in rich countries greatly hamper poor countries' agricultural exports to rich markets as well as distorting markets at home. The World Bank reckons that, if the rich world pulled down its trade barriers in agriculture, developing countries would be over \$30 billion a year better off by 2005. Yet it is not only rich countries holding poor ones back. According to the bank, trade liberalisation within the developing world itself could yield over \$110 billion a year in extra income for low-income countries. In the end, beating hunger is as much or even more to do with good governance in poor places, with sensible policies needed for education and health care as well as agriculture, as it is to do with access to money and technology from afar. That is hardly a secret recipe. Yet too few countries have mastered it.

Courtesy: The Economist Online, June 13, 2002

## LAW news



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