

## UNDERSTANDING TERRORISM: A NEED OF EFFECTIVE INTERNATIONAL LAWS

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### *Abstract*

*Terrorism and terrorist attacks can inflict deep wounds on humanity. The most recent terror incident was Pulwama terror attack that affected the entire nation and the whole country was in shivers. There are hundreds of terror incidents every year in India and the number has increased in the last few years. The rising number of terrorist attacks appears like a growing trend that must be dealt with and this trend can be seen across the seven continents. Nearly 100 countries across the world face at least one terror attack every year. Some countries even face over 100 terror attacks every year which includes Afghanistan, Pakistan, Syria, Iraq, and Nigeria. Every terrorist attack has a certain motive which could either be political or social or religious. Thousands of people lose their lives because of terror incidents and we have not been able to address this issue properly at the global level.*

*Terrorism is a menace as innocents are killed. At times, fundamentalists brain-wash people to commit suicide bombings and other times, State funded terror groups use weapons and explosives to rule over a country forcefully or throw its government out of power. Whatever the case may be, it is the people who suffer its consequences.*

*In this article, we will talk about the internationally accepted definition of terrorism, global aspect of terrorism, and a brief history of terrorism. In the second part of the article, the focus shifts to the international conventions and acts by United Nations. Moreover, we will take a look at UN global counter-terrorism strategy and its four pillars. At the end, we will examine ways to combat terrorism at a global level with the help of peace education and enforceable world laws. The focus of the article is terrorism as a global phenomenon and how it can be tackled through collective efforts and powerful world governance.*

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## INTRODUCTION

It will be wrong to say that there are international laws regarding terrorism because there is no enforceable world law that is universally applicable to all the countries and people of the world. Instead, there are some common guidelines that outlines what constitutes terrorism and what does not. Countries have their own laws and acts on terrorism depending on various internal factors. A law that is not legally enforceable or has no legal sanctity and does not carry a penalty for its violation cannot be considered a law. Indeed, there is no international law on terrorism today, in that sense. Therefore, there is a need for enforceable international laws to counter international terrorism.

International lawlessness contributes to international terrorism. Terrorism is a global phenomenon and every year thousands of terrorist attacks take place around the world. People opt for violent destructive acts and violence to draw attention to their grievances, for which they feel the government does not offer any solution or remedy. Even though, they do so to highlight their own grievances, it is not acceptable to resort to violent means. On the other hand, there is state sponsored terrorism which involves attacking another country on false and propagated pretext while encouraging and assisting terrorists to cross borders and kill innocent civilians. As the popular quote goes, “one man’s terrorist is another’s freedom fighter”, it clearly indicates that terrorism can be interpreted in various ways which makes it more dangerous and infectious.

In the last six decades, an unimaginable number of people have lost their lives due to terrorism. Countries have built up massive reserve of nuclear weapons, which is over 20,000 warheads that is more than sufficient to destroy the world multiple times. Nearly 80 countries have chemical and biological weapons that can result to millions of deaths. Which is why, there is an urgent need of enforcing international laws that deals with all kinds of terrorism. What we need right now is a World Government that deals with World’s issues that are not confined to one region.

### ***Terrorism – Definition***

Terrorism by definition refers to the systematic use of violence that is aimed to create a general climate of fear in the minds and hearts of the people and it may be linked to a particular political or social objective.

Terrorism is practised by certain social groups of the society which includes revolutionaries, political organizations with both leftist and rightist objectives, religious and nationalistic groups, and sometimes even by state institutions such as police, intelligence services, and armies.

In terms of the legal definition of terrorism, there is no Comprehensive Convention which outlines a universally accepted definition of the term 'terrorism'. The concept of terrorism is such that it defies a common and straightforward legal definition. However, the statutes of various countries on Terrorism in various jurisdictions share some common elements.

According to those statutes, terrorism involves:

- Use or threat of violence
- Use of explosives and firearms
- Serious damage to property
- Serious risk to the safety or health of the public or even a section of the population
- Seeking to create fear among the population and create anxiety about the security of the state and its people
- Threat to not just direct victims of violence but also a wide audience
- It involves engaging in dramatic, violent, planned and high-profile attacks which includes suicide bombings, hijacking, kidnappings, car bombings, hostage-takings, etc.

### ***Terrorism - A Global Phenomenon***

Terrorism is a highly pervasive global problem which continues to be a serious threat to the international community. It defies police, courts, democratically elected governments, intelligence agencies, and even the United Nations. Terrorism is an infectious disease that exists across the globe and it is not confined to one region. Countries agree that international cooperation and efforts are vital to combating international terrorism. The processes of internationalization and globalization are key facets of the vexing challenge of anti-terrorist enforcement laws.

Terrorism is a global phenomenon and several factors contribute to its global nature. First, it is not restricted to any one region or State. Also, the force of its impact goes beyond any one particular region, the entire humankind faces its repercussions. Moreover, the increased mobility access to terrorists to cross borders and access communication systems like the internet or acquire resources and hide them at different places, all of this creates a global setting. At last, every terror attack is an attack on humanity and it becomes a global problem when its reoccurrences grow at a high pace.

In terms of statistics on global terror index, there is a Global Terrorism Database that provides data on the number of terrorist incidents in a year in every country. According to that report, there were 10,900 terrorist incidents in a total of 100 countries in 2017 and 13,488 terrorist incidents in a total of 104 countries in 2016. Thousands of people die every year and many get injured in these attacks.

## **HISTORY OF TERRORISM**

Throughout history, terror has been practised by state and non-state actors across the world. It dates back to 350 BCE when Greek historian Xenophon wrote about the effectiveness of psychological warfare against enemy populations. However, the term ‘terrorism’ was first used in the 1790s during the French Revolution. Since then the definition has been altered and changed as per the need of the hour.

In times of colonial rule, terror has been used by both colonies and their colonial masters in anti-colonial conflicts. In recent times, some of the most destructive organizations that engaged in terrorism had a fundamentalist religious ideology, especially in the late 20th century and early 21st century. In short, use and practice of terrorism have witnessed several changes in the past.

## **EXISTING INTERNATIONAL GUIDELINES AND CONVENTIONS ON TERRORISM: 19 INTERNATIONAL LEGAL INSTRUMENTS**

The international community has elaborated a total of 19 international legal instruments to counter terrorism and prevent terrorist acts. These 19 legal instruments were developed under the auspices of the International Atomic Energy Agency (IAEA) and the United Nations.

Here is a list of 19 international legal instruments that deals with terrorism, each of them consists of various acts, laws, and conventions that deal with terrorism at a global level.

- **Instruments regarding civil aviation**

1. 1963 Convention on Offences and Certain Other Acts Committed On Board Aircraft
2. 1970 Convention for the Suppression of Unlawful Seizure of Aircraft
3. 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
4. 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
5. 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation
6. 2010 Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft
7. 2014 Protocol to Amend the Convention on Offences and Certain Acts Committed on Board Aircraft

- **Instruments regarding the protection of international staff**

8. 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons

- **Instruments regarding the taking of hostages**

9. 1979 International Convention against the Taking of Hostages

- **Instruments regarding the nuclear material**

10. 1980 Convention on the Physical Protection of Nuclear Material
11. 2005 Amendments to the Convention on the Physical Protection of Nuclear Material

- **Instruments regarding the maritime navigation**
  - 12. 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
  - 13. 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
  - 14. 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf
  - 15. 2005 Protocol to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf
- **Instrument regarding explosive materials**
  - 16. 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection
- **Instrument regarding terrorist bombings**
  - 17. 1997 International Convention for the Suppression of Terrorist Bombings
- **Instrument regarding the financing of terrorism**
  - 18. 1999 International Convention for the Suppression of the Financing of Terrorism
- **Instrument regarding nuclear terrorism**
  - 19. 2005 International Convention for the Suppression of Acts of Nuclear Terrorism

## **UN GLOBAL COUNTER-TERRORISM STRATEGY**

On September 8, 2006, the Global Counter-Terrorism Strategy was adopted by the United Nations General Assembly. This strategy is a global instrument to enhance regional, national, and international efforts to fight terrorism. This strategy is reviewed every 2 years and it has been 13 years since its inception.

The strategy involves four stages and they are mentioned below:

Stage 1 - Address conditions conducive to terrorism's growth and spread

Stage 2 - Combat and prevent terrorism

Stage 3 - Strengthening the role of the UN and building States' ability and capacity

Stage 4 - Ensuring that the rule of law prevails and human rights are protected

## **WAYS TO COMBAT TERRORISM AT AN INTERNATIONAL LEVEL**

Today, the world has become a global village due to rapid developments in technology, science, and communications. People from different countries have to live in close cooperation for mutual progress inevitably, for both development and survival. The old mind set has become redundant in the current scenario and a new mind set is required for this millennium. Unity of humankind and worldwide peace is the crying need of the new age. If we look closely, there is an urgent need for a legally constituted law-making body so that they can enact enforceable World Law or International Law which will apply to all the countries and its citizens. This can be done in either of the two ways. First, by strengthening the United Nations system. Second, by creating a new body altogether to enforce international laws. Other than that, we also have to create awareness about world peace and reducing violence of all kinds. Finally, a good global governance system can bring real change in the current scenario of increasing bloodshed due to terrorism of all kinds.

## **NEED FOR ENFORCEABLE WORLD LAW TO CURB TERRORISM**

Recent revolutionary changes in the technology of communication and transport have turned our world into a global village. Today, people who live on opposite sides of the world have become virtual neighbours and new terms like 'netizens' have emerged, thanks to the internet. We live in a close-knit world today and there is a need for the formation of a new world order that applies to everybody and anybody.

As per the current scenario in the 21st century, the unification of humankind is necessary and we must not let boundaries of countries divide humanity. The boundaries need to fade as we become a global community. New enforceable international or world law must be enacted by a duly constituted and properly represented World body to ensure world peace, conserve the environment, counter-terrorism, and eliminate all weapons of mass destruction. This is the only way to safeguard the future of this world and its children. All we need is a powerful executive authority that can ensure and enforce compliance of all countries.

In order to ensure obedience and compliance to international laws, the executive body must

have the support of all the countries and nations so that the executive body can compel any state to surrender to international law and provide effective global governance. We will be able to address important problems of terrorism, human rights violations, lawlessness, and environmental degradation, drug trafficking and other global problems with the help of this executive body.

### **NEED FOR PEACE EDUCATION TO CURB TERRORISM**

In order to counter the deadly threat of international terrorism, we need unprecedented levels of global efforts and international cooperation. All the superpowers of the world need to come together alongside small countries and nations to fight international terrorism. To ensure that there is effective international cooperation in the coming years, there must be widespread effort to inculcate globalism and global cooperation in the minds of children across the world. To inculcate such morals and ethics, we need to educate our children and make them aware of concepts that encourage world peace and humanity. As only education can shape their mindset towards globalism. Only then we will be able to see a true generation of world citizens.

In order to make this happen, the schools must incorporate concepts of world peace into their syllabus. Educational institutions can help cultivate tolerance and co-existence in children. They should be taught to love the earth and all of its humans equally. Terrorism begins in the minds of the people and we can only counter it by changing their minds and bringing them closer to reality through education. A mind has to be rational and it can only be rational through education and knowledge.

Education has the ability to develop analytical abilities, release capacities, increase confidence in oneself, improve will-power and it can strengthen a vision that enables one to be a self-motivated agent of social change that serves in the best interests of the community. Social transformation is gained through education and awareness.

### **CONCLUSION**

Terrorism is a global problem and it requires concerted response from the entire international community. Besides, adopting an integrated and holistic approach at national level, we must also take a holistic approach at international level. International cooperation is required to tackle radicalization and terrorism.



International community must condemn all forms of terrorism and measures should be taken by every country to combat terrorist attacks and increase safety for citizens. Human rights and international humanitarian law must be respected at all times, to combat terrorism. Another important aspect in counter-terrorism strategy is peace education which starts by educating children and adults about peace, non-violence, and love for humanity.

Boundaries lead to differentiation and differentiation leads to conflict. Therefore, we should avoid concepts of nationalism and adopt concepts of humanity. There is a need to turn the world into a united global village where people live in peace and harmony. As we know that this is quite impossible to do as we have so much diversity in the world that countries are required to deal with regional issues. However, as an alternative, we can establish an enforceable world law that deals with terrorism of all kinds.

There should be a common definition of law and all sorts of violence should be punished under the law. Terrorism should not be seen as a freedom struggle where people are killed ruthlessly instead they should be condemned. Condemnation is key to counter terrorism. With unprecedented mutual effort from all sections of the international community, we can uproot terrorism and bring worldwide peace.